

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated: 27.09.2007

No. LD/ Legis/1144-56/2007. The following Act of Assembly received the assent of the President on 22nd day of September, 2007, is hereby published for general information.

(ACT XIII OF 2007)

AN

ACT

to provide law for regulation and promotion of private sector Educational Institutions.

WHEREAS, it is expedient to register, promote and regulate the setting up and management of private educational institutions in AJ&K to ensure that such institutions follow a uniform policy regarding curricula, duration of academic session, qualification of teaching staff and the terms and conditions of their service and to achieve uniformity of academic standards and evaluation among the institutions;

It is hereby enacted as follows:-

1. Short title and Commencement:- (1) This Act may be called the Azad Jammu & Kashmir Private Educational Institutions (Promotion and Regulation) Act, 2007.

(2) It shall extend to the whole of Azad Jammu & Kashmir.

(3) It shall come into force on 9th of August, 2007.

2. Definitions.- In this Act unless the context otherwise requires following expressions shall have the meaning as_ hereby respectively assigned to them:-

(i) "Act" means the Azad Jammu and Kashmir Private Educational Institutions (Promotion and Regulation) Act, 2007;

(ii) "Board" means a Board of Elementary Education of

Board of Intermediate & Secondary Education established under any law for the time being in force;

(iii) "Government" means Azad Government of the State of Jammu and Kashmir;

(iv) "Institution" means a privately managed school or college;

(v) "Incharge" means every owner, headmaster, principal or manager of the institution and/or any person responsible for the management and conduct of the affairs of an institution, by whatever name called;

(vi) "Prescribed" means prescribed by rules made under this Act;

(vii) "Privately managed" means not owned or managed by a local body or the Government;

(viii) "Registering Authority" means an authority or officer appointed/authorized or exercise any of the powers conferred upon him under Section 4 of this Act and the rules made thereunder;

(ix) "Rules" means the rules made under this Act;

(x) "Section" means section of this Act;

(xi) "Terminal Examination" means final examination at Primary (class five), Middle (class eight), Secondary (class ten), Intermediate (class twelve) and Degree (class fourteen) levels;

(xxi) "University" means a University established under any law for the time being enforced in Azad Jammu & Kashmir.

All Institutions shall be registered.-No institution shall operate unless it is registered in accordance with the provisions of this

Act and the rules made thereunder;

Provided that the institutions existing on the commencing day shall apply for registration within ninety days from the said day and may continue to function without registration until the application is disposed of.

Provided further that the Educational Institutions affiliated with Federal Board of Intermediate & Secondary Education may or may not participate in the terminal examination to be held under Boards of Elementary Education AJK.

Registering Authority.-(1) There shall be a registering authority appointed or authorized by the Government who may register an institution as prescribed by law.

(2) In order to register an institution and to factually ascertain the true position of an applicant and its institution, the Registering Authority may himself or through a subordinate officer, physically examine the institution and report thereon.

Application for Registration.- (1) The incharge of an institution may make an application to the Registering Authority in the form and manner as contained in Schedule-I to this Act.

(2) The Registering Authority after making such inquiry as it may deem necessary and in such manner and about such matters as may be prescribed, shall either register the institution or reject the application:

Provided that in case of rejection of the application, the Authority shall assign reasons for such rejection.

(3) No order of rejection shall be made without giving the applicant an opportunity of being heard.

(4) An application for registration shall be decided by the Registering Authority within two months from receipt thereof:

Provided that where the Registering Authority is unable to make a decision within the aforesaid period for any valid reasons, the institutions already working shall continue to function till decision by the Registering Authority.

(5) The Registering Authority shall charge fee for registration and renewal of registration as may be prescribed.

Conditions for Registration.- The Registration of an institution shall be made subject to the following conditions:-

(i) Only such teaching staff shall be appointed by the institutions who shall have such qualification and training as may be prescribed.

(ii) The teaching staff shall, in no manner, either by sign or word of mouth or writing or any other means, propagate anything repugnant to Islam, ideology of Pakistan and State's accession to Pakistan.

(iii) Terminal examination shall be conducted by the respective Boards and University of Azad Jammu and Kashmir.

(iv) Tuition fees and other charges levied by the institution shall not be fixed or raised beyond reasonable limits.

(v) The record and registers as prescribed in Schedule III shall be maintained by the incharge of the institution.

(vi) The institution, through a prospectus, shall notify the details of facilities provided, subjects to be taught, medium of instruction, qualification of the teaching staff, fees and other charges before the commencement of each academic year.

(vii) The institution shall furnish such information to the Government of the Registering Authority as may be required from time to time.

(viii) The incharge and employees of an institution shall bear a good moral character and should not be convicted of any offence involving moral turpitude.

(ix) The institution should have an adequate accommodation for teaching purposes and open space for assembly and games.

(x) The institution shall be bound to teach such text books/syllabus as may be approved by the Government from time to time.

Grant of Certificate of Registration.- On fulfilment of the conditions regarding registration by the applicant, the

Registering Authority shall issue a Registration Certificate as contained in Schedule II to this Act.

Cancellation of Registration.-(1) A certificate of registration granted under Section 7 may be cancelled by the Registering Authority iff

(i) there is a contravention of any of the provisions of this Act or the rules by or on behalf of Incharge of the institution;

(ii) the incharge of the institution has failed to comply with, within the specified period, any direction issued under the provisions of this Act or the rules; or

(iii) the institution has ceased to exist.

(2) In case of a default which can be easily mended, opportunity may be given to remove the same within a specified time and if the default is not removed within the time so specified, the cancellation may follow.

Appeal.- (1) Any person aggrieved by an order made under Section 8 may within thirty days of receipt of the order, prefer an appeal to the appellate Authority, whose decision shall be final.

(2) If the Registering Authority fails to make a decision after lapse of two months from the date of receipt of application, the applicant may apply to the appellate Authority for a decision in the matter. The Appellate Authority, after calling for record from the registering Authority, may decide the matter itself or

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make such other appropriate orders as may be deemed just and equitable.

Appellate Authority. The concerned Secretary to the Government in the Education Department shall be the Appellate Authority under this Act.

Penalties.- (1) Subject to the provisions of Section 3, whoever continuous to run an institution without registration or after refusal or cancellation or registration, shall be punished by the Registration Authority with fine which may extend to five hundred rupees for each day during which the contravention continuous.

(2) Where the Contravention continuous for a period of three months or more the institution shall be liable to closure by the Registering Authority.

(3) The amount of fine imposed under this Section shall be recoverable as arrears of land revenue:

Provided that the registration cancelled under sub section 3 of this Section may be restored if the incharge of the institution provides a written guarantee to follow the institutions/conditions in future and pays an amount equal to 50% of the registration fee:

Provided further that no order under sub-section (2) shall be made without affording to the incharge of the institution an opportunity of being hear.

Instruction of Board and University.-Every institution shall be bound to follow the instructions issued from time to time by the respective Board or University.

Inspection and _monitoring.- (1) The Registering Authority or an officer authorized by it may inspect or monitor an institution

and may give directions for compliance with the provision of this Act and the rules made thereunder.

(2) The directions under sub-section (1) shall be communicated to the incharge of the institution through an order

in writing and the incharge or the institution shall comply with the same within such time as may be specified in the order.

Ban on Affiliation.- No institution established and registered under this Act shall grant affiliation to any other institution/ branch located within or outside of the territory of Azad Jammu & Kashmir.

15. Power to make Rules.- Government may make rules to carry out the purposes of this Act.

16. Repeal.- The Azad Jammu & Kashmir Private Educational Institutions (Promotion and Regulation) Ordinance, 2007 (Ordinance XIV of 2007) is hereby repealed.

Sd/-(Raja MazharWaheed Khan)
Section Officer (legislation)

SCHEDULE-I

(See Section 5(1))

Application for Registration of Private Educational Institution.

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Name of the Educational Institution.

Postal Address with telephone No. (if any)

Date of Establishment of the institution.

Level and type of the institution.

Examinations for which students are prepared.

Whether managed by a registered body/individual/association or persons/Trust/Corporate Body.

Name, designation and full address of the Incharge of the Educational Institution.

If managed by an individual, his/her name, occupation and full address.

If not managed by an individual, names, occupation and address of the member/partners/directors/trustees (as the case may be).

Number/proposed number of classes with sections.

Enrolment/proposed enrolment section-wise.

Medium of Instruction (Urdu, English).

Whether the Institution will conduct classes in the morning or evening or both.

Names, qualifications, pay and allowances of each member/proposed member or the teaching and non-teaching staff.

Tuition Fee/proposed tuition Fee (class-wise) and rate of Admission Fee/proposed Fee. (Please attach prospectus and calendar of the Institution).

Details of assets of the Institution.

Location and full details of the building of the Institution with scaled maps.

Whether the building is rented or owned by the Institution.

Whether the building is used for any other purpose during or after the working hours of the Institution.

Details of playground, sports and recreational facilities.

21. Details of Science Laboratory, Computer Laboratory, Library.

22. Additional Information if any.

SIGNATURE

Dated: OFFICIAL STAMP

I do hereby solemnly affirm

that the facts declared above are true and correct to the best of my
knowledge and belief.

SIGNATURE

Date: (Name)

DESIGNATION OF INCHARGE

NAME OF EDUCATIONAL INSTITUTION

SCHEDULE-II
(See Section 7)

AZAD JAMMU & KASHMIR EDUCATION DEPARTMENT

REGISTRATION CERTIFICATE

In exercise with the powers conferred to me, under Section 4 of the Azad Jammu & Kashmir Private Educational Institutions (Promotion and Regulation) Act, 2007, is hereby registered as under registration No. dated . subject to the following conditions.

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Only trained teaching staff shall be appointed.

The teaching staff in no manner either by sign or word of mouth or writing or any other means shall propagate anything repugnant to Islam and ideology of Pakistan.

Terminal examinations will be conducted by the Education Department Azad Jammu & Kashmir, through Board of Elementary Education, Board of Intermediate & Secondary Education AJK & University of AJK.

Tuition fees and other charges levied shall not be fixed or raised beyond reasonable limits.

Essential record and registers shall be maintained as prescribed in Schedule III.

The institution, through a prospectus, shall notify the details of facilities provided, subjects to be taught, medium of instruction, qualifications of reaching staff, fees and other charges before the commencement of

each academic year.

The institution shall furnish such information to the Govt. or registering authority as required from time to time.

The incharge and employees of an institution shall bear a good moral character, and shall not be convicted of any offence involving moral turpitude.

The institution should have adequate accommodation for teaching purposes and sufficient open space for assembly and game.

Concerned District Education Officer/Divisional Director /Director Public instruction (or an officer

(xi)

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nominated by them) will visit the institution from time to time.

The institution shall be bound to teach the textbooks/syllabus approved by the Government.

If an institution is failed to comply with the conditions mentioned above, its registration will cancelled. For the restoration of registration, the head of such institution will have to provide a written surety bond to follow the instructions/conditions in future with a new registration fee.

SIGNATURE
REGISTERING AUTHORITY
OFFICIAL SEAL

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SCHEDULE-III

[(See Section 6(v)]

LIST OF REGISTERS TO BE MAINTAINED BY PRIVATE EDUCATIONAL INSTITUTIONS

Cash register-indicating receipts and payments in cash.

A quittance Roll-indicating payment of wages, salaries etc.

Stock Register-indicating list of furniture, equipment, books and teaching aids.

Admission and withdrawal register of students.

Property Register-indicating properties, their use, income there from.

Inspection Book-showing inspection notes and indicating action taken thereon.

Income and Expenditure Register.

Examination Register, showing performance of students in internal examinations.

Teachers Attendance Register.

Library Books Issue Register

Conduct and punishment Register.

Casual leave Account Register.

Others (if necessary).