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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta, the 07th October, 2022.

No.PAB/Legis:V(33)/2022/9047. The Balochistan Private Educational Institutions, Registration, Regulation and Promotion Bill, 2022 (Bill No.33 of 2022), having been passed by the Provincial Assembly of Balochistan on 24th September, 2022 and assented to by the Governor Balochistan, on 03rd October, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

**THE BALOCHISTAN PRIVATE EDUCATIONAL INSTITUTIONS
REGISTRATION, REGULATION AND PROMOTION ACT, 2022**
ACT NO. XXVIII OF 2022.

**AN
ACT**

to provide for registration, regulation and promotion of the private educational institutions and matters connected therewith or incidental thereto.

Preamble.

WHEREAS, it is expedient to provide for registration, regulation and promotion of the private educational institutions and matters connected therewith or incidental thereto:

It is hereby enacted as under:

**Short title,
extent and
commencement.**

1. (1) This Act may be called “the Balochistan Private Educational Institutions Registration, Regulation and Promotion Act, 2022”.

(2) It shall come into force at once.

Definitions.

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

(a) “Act” means the Balochistan Private Educational Institutions Registration, Regulation and Promotion Act, 2022;

(b) “District” means a District as notified by the Government under the provision of the Balochistan Land Revenue Act, from time to time, with such justification as described in the notification;

- (c) “District Education Officer” means such officer as the Government may appoint in this behalf;
- (d) “Fee” means, -
 - (i) in relation to the registration of an institution, the amount fixed by the Government to be paid by the institution with the application for registration or renewal thereof; and
 - (ii) in relation to the students and parents, admission fee, tuition fee, security fee, laboratory fee, library fee or any other amount charged by an institution from a student monthly or annually;
- (e) “Form” means forms prescribed by the Government for registration of an institution.
- (f) “Government” means the Government of Balochistan;
- (g) “Inspection Committee” means a committee constituted under section 4 of this Act;
- (h) “Incharge” means and includes owner, Headmaster, Principal, Manager or a person responsible for management of affairs of the institution irrespective of designation;
- (i) “Institution” means a privately managed college, higher secondary school, high, middle or primary school not owned or managed by a local body, Provincial Government or Federal Government;
- (j) “Monitoring Committee” means a committee constituted under section 7 (1) of this Act;
- (k) “Prescribed” means prescribed by rules made under this Act;

- (l) “Registering Authority” means, -
- (i) in relation to a Primary, Middle, Secondary and Higher Secondary School, the Director Education (Schools), Balochistan;
 - (ii) in relation to an Intermediate or Degree College or Academy, the Director (Colleges) Balochistan;
 - (iii) in relation to a Monotechnic/ Polytechnic Institute, College of Technology, or Technical College, the Director Technical Education, Balochistan; and
 - (iv) in relation to an institution imparting pre-service Teachers Training, the Director Bureau of Curriculum and Extension Centre, Balochistan;
- (m) “Rules” means the rules made under this Act; *and*
- (n) “Secretary” means the Secretary to the Government of Balochistan Education Department, (Colleges or Secondary Education) as the case may be.

**Compulsory
Registration of
Institutions.**

3. (1) All institutions functioning in Balochistan even if registered under any law, shall be registered under this Act.

(2) The Incharge of an Institution shall, before the commencement of business by the institution, register the institution with the Registering Authority under this Act.

(3) The Incharge of an existing institution shall also make an application to the Registering Authority, for registration of the existing Institution on the prescribed form, accompanied by such documents and fee as may be prescribed.

(4) An existing institution may continue to function for a period not exceeding 120 days from the commencement of this Act and where an application is made under sub-section (3) where until the application is rejected or any appeal is preferred under section 10, until the decision of the appeal.

**Inspection
Committee.**

4. (1) The Registering Authority shall constitute an Inspection Committee for each District as under:-

- (a) in relation to a primary, middle, high or higher Secondary School, -
 - (i) District Officer Education;
 - (ii) Additional Deputy Commissioner (General);
 - (iii) Deputy District Officer Education (male); and
 - (iv) Deputy District Officer Education (female);
- (b) in relation to a Deeni Madrisa,-
 - (i) District Officer Education;
 - (ii) Additional Deputy Commissioner (General);
and
 - (iii) an officer of the Religious and Minority Affairs Department not below (BPS-17) nominated by the Government;
- (c) in relation to a College, -
 - (i) Additional Director of Colleges and Higher Education;
 - (ii) Additional Deputy Commissioner (General); *and*
 - (iii) Principal of a Degree or Inter College nominated by the Director Colleges & Higher Education;
- (d) in relation to Technical Education or Commerce, -
 - (i) Principal of a Government Polytechnic Institute nominated by the Director Technical and Vocational Education;

- (ii) Additional Deputy Commissioner (General);
and
 - (iii) Principal of College of Technology Quetta;
- (e) in relation to a teacher training institution the following nominees of Director Bureau of Curriculum and Extension Centre, -
- (i) Additional Director, Bureau of Curriculum and Extension Centre;
 - (ii) Additional Deputy Commissioner (General);
and
 - (iii) Principal of an Elementary College of Education.

(2) The committee shall inspect the institution and make enquiries and submit recommendations with justification regarding award of registration certificate or otherwise.

(3) The Inspection Committee shall submit its report within twenty days of the receipt of directives of the Registering Authority.

(4) The Registering Authority shall, after considering the report of the inspection committee and making any other enquiries as it deems necessary, either grant or reject the application.

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

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

Registration of Institution.

5. (1) Where the Registering Authority grants registration, it shall register the institution and issue a certificate with terms and conditions prescribed: Provided that,-

- (i) the fee structure of the institution shall be developed by the Registering Authority on recommendation of the Inspection Committee and rates of fee shall be commensurate with the services provided to the student;
- (ii) the rate of admission fee and registration fee shall not be more than 50% of the monthly fee;
- (iii) the breakup of fee structure shall be provided to the student;
- (iv) the fee structure and rate of fee shall not be changed without approval of the Registering Authority;
- (v) no change in the fee structure and rates of fee shall be made during an academic year;
- (vi) in case of admission of siblings of first child in the same school fee of all children including the first one shall be half;
- (vii) in case an institution desires a change in the fee structure or rate of fee, it shall submit an application with justification, 90 days before the commencement of new academic year:

Provided that total fee shall be reasonably increased but not more than 5% on the existing fee;

Provided further that the total fee charged on monthly basis shall not be more than Rs. Ten Thousand;

- (viii) the facilities allowed to a student at the time of admission shall not be subsequently withdrawn or reduced;
- (ix) no donation from a student or parent, voluntary or otherwise for a development project or for celebration of an event shall be permissible;
- (x) the curriculum, courses of studies, textbooks prescribed or approved by the Government shall be used;
- (xi) the teaching staff of the institution possesses academic and professional qualifications as prescribed by the Government;
- (xii) salaries of teachers and other staff shall not be less than as approved by the Registering Authority;
- (xiii) the institution shall be affiliated with Balochistan Examination and Assessment Commission, Board of Intermediate and Secondary Education, or a University in Balochistan commensurate with level of the institution;
- (xiv) the institution shall promote national and local culture including regional languages;
- (xv) the institution shall not promote a particular religion, sect, race, community or political party;
- (xvi) the institution shall arrange to conduct annual audit of its accounts and audit report shall be submitted to the Registering Authority;

- (xvii) the institution shall not accept any grant, loan, donation or any other benefit from a foreign government or International Non-Governmental Organization without prior approval of the Government;
 - (xviii) the institution shall have a managing body called by whatever name;
 - (xix) the teaching staff may be appointed on whole time basis; *and*
 - (xx) no institution shall be established in lanes or residential areas. However, the same may be established on main boulevards.
- (2) The registration of an institution shall stand cancelled, if –
- (a) the location of the institution is changed without prior approval of the Registering Authority;
 - (b) the institution is sold out, partially or on the whole, to any other organization without prior approval of the Registering Authority;
 - (c) the institution ceases to exist;
 - (d) the nomenclature of the institution is changed;
 - (e) the level of the institution is raised or lowered;
 - (f) 50% of the teaching staff is changed without prior approval of the Registering Authority; *and*
 - (g) the institution fails to comply with the provisions of this Act.

Responsibility of Compliance.

6. The owner, principal, headmaster, incharge of the institution shall be responsible to comply with the terms and conditions of registration or directive issued by the Registering Authority or the instruction issued at the time of inspection.

**Monitoring
Committee.**

7. (1) The Secretary shall constitute one or more monitoring committees or depute an officer not below the rank of BPS-18 for surprise visits and monitoring of the institution.

(2) An institution shall be subject to inspection by the Registering Authority prior to or after registration through nominated officer or monitoring committee.

(3) The institution shall be open for inspection and monitoring of its record, teaching process, instructional materials, co-curricular activities and physical facilities.

(4) The monitoring committee or officer nominated shall record findings, instructions, suggestions and recommendations in the logbook of the institution.

(5) The institution shall submit a report to the Secretary and Registering Authority regarding the compliance of the instructions, suggestions and recommendations of the monitoring committees or an officer nominated for inspection and monitoring.

**Suspension or
Cancellation of
Registration.**

8. (1) On receipt of a complaint or otherwise if the Registering Authority, after making such inquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Act, or rules or terms and conditions of registration or any order passed or instructions issued by the Registering Authority, it may after giving an opportunity to the person responsible, of being heard, suspended or cancelled the registration with justification.

Provided that where the default is remediable no order shall be made unless an opportunity is provided to the owner or in charge to rectify such default within the period specified.

(2) On suspension or cancellation of registration, the Registering Authority may, without prejudice to any action that may be taken under this Act, make such orders and take such actions with respect to the completion of the current academic term or session as may be considered necessary.

Penalties.

9. (1) If an in-charge of an institution contravenes any Provisions of the Act or the rules, the Registering Authority may, subject to reasonable opportunity of defence, impose administrative penalty which may extend to Ten Thousand Rupees per day from the date the notice of contravention is served on the institutions till such time the contravention is continued.

(2) If the contravention under sub-section (1) continues for more than thirty days, the Registering Authority may in addition to any other action or penalty under the Act, file a complaint against the Incharge in the court of Magistrate of first class.

(3) The Magistrate of first class shall conduct the trial of an offence under this Act, in accordance with the Provisions of chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898) with powers relating to summary trials and notwithstanding anything contained in the said Code may impose punishment of fine which may extend upto Two Hundred Thousand Rupees plus the administrative penalty imposed by the Registering Authority or imprisonment for one year or both.

Appeal.

10. Where the Registering Authority rejects an application for registration or suspends or cancels the registration, the aggrieved person may, within sixty days from the date of impugned order of Registering Authority, prefer an appeal to the Secretary, whose orders shall be final and given effect to by the Registering Authority.

Recovery of amounts due.

11. All money payable by the institution on account of fees or otherwise shall be deposited into the provincial exchequer by the Incharge / institution itself as prescribed by the Government and no money shall be paid directly to the Registering Authority on any account.

Powers to make Rules.

12. The Government may make rules to carry out the purposes of this Act.

Repeal and saving.

13. (1) The Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015 (Act No. XVII of 2015) is hereby repealed.

(2) Notwithstanding the repeal of the Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015 (Act XVII of 2015) (hereinafter referred as the repeal Act), the rules, regulations, bye laws made or saved, orders, Registration Certificate, renewals and notifications issued, anything done, action taken, obligation, liability, penalty of punishment incurred, inquiry or proceeding commenced, person authorized, jurisdiction of powers conferred under any of the provisions of the repeal Act, if not inconsistent with the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.

(TAHIR SHAH KAKAR)

Secretary.

No.PAB/Legis:V(33)/2022/9047.**Dated Quetta the 07th October,2022.**

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(33)/2022/9047.**Dated Quetta, the 07th October, 2022.**

A Copy is forwarded for information and necessary action to: -

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary Government of Balochistan, Secondary Education Department, Quetta.
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.
7. P.S. to Secretary, Balochistan Provincial Assembly.

Special Secretary (Legis:)