

WEST PAKISTAN PRIVATE COLLEGES (MANAGEMENT AND  
CONTROL) ORDINANCE, 1970.

25th June, 1970.

WEST PAKISTAN ORDINANCE NO.XX OF 1970.

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An

Ordinance

To provide for control over and management of private colleges in West Pakistan.

Preamble.- WHEREAS it is expedient to make provisions to enable the private colleges in West Pakistan to maximize their academic efficiency, to streamline their administration and to regulate conditions of service of teachers employed therein;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the provisional Constitution Order and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, extent, commencement and application.- (1) This Ordinance may be called the West Pakistan Private Colleges (Management and Control) Ordinance, 1970.

(2) It shall extend to the whole of the '[Province of Khyber Pakhtunkhwa], except the tribal Areas.

(3) It shall come into force at once.

(4) It shall apply to all private colleges except as otherwise provided in this Ordinance.

2. Definitions.- In his Ordinance, unless there is anything repugnant in the subject or context-

1, Subs. by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975, and then substituted vide the Khyber Pakhtunkhwa Act.IV of 2011.

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“affiliated to a University” means a college affiliated to a University and includes a college admitted to privileges of a University;

“Board” means the Board of Intermediate and Secondary Education within the territorial jurisdiction of which a college is located;

“Chairman” means Chairman of the Governing Body;

“competent authority” means the Director of Education of the Region in which a college is situated;

“Governing Body” means the Governing Body of the college;

“Government” means the Government of [Province of Khyber Pakhtunkhwa];

“Private college or colleges” means a college or an institution recognized by a Board for the purpose of education at the intermediate level or affiliated to a University for the purpose of higher education but does not include any college managed by;-

(i) Government;

(ii) Local Body, a Cantonment Board or a University; or

(iii) | a Governing Body appointed by Government under the provisions of the West Pakistan Educational and Training Institution Ordinance, 1960, or any law in force immediately before the commencement of this Ordinance;

“Member” means a Member of the Governing Body;

“Prescribed” means prescribed by rules or regulations made under this

Ordinance;

“Parent Body” means the person who, or the association of persons which founded, established or maintained and managed the college prior to the establishment of the Governing Body;

“Principal” means the principal officer-in-charge of the college;

1, Subs. by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975, and then substituted vide the Khyber Pakhtunkhwa Act.IV of 2011.

(1) "Registered benefactor" means a person who after the commencement of this Ordinance donates in lump sum an amount not less than Rs. 15,000.00 to the college fund and whose name shall be entered in a register maintained by the Principal for the purpose;

(m) "Teacher" means a Professor, Associate Professor, Assistant Professor, Reader, Lecturer or any employee of the college imparting instructions and includes the Principal, the Demonstrator, the Director of Physical Education and the Physical Instructor.

3. Establishment of Governing Body:- For the efficient management and control of a college, there shall be established by the competent authority a Governing Body.

4. Constitution of Governing Body:- (1) Subject to the provisions of sub-Section (3) of section 10, the Governing Body shall consist of-

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The Principal of the college;

three teachers to be elected by the Teachers' Association of the college from amongst its members;

three members to be nominated by the parent body;

one nominee of the registered benefactors of the college;

Two nominees of the competent authority, one of whom shall be the parent or the guardian of a student studying in the college;

One nominee of Syndicate of the University in the case of a college affiliated to the University; and

One nominee of the Board in the case of a college recognized by the Board for the purpose of education at the Intermediate level.

There shall be elected in the prescribed manner a Chairman from amongst the members who are not the employees of the college.

(3)

The Principal shall be the member/secretary of the Governing Body.

(4) Except the Principal, the members shall hold office for a period of three years and shall be eligible for renomination and re-election as the case may be.

5. Removal and resignation of member and Chairman.- (1) The Chairman or a member may resign his office by tendering his resignation to the competent authority, and the seat of the Chairman and of such member shall become vacant when the resignation is accepted by the competent authority.

(2) The competent authority may at any time remove from the Governing Body the Chairman or a member if he-

(i) refuses or fails to discharge or becomes, in the opinion of the competent authority incapable to perform his duties under this Ordinance;

(ii) has, in the opinion of the competent authority abused his position as Chairman or member;

(iii) has, absented himself without leave from three consecutive meetings of the Governing Body;

Provided that the Chairman or member shall not be removed under the provisions of this sub-section without first giving an opportunity of showing cause against his removal.

(3) A person appointed as a member by virtue of his holding a particular office shall cease to be the member on his ceasing to hold that office.

6. Filling of casual vacancies.- If a vacancy in the office of the Chairman or a member occurs during the prescribed term, by death , resignation, disability or otherwise, the vacancy shall be filled in accordance with the provisions of section 4 and the Chairman or the member so elected or nominated to fill the vacancy shall hold office for the unexpired term.

7. Meeting of Governing Body.- The meetings of the Governing Body shall be held at such times and at such places and in accordance with such procedure as may be prescribed.

8. Powers and duties of Governing Body.- (1) Subject to the provisions of this Ordinance, the Governing Body shall exercise general supervision and control over the affairs of the college and without prejudice to the generality of the above powers it shall.-



(a) control and administer the property of the college notwithstanding the ownership of such property being that of the Parent Body;

(b) manage and regulate the funds, finances, assets and investments of the college;

(c) pass the budget; and

(d) appoint teachers and other employees of the college and take

disciplinary action against them.

(2) It shall be duty of the Governing Body to ensure-

(a) that the conditions on which the college has been recognized by a Board or affiliated to a University and all rules and orders issued by such Board, University, or other competent educational authorities from time to time regarding the admission of students, curriculum, syllabus, medium of instructions, examinations and other cognate matters an applicable to the college are observed;

(b) that the provisions of this Ordinance and the rules made there under are strictly enforced;

(c) that the views expressed by the students on the working of the college in so far as it affects their interests are given due consideration;

(d) that the accounts of the college are maintained in the form and audited in the manner approved by the competent authority.

9. Powers and duties of the Principal.- Subject to the provisions of this Ordinance and the rules made thereunder, the principal shall be competent to regulate all matters connected with the internal administration of the college including admissions, class promotions, teachers' time table, maintenance of discipline, grant of fee concessions and scholarships incurring of the expenditure provided for in the budget, maintenance of the register of the registered benefactors and making temporary or officiating appointments of not more than three months' duration.

10. Submission of statement.- (1) The Parent Body shall furnish to the competent authority a statement in the form appended to this Ordinance within two months of:-

(a) the commencement of this Ordinance, if the college was in existence at the time of such commencement; or

(b) the date on which, the college is recognize by a Board, or affiliated to a University.

(2) the Parent Body shall disclose in the statement its contribution to the annual expenditure involved in running the college.

(3) If the contribution made by the Parent Body is less than twenty five percentum of the annual expenditure of the college, the competent authority may reduce the number of nominees of the Parent Body on the Governing Body to such number as it may deem fit.

Explanation.- For the purposes of sub-section (3) the amount of contribution made by the parent Body shall be deemed to include the income from the property and assets of the college and the rental value, assessed by the competent authority, of the college and the rental value, assessed by the competent authority, of the property used by the college and owned by or vesting in the parent Body.

11. College Fund.- The college shall have a fund to which shall be credited.-

(a) income from fees, donations, trusts, bequests, endowments, grants, and lump sum contributions by the registered benefactors;

(b) income from the property of the college;

(c) contribution made by the Parent Body;

(d) contribution or Grants-in-aid given by Government; and

(e) income from all other sources.

12. Bar to derive financial benefits.- No member of the Governing Body shall derive any financial benefit from the college; provided that nothing in this section shall debar a person possessing the prescribed qualifications from being appointed and receiving emoluments and enjoying other benefits as a teacher in accordance with the rules made under this Ordinance.

13. Inspection.- (1) the competent authority may inspect the college or cause it to be inspected from time to time by one or more persons authorized by it in this behalf.

(2) The competent authority may call upon any college so inspected to take, within a specified period, such actions as may appear to it to be necessary in respect of any of the matters provided for in this Ordinances and the rules and regulations made thereunder.

14. Staff Council.- There shall be a staff Council in the college consisting of the Principal as Chairman and four other senior-most teachers as members, it advise on the day- to- day affairs of the college and on other matters mentioned in section9.

15. Teacher' Association.- There shall be Teachers' Association in the college consisting of all teachers of the college.

16. Student- teacher Council.- (1) There shall be a Student- Teacher Consisting the college consisting of -.

(i) the Principal;

(ii) two teachers to be elected in the prescribed manner by Teachers' Association from amongst its members, other than those elected on the Governing Body; and.

(iii) the president and the Secretary of the Students' Union.

(2) The Council shall consider matters relating to the welfare of the students and make recommendations to the Governing Body in this behalf.

17. Dissolution of Parent Body or Governing Body and taking over of college.-

If the college ceases to maintain efficiency and discipline in accordance with or fails to satisfy the requirements of the provisions of this Ordinance and the rules and regulations made thereunder or it is conducted in a manner which is prejudicial to the interests of education, Government may after giving the Parent Body or the Governing Body, as the case may be an opportunity to show cause against the proposed action.-

(a) dissolve the Governing Body and appoint a Board of Governors under the provisions of the West Pakistan Government Educational and Training Institutions Ordinance, 1960;

(b) take over the college permanently;

(c) take such other action as it may deem to be expedient.

18. Appointment of foreign nationals.- Notwithstanding anything contained in sections 4,8,9 and 19 and the rules made under this Ordinance, no person who is a foreign national shall be appointed to the teaching or administrative staff or elected or nominated to the Governing Body of a college without the prior approval of Government.

19. Protection of rights secured by agreement, custom or usage,- (1) The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, instrument, articles of association, deed or other document.

(2) Save as provided in section 18 nothing in this Ordinance shall affect any agreement, custom or usage in force Immediately before the commencement of this Ordinance in so far as such agreement, custom or usage ensures Conditions of

employment more favorable to the teachers of the college than those prescribed by the rules made under this Ordinance.

20. Indemnity.- (1) No suit or legal proceedings shall lie against Government in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

(2) No suit, prosecution or other proceedings shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

21. Exemption.- (1) Government may by notification in the official Gazette, on the recommendation of the Tribunal to be constituted for the purpose, exempt any college from the operation of all or any of the provisions of this Ordinance for a period which shall not be less than three and not more than five years at a time.

(2) The constitution, term of office and the procedure of the Tribunal referred to in sub-section (1) shall be such as may be prescribed.

22. Power to make rules.- (1) Government may, by notification in official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In Particular and without prejudice to the generality of the foregoing powers such rules may provide for-

(a) appointment, confirmation, promotion and security of service of the teachers;

(b) pay scales and allowances payable to teachers;

(c) grant of leave, medical assistance and other amenities to teachers;

(d) contributory provident fund benefits for the teachers;

(e) provision of facilities to students, fixation of fees and funds to be realized from students;

(f) grant of fee concession and scholarships to students;

(g) establishment and functioning of Teachers' Association and Student- Teacher Council;

(h) constitution, terms of office and the procedure of the Tribunal;

(i) election of the Chairman; and.

(j) any other matter which has to be or may be prescribed.

23. Power to make regulation. — (1) The Governing Body may frame regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder, to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such regulations may provide for:-

(a) procedure to be followed at meetings of the Governing Body and the quorum required at such meetings;

(b) notice on which an ordinary or special meeting may be convened;

(c) time and place at which meetings of the Governing Body may be held:

(d) the manner in which the minutes shall be circulated and confirmed;

(e) any other matter required under any of the provisions of this ordinance to be prescribed.