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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta, the 21" October, 2015.

No. PAB/Legis:V/(24)/2015/5448. The Balochistan Private Educational Institute Registration and Regulation Authority Bill, 2015, (Bill No, 21 of 2015) having been passed by the Provincial Assembly of Balochistan on 12" October, 2015 and assented to by the Governor, Balochistan on 16" October, 2015 is hereby published as an Act of Balochiatan Provincial Assembly.

The Balochistan Private Educational institute Registration and Regulation Authority, Act, 2015 (Act No .XVII of 2015).

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(first published after having received the assent of the Governor Balochistan Gazette (Extra-ordinary) dated 16th October, 2015)

AN
act

to provide for setting up, promotion, regulation, registration and the functioning of Private Educational Institutions in Balochistan.

Preamble,

Short title,
extent and

commencement.

Definitions.

WHEREAS, it is expedient to provide for setting up, promotion, regulation and the functioning of Private Educational Institutions in Balochistan and to provide for registration of such institutions ensuring adequate transparency and proper discipline; and for the matters connected therewith or incidental thereto;

It is hereby enacted as follows: —

1. (1) This Act may be called the Balochistan Private Educational Institution Registration and Regulation Authority Act, 2015.

(2) It extends to the whole of Balochistan except the Tribal Areas.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context: — ;

(a) “Act” means the Balochistan Private Educational Institution Registration and Regulation Authority Act, 2015;

(b) “Authority” means the Balochistan Private Educational Institution Registration and Regulation Authority;

(c) “Affiliation” means affiliation of any private educational institution

with any Intermediate Board or
University in Balochistan;

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“Antecedents of Case” means all the relevant documents required for registration of any private educational institute (school/ college/ diploma awarding institute or training center), which include the application form, the list of the management, the list of the faculty members, bank statement showing the financial strength of the applicant, list of subject wise laboratory equipments, the playground facilities, the detail of the books available at the Library, the mutation or ownership documents of the building or the rent agreement {at least five years) of the building intended to be a school, the detail of the rooms of the _ building, an _ affidavit regarding non employment of the Teachers or officials in Government Institution, a deposit receipt of Rs.15,000/- as processing fee; and any other document or documents time made necessary for registration;

“Intermediate Board” means the Board of Intermediate and Secondary Education, Trade Testing Board, or any other board as established or hereinafter established in Balochistan by the Government;

“Board” means the Board of Directors of the Foundation, constituted under section 5 (1) of the Balochistan Education Foundation Act, 1994 (Act No. VII

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of 1994);

“Chairman” means the Chairman
of the Board;

*College" means privately managed
college imparting education for
intermediate or higher secondary
education of degree education any
system of education, in any group
of subject in any institute
awarding diploma of one year or
more in any of professions or
technology with any medium of
instruction with the tile of College,
Academy, Institute or any title
equivalent;

“Contract” means the contract of
employment between the private
educational! Institution's *
administration and faculty
member for rendering the-
services;

“Educational Qualification” means
the equivalent qualification
required for teaching of the
concerned subject in the private
educational sector institutions;

“Foundation” means _ the
Balochistan Education
Foundation cøestablished under
section 3 of the Balochistan
Education Foundation Act, 1994
(Act No. Vil of 1994);

“Faculty Members" means all the
teaching staff of the private
educational institution;

“Fee Structure” means the fee tariff
according to the standard of the

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private educational institute

decided by the Fee Regulatory
Committee annually;

“Government” means _ the
Government of Balochistan;

“Institution” means a_ privately
managed school, college, academy
or tuition center or an institution
imparting education up to
intermediate or higher secondary
school level or equivalent;

“Incharge in relation to a Private
Institution” means and includes
every Owner, Headmaster,
Principal, Manager or Incharge of
administration or of teaching and
any person responsible for the
management and conduct of the
affairs of an institution, by
whatever name called;

“Inspector of School or Collage”
means an officer so designated by
the Foundation for annual or bi-
annual inspection and monitoring
and monitoring of institutions and
submits reports thereof for
corrective measures or
recommending for cancellation of
the registration of the concerned
institution;

“Managing Director” means the
Managing Director of the
Foundation, appointed under
section 7 (1) of the Balochistan
Education Foundation Act, 1994
(Act No. VII of 1994), who shall
also be and act as the Chief

Executive Officer of the Authority

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under this Act;

“Member” means a member of the Board;

“Operative Standard” means Standard Operating Procedures;

“Prescribed” means prescribed by rules or regulations made under this Act or the Balochistan Education Foundation Act, 1994 (Act No. VII of 1994);

“Privately Managed” means an institution which is not owned or managed by a local body or by a

* Government or by the Federal

Government or by a body set up or controlled by the Government;

“Registration Authority” means an officer appointed or authorized by the Board to exercise all or any of the powers of the Registration under this Act;

“Report” means the annual report which is to be submitted to the concerned authority showing the overall progress of the school or college, fee charged, salary paid, annual income and expenditures detail;

“School” means a _ privately

managed school or tuition center
imparting education from pre-
primary level to secondary
education level or equivalent; and

“Schedule” means the schedule
appended to this Act.

Authority under
the Act.

Aims and
Objectives.

3. The Balochistan Education Foundation shall be the Authority for the purposes of the Act, the administration, management and affairs of the Balochistan Private Educational Institution Registration and Regulation Authority shall vest in the Board of Directors of the Foundation, which may exercise the powers and do all acts and things which may be exercised or done under provisions of this Act, or to run the affairs of the Authority.

4, The aims and objectives of the Authority under the Act, shall be to register, regulate and support the privately managed educational institutions in Balochistan and to ensure that such institutions follow a uniform policy that includes—

(a) integration of private sector educational institutions into Government policy framework with objective that these private educational institutions play effective role in meeting targets of access, equity and quality of education in the province;

(b) development of standard curriculum in line with national curriculum to ensure quality relevance with provincial scheme of studies;

(c) achievement of fair measures of uniformity of academic standards and evaluation among the institutions;

(d) determination of duration of academic session, holidays and vacations; ~

{e) determination and fixation of rate of fee being charged by the institutions, qualifications of teaching staff, their terms and conditions of services including salaries and mode of payment of their salaries;

() promotion of curricular and co-

curricular activities on inter-institutional basis ;
(g) initiation and promotion of early child education (ECE) in private schools;

(h) improvement in the managerial efficiency and basic facilities in private educational institutions;

(i) promotion of the capacity building initiatives, both pre-service and in-service trainings for private school teachers and its operators;

(j) establishment of new private or Community Schools through private sector; education voucher scheme for private schools; and

(k) data collection and reflection of private schools contribution in the provincial educational data.

Functions and 5. The function and powers of the Authority shall -

powers of the be-
easiggs under (a) to register and regulate, private

educational institutions in Balochistan including fixation of grade-wise rate of admission fee, security fee, monthly tuition fee, laboratory fee and other fee being charged by private educational institution;

(b) to regulate, determine and administer all matters and do all such acts and things as are necessary for the achievement of aims and objectives of this Act;

(c) to cause inspection to be made by such persons as the Board may nominate for the institution applying for registration or of registered institution;

(a) to suspend registration if it is satisfied

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after the inspection that the management and instruction in an institution are not of prescribed standard and are in violation of the provisions of the Act;

to cause cancellation if the violations identified and communicated under section 4 (d) of the Act are not removed;

to check the qualifications of teaching staff and their terms and conditions of services;

to fix, demand and receive such fee for registration and inspection of institution as may be prescribed;

to adopt-measures to promote physical and moral well-being of students including sports facilities;

to ensure that the services, quality of education being provided and salary paid to the teachers commensurate with the fee being charged;

to ensure that the building of the institution is adequate and its structure is sound to house the students;

to arrange for the annual audit of the

'accounts of the Authority/Foundation;

to execute any other important matters concerning its functions as may be

incidental or conducive to the exercise of
aforesaid powers and performance of
functions;

to make rules, regulations and policy
and to execute the same;

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to prescribe fines to be imposed for
violation of any of the provisions of the
Act;

Steering
Committee.

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the Authority shall perform such other functions as may be assigned to it by the Government including appointment of staff and determination of their terms and conditions of service for proper execution of the functions assigned to the Authority under the Act;

in discharge of its functions, the Authority shall be guided on questions of policy given to it from time to time by the Board;

all the law enforcement -agencies shall come in aid of the Authority in exercise of its powers and performance of its functions;

rank private educational institutions based on educational standards; and

provide incentives to students, teachers, and Educational Institutions.

There shall be a Steering Committee

which shall work under the existing structure of the Board as policy making body for implementing the provisions of this Act.

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The aforesaid Steering Committee shall

comprise of—

(a) the Chief Secretary Balochistan;

(b) the Secretary, Secondary Education;

(b) the Secretary Higher Education;

(c). the Secretary Finance;

(d) three other members, nominated by the Board from amongst its private members; and

(e) Managing Director.

Functions and powers of Managing Director under the Act.

Funds.

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(3) The Chief Secretary Balochistan shall be the Chairman of the Steering Committee, and in his absence the Secretary Secondary Education shall preside over the meetings of the Steering Committee.

(4) The Steering Committee shall hold its meetings at least once in every three months, to review the performance of the Authority and recommend policy guidelines to the Executives/ Management, the Board and the Government for the smooth and effective implementation of their responsibilities under the Act.

(5S) The Board may delegate any of its powers to the Steering Committee for the smooth and effective implementation of their decision taken during its meetings.

Ki (1) The office of the Managing Director shall be the implementing organ of the Authority under this Act, with the existing staffing and arrangements of the Foundation:

Provided that the Board may at any time, make necessary changes in the staffing position and determine the number of posts for the Office of the Managing Director, by a notification in the official Gazette; and to prescribe the qualifications and mode of their appointment.

(2) The Managing Director shall ensure the observation of the provisions of the Act and the rules, regulations and policy made there under.

(3) The Managing Director shall take all possible steps to ensure that the funds of the Authority/ Foundation are spent judiciously and properly,

8. (1) The Authority/ Foundation for the purposes of this Act shall be a self-financing body. However, the Government shall allocate required

portion of amount from its non-development budget

Staff, pay and allowances.

General
Directions and

Administration.

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which shall be at the disposal of the Authority/ Foundation to meet all the expenses including pay and allowances of the staff.

(2) Government shall on annual basis provide Grant to the Authority/ Foundation for meeting its operational and technical expenditures.

(3) The Authority/ Foundation shall have a fund to which shall be credited all income including income from inspection fee, registration fee, security fee, fines, other sources and annual grant from the Government, and account therefore, shall be maintained in the scheduled bank.

(4) All the revenues generated through any program under the Authority shall go to the fund of the Authority maintained under this section, which may be utilized for the endowments activities of the Foundation, if in excess of the needs of the Authority,

9, (1) The existing contractual serving staff of the Foundation, shall continue to serve as core staff of the Foundation, against the same posts that they have been serving at present.

(2) The pay and allowances of the staff shall be such as are enforced in the other similar regulatory authorities of the Provincial/Federal Government or as may be determined and approved by the Balochistan Education Foundation Board.

10. (1) The Managing Director of the Foundation shall be responsible for the general directions and administration of the affairs of the Authority under the Act.

(2) The Board shall be the sole judge as to whether a question is 'a question of policy and may, as and when it considers necessary, issue directives to the Authority on matters of policy and the same shall be binding on the Authority.

Establishment
and continuance
of an institution.

Application for
registration of an
Institution.

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11. No institution shall be established or continued except in accordance with the provision of the Act and the rules made there under:

Provided that any Institution which is operative on the commencing day of this Act but unregistered for a period of more than six months shall be liable for sealing by the registration authority or by the Deputy Commissioner of the district concerned or any other officer so authorized by the Authority:

Provided further that an Institution if existing on the commencing day of this Act or already registered by the Education Department by any other law, shall also apply for registration within ninety days from that day and may continue to function without registration until the application is disposed of.

12. (1) Any person intended to establish or continue any existing institution shall make an application to the Authority in the prescribed form accompanied by the antecedents of case and such documents and fee as prescribed in the Act or hereafter may be prescribed by the Authority.

(2) Any existing institution may continue to function for a period not exceeding ninety days from the commencement of the Act and where an application is made under sub-section (1) until the application is rejected or if any appeal is preferred until the decision of the appeal,

(3) Every institution or its branches running under the same management or name at different premises shall be registered separately,

(4) Affiliation of private educational institution with an Intermediate Board or any foreign board or a University or any other examining body shall be subject to registration with the Authority.

(5) All applicants seeking registration for a private educational Institution shall submit Rs. 15,000/- to the Authority via Bank account transfer. The Authority after fulfillment of the necessary requirement for Registration, will issue a no objection certificate (NOC) for the first year, On completion of six months a team of the Authority will inspect the schools and based on the satisfactory performance, no objection certificate (NOC) will be extended for another six months. Upon the completion of one year the team will revalidate the school performance and upon satisfactory performance subject school will be issued two years renewable registration Certificate.

(6) The registration issued from the date will be valid for two years and upon the completion of two years the subject Institution shall renew the registration. The renewal fee for registration will be as under: ,

(a) Primary level School --Rs. 6000/- for 2 years;

(b) Middle level School --Rs. 8000/- for 2 years;

(ce) Secondary level School --Rs. 10000/- for 2 years; and

(d) Higher Secondary . School/College Rs. 15,000/- for 2 years.

(7) It shall be incumbent upon all those Institutions that have sought registration with the Director of Schools/Colleges and have completed their two years shall get their registration renewed from the Authority.

(8) The fees prescribed hereinabove sections or in any other provision of the Act may be changed from time to time by the Foundation with the prior approval of the Government, by means of a notification in the official Gazette.

Exemptions.

Registration of an institution.

Registration and renewal fee,

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13. The Government may by notification in official Gazette, exempt any institution; or a class of Institutions from the application of this Act for a period not exceeding three years,

14, (1) The incharge of an _ educational institution may move an application for registration of his institution to such officer and in such form as may be prescribed by the Board.

(2) The officer receiving an application shall forthwith send it to the District Committee constituted for the purpose, which after making such enquiry as may be necessary for registration under the rules, shall submit its report with recommendations to the Registering Authority within seven days of the receipt of the application from the receiving officer.

(3) The Registering Authority shall, after considering the report of District Committee and after such further enquiry as may necessary if satisfied that the conditions prescribed for grant of registration are fulfilled, issue a Registration Certificate.

(4) No order for refusing to grant a certificate of registration shall be made without giving the applicant an opportunity of being heard and recording the reasons thereof in writing,

15. Subject to the fulfillment of conditions, every Private Educational Institution is to deposit Rupees Fifteen Thousand (once only) as registration fee and the renewal fee as prescribed herein above section 12, to get the certificate for two years operations. The first registration of a Private Educational Institute shall be as prescribed in section 12 and valid only for Two years from the date of its registration.

Conditions of
registration,

Fee regulatory
committee.

Inspections.

Cancellation of
registration.

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16. An educational institute shall comply with the conditions of registration including the payment of yearly fee as may be prescribed by the Board.

17. The Government may by notification constitute a committee to regulate the fee tariff stabbing for various Institutions on annual basis according to their location, faculty, standards, result and facilities.

(2) The Committee shall comprise of three members of whom two shall be from Balochistan Education Foundation and one from the office of the concerned Education District Officer duly authorized by the concerned Education District Officer.

18. (1) The Inspector or an officer authorized by the Board may inspect any educational institute and may give direction to require/ comply with the conditions prescribed for registration.

(2) The directions under sub-section (1) shall be communicated to the incharge of the educational institution through an order; such person shall comply with the same within such time as may be specified therein.

19. (1) A certificate of registration granted under section 10 and 13 may be cancelled by the Registering Authority after giving an opportunity of being heard to the in charge of the educational institution if—

{a) there is a contravention of any of the provisions of this section and the rules made there under:

Provided that in case of a minor default, which can be easily

remedied, opportunity may be
given to remove the default within
a time specified in the order end if

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it is not removed within the time so specified, cancellation shall follow;

the incharge of the educational institution has failed within the period specified to comply with any direction issued under the provision of the Act or rules made there under;

the antecedent of the case/ resignation appears to be fake or not followed or the laboratories, library is not available;

the faculty members are Government employees or regular teaching staff of the Education Department,

the excessive or additional fee collection;

the private educational institute is involved in imparting injurious racial, sectarian, ethnical teachings or activities against the national harmony or integrity;

the educational Institution has ceased to exist;

the owner/ incharge of the educational institution has sold out the Institution without informing the registering authority to any person or group who is less qualified to operate the Institution;

the educational institution is
affiliated to more than one
Intermediate Board in the Province
or in the country or with any other
contemporary system

Appeal,

Fine.

Cancellation or
suspension of
certificate of
registration,

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simultaneously operated; and

(i) the educational institution or its
administration is involved in
irrefutable moral turpitude,
corruption, issuance of fake
certificates, and violation of any

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apex court orders. ~

20, Any person aggrieved by an order made under
section 10, 14, 19 or 22 may within thirty days of
the date of the order, prefer an appeal to such
authority as may be prescribed and the decision of
the Appellate Authority in appeal shall be final.

21. (1) The Inspectors of the Authority for
educational institutions may impose a fine up to
Rupees thirty thousand on minor contraventions of
the provisions of the Act or the requirements of the
operative standards.

(2) Where the contravention continues for a
period of three months, the Institution shall be
liable to closure by the Registration Authority.

22. (1) Where the Authority, on receipt of a
complaint or otherwise, after making such inquiry
or inspection as it may deemed fit, if satisfied that
there is a contravention of any of the provision of
this Section, the rules or terms or the condition of
certificate of registration or any order passed or
instruction issued by the Authority, it may after
giving an opportunity to the person concerned of
being heard, suspend or cancel the certificate of
registration:

Provided that where the default can be
remedied no order shall be made unless an
opportunity is provided to person concerned to

rectify such default within the specified period,

(2) On cancellation or suspension of the certificate of the registration, the Authority may

Annual reports.

Penalty.

Cognizance of
offence.

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make such orders and take such action with respect to the completion of the current education term as may be considered necessary.

{3) On the cancellation of the certificate of the registration under this section, the institution shall be closed down by the Authority.

(4) On suspension or eeficellation of the certificate of registration, the aggrieved person may within thirty days from the date of the order of the Authority, prefer an appeal to the Secretary Education and the order passed by him shall be final and given effect to by the Authority.

23. (1) The institution shall furnish to the Authority/Foundation each year a report on annual audit accounts, report on the activity of the institution during the preceding year and such information relating to its activities as may be required by the Authority/ Foundation.

(2) The Authority/Foundation may, from time to time, give such instructions as it considers necessary for compliance by the Instituons.

(3) The Authority/Foundation shall submit to the Government, as soon as possible after the end of every financial year but before the 30th September, a report on the conduct of its affairs for the year.

24. Subject to the provisions of section 12 of this Act, whoever runs an institution in contravention of the provisions of this Act or the rules made there under shall be punished with imprisonment of six months or fine which may extend to fifty thousand rupees or with both.

25. No court shall take cognizance of an offence punishable under this Act, except upon a compliant in writing made by the Registration Authority or an officer authorized in this behalf by the Board and no

Indemnity.

'Power to make

rules,

Power to make
regulation.

Removal of
difficulties.

Repeal and t
saving.

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court inferior to that of a Magistrate of First class
shall try any such offence,

26. No suit or legal proceeding shall lie against
the Government, the Authority/Foundation or any
person acting under the Act for anything which is
done or intended to be done in good faith under the
Act.

27. The Board with prior approval of the
Government may, by notification in the official
gazette, make rules to carry out the purposes of this
Act.

28. The Board may, make such regulation as may
appear to it to be necessary for carrying out the
purposes of this Act.

29. If any difficulty arises in giving effect to any
provision of the Act, the Board in consultation with
the Government may make such order, not
inconsistent with the express provisions of the Act,
as may appear to it necessary or expedient for the
purpose of the removal of the difficulty.

30. (1) The Balochistan Registration of
Unrecognized Educational Institutions Ordinance,
1962 (W. P. Ordinance No, XI of 1962) is hereby
repealed.

(2) Notwithstanding anything contained in
any other law for the time being in force, upon
coming into force of the provisions of the Act,
anything done, action taken, obligations or liabilities
incurred, rights and assets acquired, persons
appointed or authorized, jurisdiction or powers

conferred, endowments, bequests, funds or trust created, donations or grants made, scholarships, studentships or exhibitions instituted, affiliations or privileges granted and orders issued under any of the provisions of the Balochistan Registration of Unrecognized Educational Institutions Ordinance, 1962 (W. P. Ordinance No, XI of 1962) as repealed . hereinabove sub-section (1), shall deemed to have been made under the Act, and if not inconsistent with the provisions of the Act be continued and, so far as may be deemed to have been respectively done, taken, incurred, acquired, appointed, instituted, granted, and issued under the provisions of the Act, and any documents referring to any of the provisions of the repealed Ordinance, shall so far as may be considered to refer to the corresponding provisions of the Act or the rules or regulations made thereunder.

MUHAMMAD AZAM DAWI

Secretary
Balochistan Provincial Assembly