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THE SINDH PRIVATE COLLEGES (MANAGEMENT AND CONTROL) ORDINANCE, 1970

SINDH ORDINANCE NO. X OF 1970

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[18th November, 1970]

An Ordinance to provide for control over and management of private Colleges in Sindh.

Preamble.

WHEREAS it is expedient to make provisions to enable the private colleges in Sindh to maximise their academic efficiency, to stream-line 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 Sindh is pleased to make and promulgate the following Ordinance :-

Short title, extend commencement and application.

1. (1) This Ordinance may be called the [1]Sindh Private Colleges (Management and Control) Ordinance, 1970.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once, except section 20, which shall come into force on and from 1st December, 1971.

(4) It shall apply to all private colleges.

Definitions.

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

(a) "affiliated to a University" includes admitted to the privileges of a University;

(b) "Board" with reference to a technical college, means the [2][Sindh] Board of Technical Education, and with reference to any other college, means the Board of Intermediate and Secondary Education, within the territorial jurisdiction of which the college is located;

(c) "Chairman" means Chairman of the Governing Body;

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[1] Substituted word **Sind** by **Sindh** wherever occurring by Sindh Act No. XVIII of 2013, dated 19th March, 2013.
[2] Substituted word by Sindh Adaption of Laws Order of 1975, dated 22nd July, 1975.

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(d) "College" means a college or an institution recognized by a Board for the purposes of education at the Intermediate level or affiliated to a University for the purpose of higher education, and includes a technical college;

(e) "competent authority" means

(i) In the case of a technical college the Director of Technical Education; and

(ii) In the case of any other college, the Director of education of the Region in which such college is situated;

(f) "Governing Body" means the Governing Body of a college constituted in accordance with the provisions of section 4;

(g) "Government" means the Government of Sindh;

(h) "member" means a member of the Governing Body;

(i) "private college" means any college other than a college managed or run by-

(i) Government;

(ii) a local body, a Cantonment Board or a University; or

(iii) a Board of Governors appointed under the provisions of the [1][Sindh] Government Educational and Training Institutions Ordinance, 1960, or any other law for the time being in force in the province.

(j) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(k) "Parent Body" means the person who, or the association of persons which, founded, established

[1] Substituted word by Sindh Adaption of Laws Order of 1975, dated 22nd July, 1975.

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or was, immediately before the commencement of this Ordinance, maintaining and managing the college;

(l) "Principal" means the Principal of a college;

(m) "registered benefactor" with reference to a college means a person who at any time after the commencement of this Ordinance donates in lump sum an amount not less than fifteen thousand rupees to the college fund, and includes a person who at any time after the fourteenth August, 1947, has donated to the college such amount in lump sum and whose name is entered in a register of donors maintained by the Parent Body;

(n) "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 of the college;

(o) "Technical College" means a college, institute or other institution in Sindh recognised by Government or by the [1][Sindh] Board of Technical Education for technical or commercial education, and includes a Polytechnic Institute, Technical Institute, Commercial Institute and any other institute or college imparting technical training at degree or diploma level.

Establishment of Governing Body.

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

Constitution of Governing Body.

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

(i) the Principal of the college;

(ii) three teachers to be elected by the Teachers of the college from amongst themselves;

[1] Substituted word by Sindh Adaption of Laws Order of 1975, dated 22nd July, 1975.

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(iii) four members to be nominated by the Parent Body;

(iv) two nominees of the competent authority;

(v) one nominee of the Syndicate of the University in the case of a college affiliated to the University;

(vi) one nominee of the Board in the case of a college recognized by the Board for the purpose of education at the Intermediate level; and

(vii) one nominee of the registered benefactors.

(2) 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) The Chairman and the members, other than the Principal, shall, subject to the provisions of section 5, hold office for a period of three years, and shall be eligible for re-nomination and re-election, as the case may be.

Removal and resignation of Member and Chairman.

5. (1) The Chairman may resign his office by forwarding his resignation to the Secretary of the Governing Body, and a member may resign his office by tendering his resignation to the Chairman.

[1][(1-A) The Chairman or a member may be removed from office for such reasons and in such manner as may be prescribed:

Provided that no order of removal shall be passed unless the Chairman or member, as the case may be, is given an opportunity of being heard.]

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

Filling of casual vacancies.

6. If a vacancy in the office of the Chairman or a member occurs during his term of office, by death, resignation, disability or

[1] Inserted sub-section by Sindh Ordinance No. XVIII of 1984, dated 27th September, 1984.

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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.

Meetings of Governing Body.

7. 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.

Powers and duties of Governing Body.

8. (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 have the power to 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 recognised 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, as applicable to the college, are observed;

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

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

(d) that the accounts of the college are maintained in the prescribed form and audited in the prescribed manner.

Powers and duties of the Principal.

9. (1) Subject to the provisions of this Ordinance and the rules made thereunder, the Principal shall, under the general control and supervision of the Governing Body, 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 and making temporary or officiating appointments of not more than three months' duration.

(2) The Principal shall maintain a register in the prescribed form, wherein shall be entered the names of all registered benefactors of the college and the amounts donated by each of them.

Submission of statement.

10. (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 recognized by a Board, or affiliated to a University, if the college has come into existence after the commencement of this Ordinance.

(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.

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Explanation— For the purpose 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 property used by the college and owned by or vesting in the Parent Body.

College Fund.

11. 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) contributions made by the Parent Body;

(d) contributions or grant-in-aid given by Government; and

(e) income from all other sources.

Bar to derive financial benefits.

12. 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 and regulations made under this Ordinance.

Inspection.

13. (1) The competent authority may inspect a college or cause it to be inspected from time to time by one or more persons authorised 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 Ordinance and the rules and regulations made thereunder.

Staff Council.

14. There shall be a Staff Council in the college consisting of the Principal as Chairman and four other senior-most teachers as members, to advise on the day to day affairs of the college and on other matters mentioned in section 9.

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15. (1) There shall be Students-Teachers Council in the college consisting of- **Students Teachers Council.**

(i) the Principal;

(ii) two teachers to be elected in the prescribed manner by the teachers of the college from amongst themselves, 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.

16. 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 fails to take any action which it has been called upon to take by the competent authority under section 13, or it is conducted in a manner which is prejudicial to the interests of education, Government may, after giving the Parent Body as well as the Governing Body an opportunity to show cause against the proposed action- **Dissolution of Governing Body and taking over of college.**

(a) dissolve the Governing Body and appoint a Board of Governors consisting of not more than nine members, which shall perform the functions and duties to be performed by the Governing Body under this Ordinance;

(b) take over the college; or

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

17. Notwithstanding anything contained in sections 4, 8, 9 and 18 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. **Appointment foreign nationals.**

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18. **Protection of rights secured by agreement, custom 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 17, 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 favourable to the teachers of the college than those prescribed by the rules made under this Ordinance.

19. **Indemnity.**

No suit or legal proceedings shall lie against Government, the competent authority or any other person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

20. **Exemption.**

(1) Government may by notification in the official Gazette, on the recommendation of a 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.

21. **Power to make rules.**

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

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

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

(b) minimum pay admissible to teachers;

(c) contributory provident fund benefits for the teachers;

(d) the maintenance of accounts of college and their audit;

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(e) election and removal of the Chairman; and

(f) any other matter required under any of the provisions of this Ordinance to be prescribed by rules.

Power to make regulations.

22. (1) The Governing Body shall 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 shall provide for-

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

(b) the 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) subject to the rules, the pay scales, allowances, leave and other benefits to be admissible to teachers;

(f) provision of facilities to students, fixation of fees and other sums to be realized from students;

(g) grant of fee concessions and scholarships to students;

(h) establishment and functioning of the Students-Teachers Council; and

(i) any other matter required under any of the provisions of this Ordinance to be prescribed by regulations.

[1][23. ***]

[1] Omitted section by Sindh Act No. XVII of 1975, dated 25th August, 1975.

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FORM

STATEMENT TO BE FURNISHED BY PARENT BODY OF A COLLEGE
(*See* section 10)

1. GENERAL

1. Name of the Institution.

2. Location and address of the Institution.

3. Establishment of the Institution: -

    (a) Date of starting.

    (b) Date of recognition by the Board of Intermediate and Secondary Education concerned in case of Matriculation and Intermediate, of the [1][Sindh] Board of Technical Education in the case of a technical college.

    (c) Date of affiliation to the University for Degree Classes.

    (d) Date of affiliation for post-graduate classes and other subjects in which affiliation granted.

4. Medium of instruction followed.

II. MANAGEMENT

1. Is the Managing Body (Parent Body) registered with the Registrar, Joint Stock Companies under the Societies Registration Act, 1860.

2. Chief Authority/Agency under whose control the institution is working.

3. Attach: -

    (a) List of members of the Managing Body with their address.

    (b) A copy of the Constitution/Constitutions.

[1] Substituted word by Sindh Adaption of Laws Order of 1975, dated 22nd July, 1975.

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III. STAFF

1. Attach statement showing full particulars regarding qualifications, teaching experience, field of specialization, salary and scale of each member of the teaching staff.

2. Are the teachers employed on written agreement? If so, attach a copy of the agreement.

3. Has the institution made provision for Provident Fund or Pension (or both) for teachers?

4. What is the percentage of contribution made by the institution wards Provident Fund?

5. Attach copy of the Service Rules of the Institution.

IV. FINANCES

Details of Receipt and Expenditure for the year ending 30th June, 1970

Income	***Amount***	***Expenditure***	***Amount***
1. Grants-in-aid from Government		1. Administrative.	
2. Development Grant (Specify the purpose)-		2. Teaching staff.	
(a) From Government.			
(b) From Evacuee Trust Board.			
(c) From any other source.			
3. Total income from subscription/ contribution/ endowments.		3. Ministerial Staff.	
4. From Tuition Fee.		4. Menial staff.	
5. From Different Funds.		5. Rent of School building.	
6. Contribution by the Parent body.		6. Electricity and water charges.	

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7. From any other source (Specify).		7. Miscellaneous (Specify)	
		(a) Repair of buildings.	
		(b) Telephone.	
		(c) Furniture.	
		(d) Library.	
		(e) Scholarships.	
		(f) Sports.	
		(g) Any other item of expenditure.	
Total Receipts		**Total Expenditure**	

ASSETS AND LIABILITIES

Assets	***Amount***	***Liabilities***	***Amount***
1. Details of immovable property.		1. Loans, if any.	
2. Trusts and Endowments.		2. Over-Draft at bank.	
3. Cash in Bank.		3. Rent of the Building, if hired.	
4. Cash with Manager or Treasurer.		4. Any other liability (Specify).	
Total		**Total**	

V. BUILDINGS

1. Attach plan of buildings.

2. Does the institution possess buildings of its own? If yes, attach transfer deed.

3. Are the buildings acquired on long lease? If so, a copy of the lease deed should be attached.

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4. List showing details of—

(a) Class rooms giving size of each room.

(c) Laboratories.

(d) Library.

VI. HOSTEL (IF MAINTAINED)

1. Maximum number of boarders who can be accommodated.

2. Arrangement for medical aid.

3. Status of the Superintendent/Warden.

4. Does the Superintendent/Warden reside inside or near the hostel?

5. Sanitary and hygienic condition of the hostel.

VII. PLAY GROUNDS

Are there playgrounds attached to the institution? Please specify the area of different play fields.

VIII. FURNITURE

Attach the list of main items of furniture which are used by the students.