



THE WEST PAKISTAN REGISTRATION OF UNRECOGNIZED EDUCATIONAL INSTITUTIONS ORDINANCE, 1962



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SCHEDULE

THE WEST PAKISTAN REGISTRATION OF UNRECOGNIZED EDUCATIONAL INSTITUTIONS ORDINANCE, 1962

WEST PAKISTAN ORDINANCE No. XI OF 1962

[16th April, 1962]

AN ORDINANCE

to provide for the registration of unrecognized private educational institutions in the Province of West Pakistan.

Preamble.— WHEREAS, in order to supervise and regulate the functioning of unrecognized private educational institutions in the Province of West Pakistan, it is expedient to provide for the registration of such institutions;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:—

1. Short title, extent and commencement. (1) This Ordinance may be called the West Pakistan Registration of Unrecognized Educational Institutions Ordinance, 1962.

(2) It shall extend to the whole of the Province of West Pakistan, except the special Areas.

(3) It shall come into force in such area or areas and on such date or dates as Government may, by notification, direct.

2. Definitions. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) “Department” means the Education Department of the Government of West Pakistan;
- (b) “Director” means such officer as Government may appoint in this behalf;
- (c) “Government” means the Government of West Pakistan;
- (d) “prescribed” means prescribed by rules made under this Ordinance;
- (e) “Registering Authority” means—
 - (i) in relation to a college, the Registrar of the University within the territorial jurisdiction of which the college is situated;

- (ii) in relation to a higher secondary, high or middle school for boys or for boys and girls mixed, the Divisional inspector of Schools of the Division in which the school is situated;
- (iii) in relation to a higher secondary, high or middle school for girls, the Divisional Inspectress of Schools of the Division in which the school is situated;
- (iv) in relation to a primary or elementary school for boys or for boys and girls, the District Inspector of Schools of the District in which the school is situated;
- (v) in relation to a primary or elementary school for girls, the District Inspectress of Schools of the District in which the school is situated;
- (f) “unrecognized private educational institution” means a private educational institution having not less than fifty students on its rolls, which has not been recognized by the Department or a Board of Secondary Education or which has not been affiliated to or is a constituent of any of the Universities in the Province, and includes a hostel appertaining thereto.

3. All unrecognized Private educational institutions to be registered. No unrecognized private educational institution shall be established or run unless it is registered in accordance with the provisions of this Ordinance:

Provided that an unrecognized private educational institution in existence on the date of coming into force of this Ordinance may, without registration, continue to function for a period not exceeding ninety days from such date, and in case an application has been made under the next following section, it may continue to function without registration until the application is rejected.

4. Application for Registration. (1) Any person intending to establish an unrecognized private educational institution, and any person intending that an unrecognized private educational institution already in existence should be continued as such, shall make an application to the Registering Authority in the prescribed form accompanied by the prescribed registration fee:

Provided that in the case of any such institution already in existence, the application shall be made within sixty days of the coming into force of this Ordinance.

(2) The Registering Authority, on receipt of the application, shall make such enquiries as it considers necessary to satisfy itself in the case of an institution already in existence that the conditions specified in the Schedule are fulfilled, and in the case of an institution to be established, that the conditions specified in Part A of the Schedule are fulfilled and the management of the institution undertakes to comply with the conditions specified in Part B of the Schedule:

Provided that if the Registering Authority finds that any of the relevant conditions laid down in the Schedule are not fulfilled, it may direct the applicant to fulfil such conditions to its satisfaction within such period as may be specified.

(3) If the Registering Authority as a result of the enquiry made by it is satisfied that the provisions of the last preceding sub-section have been complied with, it shall grant to the person making the application a certificate in the prescribed form, subject to such terms and conditions as it may deem fit to impose, and shall register in the prescribed manner the institution in respect of which the application has been made and endorse the fact of registration on the certificate.

(4) The Registering Authority shall record its reasons for granting or refusing to grant the certificate.

(5) The person to whom the certificate is granted shall be responsible for due compliance with the provisions of this Ordinance and the rules made thereunder and with the terms and conditions, if any, on which the certificate is granted.

5. Cancellation of registration. A certificate of registration issued under sub-section (3) of section 4 may be suspended or cancelled if—

- (a) there is a contravention of any of the provisions of this Ordinance or the rules made there under or any of the terms and conditions imposed; or
- (b) the person to whom the certificate has been granted has failed to comply with the advice or suggestion recorded under section 7 within the specified period; or
- (c) the institution ceases to exist; or
- (d) the institution is shifted to a building or locality not already approved by the Department; or
- (e) the institution is transferred to a managing body not already approved by the Department:

Provided that no order under this section shall be made without giving the person to whom the certificate has been granted an opportunity of being heard.

6. Appeals. Any person aggrieved by an order of the Registering Authority made under section 4 or section 5 may, within thirty days of the order, appeal to such officer or authority as Government may, by notification, appoint in this behalf.

7. Inspection. (1) The Director or any other person authorized by him in this behalf may inspect any unrecognized private educational institution and may give advice or make suggestions for the improvement of the institution.

(2) The note of inspection under the last preceding sub-section shall be recorded in a log book to be kept by the person to whom the certificate of registration has been granted, and such person shall comply with the directions given in the inspection note within sixty days of the recording of the note.

8. Penalties. (1) Whoever runs an unrecognized private educational institution in contravention of the provisions of this Ordinance or the rules made thereunder shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Whoever, having been convicted of an offence under sub-section (1), continues to run the institution without registration shall be punished with fine which may extend to fifty rupees for each day during which the offence continues.

9. Cognizance of offence. No Court shall take cognizance of an offence under this Ordinance except upon complaint in writing made by the Registering Authority.

10. Power to make rules. Government may make rules to give effect to the provisions of this Ordinance.

11. Repeal. The Punjab Education (Control of Unrecognized Private Institution) Act, 1953, and the Registration of Private Schools (Federal Capital) Ordinance, 1958, are hereby repealed.

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[See section 4 (2)]

Conditions for the registration of unrecognized private educational institutions:—

PART—A

- (i) that the location of the institution is suitable;
- (ii) that the institution is under a manager or a duly constituted managing body approved by the Registering Authority;
- (iii) that the teaching staff is qualified and the premises, accommodation, furniture and equipment are suitable;
- (iv) that suitable arrangements are made for compulsory physical training of all pupils except those declared unfit by competent medical authority;
- (v) that the rates of tuition fees and subscriptions charged are not in excess of the scales prescribed or approved by the Department; and
- (vi) that the prescribed records and registers are maintained;

PART—B

- (i) that the prescribed inter-school rules are observed;
- (ii) that students who are on the rolls of a recognized school are not admitted and part time teachers who are on the staff of a recognized school are not engaged;
- (iii) that no pupil who is not on the rolls is allowed to attend the institution;

- (iv) that courses of study prescribed or approved by competent authority are followed;
- (v) that a reasonable standard of efficiency in the instruction is maintained;
- (vi) that the discipline of the institution is satisfactory;
- (vii) that in the case of a high or middle school, the Headmaster is recognized as the sole authority in all matters connected with the internal organization of the institution, including class promotions, teacher's timetable and assignment of work, discipline, freeships, grant of leave and prescription of books; and
- (viii) that in the case of a primary or elementary school, there is at least one whole time teacher provided for every forty pupils in average attendance.



THE PAKISTAN CODE