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ISLAMABAD, TUESDAY, MARCH 19, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 19th March, 2013

No. F. 9(1)/2013-Legis.—The following Act of Majlis-e-Shoora

(Parliament) received the assent of the President on 16th March, 2013, is hereby published for general information:—

ACT NO. XI OF 2013

An Act to provide for the registration, regulation and functioning of private educational institutions in Islamabad Capital Territory

Whereas, it is expedient to regulate the functioning of private educational institutions in the Islamabad Capital territory and to provide for the registration of such institutions ensuring adequate transparency and proper discipline and for matters connected therewith or incidental thereto; F

It is hereby enacted as follows:—

(91)

(340 (13VEx. Gaz} Price ; Rs.10.50

1, Short title, extent and commencement.—(!) This Act may be called the Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Act, 2013.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) "Authority" means the Islamabad Capital Territory Private Educational Institutions Regulatory Authority (ICT-PEIRA) established under section 3;

(b) "Board" means the Federal Board of Intermediate and Secondary Education, Islamabad;

(c) "Chairman" means the Chairman of the Authority;

(d) "college" means a privately managed college imparting education for intermediate or higher secondary education or equivalent;

(e) "Government" means the Federal Government;

(f) "institution" means a privately managed school, college, tuitions centre or an institution imparting education upto intermediate or higher secondary school level or equivalent;

(g) "member" means the member of the Authority;

(h) "prescribed" means prescribed by rules or regulations made under this Act;

(i) "privately managed" means an institution which is not owned or managed by a Government, 2 local body or a body set up or controlled by the Government; and

(j) "school" means a privately managed school or tuition centre imparting education at pre-primary level including day-care centre and from pre- primary level to secondary education level or equivalent.

3. Establishment of the Authority.—{1) There shall be established an Authority to be known as the Islamabad Capital Territory Private Educational Institutions Regulatory Authority (ICT-PEIRA).

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act to enter into contracts, acquire and hold property, both movable and immovable, and shall by the said name sue and be sued,

4. Aims and objectives of Authority—The aims and objectives of the Authority shall be to register and regulate privately managed educational institutions in the Islamabad Capital Territory to ensure that such institutions follow a uniform policy that includes,—

(a) curricula according to Federal scheme of studies;

(b) duration of academic session and holidays or vacations;

(c) determination and fixation of rate of fee being charged by the institutions, qualifications of teaching staff, their terms and conditions

of service including salaries and mode of payment of their salaries;

(d) promotion of curricular and co-curricular activities on inter-institutional basis;

(e) achievement of fair measure of uniformity of academic standards and evaluation among the institutions;

(f) capacity building of teachers; and

(g) performance of such other functions as may be incidental or conducive, to the attainment of the aforementioned objectives,

5. Functions and power of the Authority—{1) the functions and powers of the Authority shall be,—

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

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to register and regulate, private educational institutions in Islamabad Capital Territory including fixation of grade-wise rate of admission fee, security fee, monthly Guition fee and other fees being charged by private educational institutions;

to cause inspections to be made by such persons as the Authority may nominate of institutions applying for registration or of registered institutions;

to withdraw registration if it is satisfied after the inspection that the management and instructions in an institution are not of Prescribed

standard and are in violation of the provisions of this Act;

to check qualifications of teaching staff and their terms and condilions of service;

to fix, demand and receive such fee for registration and inspection of the 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;

19 ensure that the building of the institution is adequate and its structure is sound (o house the students;

to arrange for the annual audit of the accounts of the Authority;

to execute any other important matter concerning its functions as may be incidental or conducive to the exercise of aforesaid powers and performance of functions; and

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

to prescribe fines to be imposed for, violation of any of the' provisions conferred upon the Authority under, this section.

The Authority shall perform such other functions as may be assigned

toit by the Government including the appointment of staff and determination of their

terms and conditions of service for proper execution of the functions assigned to the Authority under this Act.

(3) In discharge of its functions the Authority shall be guided on questions of policy given to it from time to time by the Government.

(4) All the law enforcement agencies shall come in aid of the Authority in exercise of its powers and performance of its functions.

6. Composition of the Authority.—The Authority shall consist of a Chairman, two Members possessing qualifications and experience as may be prescribed:

Provided that the Government may at any time increase the number of members and by notification in the official Gazette, prescribe the qualifications and mode of their appointment.

7 Appointment, functions and powers of Chairman.—(1) The Chairman and the members shall be appointed by the Government on such terms and conditions as it may determine.

(2) The Chairman shall be the chief executive officer of the Authority, who shall ensure the observance of the provisions of this Act and the rules, regulations and policy made there under.

(3) The Chairman shall take all possible steps to ensure that the funds of the Authority are spent judiciously and properly.

8. Maintenance of accounts and audit.—The Authority shall maintain complete accounts of income and expenditure in such manner and form as the Government, in consultation with the Controller General of Accounts, may determine. The accounts shall be audited by the Auditor General of Pakistan annually.

9. Funds.—(1) The Authority shall be a self-financing body. In addition to this, the Government shall allocate annual grant which shall be at the disposal of the Authority, to meet all the expenses including pay and allowances of the staff.

(2) The Authority shall have a Fund to which shall be credited all income including income from inspection fee, registration fee, security fee, fine, other sources

and annual grant from the Government, and account therefore shall be maintained in a scheduled bank,

10. Staff's pay and allowances.—(1) The pay and allowances of the staff shall be such as are in force in the Board or other similar regulatory authorities of the Government.

(2) The Authority may appoint such staff as may be prescribed under rules for carrying out its functions,

11. Directions from Government.—The general direction and administration of the affairs of the Authority shall vest in the Chairman and members. The Government 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.

12. Establishment or continuance of an institution. —No institution shall be established or continued except in accordance with the provisions of this Act.

3. Application for registration of an institution.—(1) Any person intending to establish or continue any existing institution shall make an application to the Authority in the prescribed form accompanied by such documents and fee as may be prescribed.

(2) An existing institution may continue to function for a period not exceeding ninety days from the commencement of this 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 a private educational institution with the Board or any foreign board or any other examining, body shall be subject to registration with the Authority,

4. Inquiry and recommendation about the application.—(1) The Authority may, on the receipt of an application under section 13 constitute an Inspection Committee to make inquiry about such matters as may be prescribed.

(2) The Inspection Committee shall submit its recommendations to the Authority within thirty days of the receipt of the application by it under sub-section (1),

(3) The Authority shall, after considering the report of the Inspection Committee and after making such further inquiry, as it considers necessary, either grant or reject the application.

(4) The Authority shall record reasons for granting or rejecting the application:

Provided that no order of refusal shall be made without giving the person concerned an opportunity of being heard.

15. Monitoring, inspection, etc.—(1) An institution shall be subject to monitoring by the Authority and for this purpose the Government or any officer or authority authorized by it may inspect any institution with a view to ensuring that such an institution is maintained in accordance with the provisions of this Act, the rules and the terms and conditions of the certificate of registration and the management of the institution shall afford all facilities for carrying out a proper inspection.

16. Cancellation or suspension of certificate of registration—(1) Where the Authority, on receipt of a complaint or otherwise, after making such inquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Act, the rules or terms or condition of the 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 the person concerned to rectify such default within the specified period.

(2) On the cancellation or suspension of the certificate of registration, the Authority may 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 registration under this section, the institution shall be closed down by the Authority.

or suspends or cancels 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, Ministry of Capital Administration and Development and the order passed by him shall be final and given effect to by the Authority.

18. Annual reports—(1) The institutions shall furnish to the Authority 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. 5

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

(3) The Authority 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.

19. Penalty—Subject to the provisions of section 13, whoever runs an institution in contravention of the provisions of this Act or the rules made there under shall be punished with imprisonment which may extend to one year or with fine which may extend to five thousands rupees for each day during the period the offence continues, or with both.

20. Cognizance of offence—No court shall take cognizance of an offence under this Act except upon a complaint in writing made by the Authority or any other authorized by it in this behalf and no court inferior to that of a Magistrate of the First Class shall try any such offence,

21. Indemnity.—No suit or legal proceedings shall lie against the Government, the Authority or any person acting under this Act for anything which is done in good faith or intended to be done under this Act.

22. Power to make rules.—The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

23. Power to make regulation.—A board may, with the prior approval in writing of the Government, make such regulations as appear to it to be necessary for carrying out the purposes of this Act,

24. Removal of difficulties.—If any difficulty arises in giving effect to any provisions of this Act, the Government may make such order, not inconsistent with the express provisions of this Act, as may appear to it necessary or expedient for the purpose of removal of the difficulty,

IFTIKHAR ULLAH BABAR,
Secretary.

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