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SINDH ORDINANCE NO.II OF 2002

HE SINDH PRIVATE EDUCATIONAL INSTITUTIONS (REGULATION AND CONTROL) ORDINANCE, 2001

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SINDH ORDINANCE NO.II OF 2002

THE SINDH PRIVATE EDUCATIONAL INSTITUTIONS (REGULATION AND CONTROL) ORDINANCE, 2001

[5th January, 2002]

An Ordinance to provide for the regulation and control of private educational institutions in the Province.

Preamble.

WHEREAS it is expedient to provide for the regulation and control of private educational institutions in the Province;

AND WHEREAS The Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999 and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, 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 and commencement.

1. (1) This Ordinance may be called the Sindh Private Educational Institutions (Regulation and Control) Ordinance, 2001.

(2) It shall come into force at once.

Definitions.

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

(i) "existing institution" means an institute or institution in existence on the commencement of this Ordinance;

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

(iii) "institution" means a private managed University, College, School, technical, professional vocational or commercial institution imparting any type of education by any system of education or medium of instruction;

(iv) "prescribed" means prescribed by rules made under this Ordinance;

(v) "private managed" means not owned or managed by Government or by any body or authority set up or controller by Government;

(vi) "rules" means rules made under this Ordinance;

(vii) "Registering Authority" means in the case of schools, the Director of School Education of the region; or in the case of technical education or vocational education, the Director of Technical Education, Sindh, or in any other case, any person or authority appointed as such by Government.

Establishment of continuance of an institution.

3. No institution shall be established or continued except in accordance with the provisions of this Ordinance.

Application for registration of an institution.

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

(2) Any existing institution may continue to function for a period not exceeding ninety days from the commencement of this Ordinance and where an application is made under sub-section (1) until the application is rejected or if any appeal is preferred under section 9 until the decision of the appeal.

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

Enquiry and recommendation about the application.

5. (1) The Registering Authority may, on the receipt of an application, under section 4 constitute an Inspection Committee to make enquiry about such matters as may be prescribed.

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

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

(4) The Registering 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.

Registration of on institute.

6. (1) Where the Registering Authority grants the application, it shall register the institution and issue a certificate of registration to the application in such form and containing such terms and conditions as may be prescribed;

Provided that—

(i) No donation, from a student, voluntary or otherwise, for development projects of an institution shall be permissible;

(ii) The fee structure of an institution shall not be interfered with by the Registering Authority but fee shall not be increased during the course of an Academic year;

(iii) The facilities allowed to a student at the time of admission shall not be subsequently withdrawn or reduced.

(2) The Registering Authority shall maintain a register containing such particulars of an institution which is registered and granted certificate of registration, as may be prescribed.

(3) The person to whom the certificate of registration is issued shall be responsible for due compliance of the provisions of this Ordinance, rules, the terms and conditions of the certificate of registration and orders, if any passed or instructions issued from time to time by the Registering Authority.

Monitoring, Inspection, etc.

7. (1) An institution shall be subject to monitoring by the Registering Authority and for the purpose the Registering Authority or any person authorize by it may enter and inspect any institution with a view to see that such institution is maintained in accordance with the provisions of this Ordinance, 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.

(2) The Registering Authority or the authorized person after inspection may pass such orders as deemed fit and the orders so passed shall be binding on and to complied with by the person to whom the certificate of registration is issued.

Cancellation or suspension of certificate of registration.

8. (1) Where the Registering Authority, on receipt of a complaint or otherwise, after making such enquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Ordinance or rules or term or condition of the certificate of registration or any order passed or instruction issued by the Registering 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 is capable of being 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 Registering Authority, may, without prejudice to any action that may be taken under the Sindh Private Schools (Management and Control) Act, 1974 make such orders and take such action with respect to the completion of the current education term as may be considered necessary.

Appeal.

9. Where the Registering Authority rejects an applications for registration or suspends or cancels the certificate of registration the aggrieved person may, within thirty days from the date of the order of the Registering Authority, prefer an appeal to Government and the order passed by Government shall be final and given effect by the Registering Authority,

Annual reports.

10. (1) The institutions shall furnish to Government each year 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 Registering Authority.

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

Penalty.

11. Subject to the provisions of section 4, whoever runs an institution in contravention of the provisions of this Ordinance or rules shall be punished with imprisonment which may extend to one year or wit fine which may extend to five hundred rupees for each day during the period offence continues or with both.

Cognizance of offence.

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

13. No court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to any direction issued or order made in respect of an institution or for anything done or intended to be done under this Ordinance.

Indemnity.

14. No suit or legal proceedings shall lie against Government, Registering Authority or any person acting under this Ordinance for any thing which is in good faith, done or intended to be done under this Ordinance.

Rules.

15. (1) Government may make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such rules shall provide for—

(a) the procedure to be followed for settlement of dispute arising between the parents or guardian of a student or teachers or other staff of an institution and its management;

(b) the pay scales allowances, leave and other benefits to be admissible to teachers and other staff of an institution;

(c) provisions of facilities to students, fixation of tuition fees and other sums to be realized from the students of an institution;

(d) grant of fee concessions and scholar ships to the students of an institution;

(e) establishment and functions of the teachers employed in an institution; and

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

Amendment of section 12 of Sindh Ordinance No.XVI of 1970.

16. In the Sindh Board of Technical Education Ordinance, 1970, in section 12, in sub-section (2), in clause (i) the words "and also to regulate the development of technical, vocational, industrial and commercial education below degree level by compulsory registration thereof" shall be omitted.

Repeal.

17. The Sindh Registration of Un-Recognized Educational Institutions Ordinance, 1962 is hereby repealed.