

Punjab Private Educational Institutions (Promotion And Regulation) Ordinance, 1984

4 of 1984

[12 August 1984]

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Punjab Private Educational Institutions (Promotion And Regulation) Ordinance, 1984

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An Ordinance to provide for the promotion and regulation of private educational institutions Preamble.- Whereas it is expedient to promote and regulate the setting up and management of private educational institutions in the Punjab; NOW, THEREFORE, in pursuance of the proclamation of the 5th day of July, 1977, read with the Laws (Continuance in Force) Order, 1977, (C.M.L.A. Order No. 1 of 1977), and the Provisional Constitution Order, 1981, (C.M.L.A. Order No. 1 of 1981), the Governor of the Punjab is pleased to make and promulgate the following Ordinance: -

1. Short Title, Extent And Commencement :-

(1) This Ordinance may be called the Punjab Private Educational

Institutions (Promotion and Regulation) Ordinance, 1984;

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions :-

In this Ordinance, unless the context otherwise requires-

(1) "Board" means a Board of Education established under any law for the time being in force;

(2) "College" means a college preparing students for intermediate, degree or post-degree level education in any system of education or medium of instruction;

(3) "Government" means Government of the Punjab;

(4) "Institution" means a privately managed college or school or an institution notified as such by the Government;

(5) "Incharge" in relation to an institution means and includes every owner, headmaster, principal, manager or incharge of administration or of teaching and any person responsible for the management and conduct of the affairs of an institution, by whatever name called;

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

(7) "privately managed" means not owned or managed by a local body or by the Government or by the Federal Government or by a body set up or controlled by either of the Governments;

(8) "Registering Authority" means an Officer appointed or authorised by rules to exercise all or any of the powers of the Registering Authority under this Ordinance;

(9) "rules" means the rules made under this Ordinance.

(10) "School" means-

(a) a school, by whatever name called, preparing students from pre-primary to high school education level;

(b) any other institution imparting vocational, commercial, technical or other specialised education leading to a degree, diploma or a certificate recognized by Government, University or a Board of Education; or

(c) an institution for the handicapped; and

(11) "University" means a University established under any law for the time being in force.

3. All Institutions To Be Registered :-

No institution shall be run unless it is registered in accordance with

the provisions of this Ordinance and the rules:

Provided that an institution in existence on the commencing day shall apply for registration within ninety days from that day and may continue to function without registration until the application is disposed of.

4. Exemptions :-

The Government may, by notification, exempt any institution from the application of this Ordinance.

5. District Committee :-

The Government shall, by notification, constitute a District Committee in each district comprising of at least five members to perform such functions and in such manner as may be prescribed.

6. Application For Registration :-

(1) The incharge of an institution may make an application for registration of an institution to such officer and in such form as may be prescribed.

(2) The Officer receiving an application shall forthwith forward the same to the District Committee which, after making such enquiry about such matters as may be prescribed, shall submit its report with its recommendations to the Registering Authority within sixty days of the receipt of the application under sub-section (1).

(3) The Registering Authority shall, after considering the report of the District Committee and after such further enquiry as may be necessary if satisfied that the conditions prescribed for granting registration are fulfilled, issue a Registration Certificate.

(4) No order for refusing to grant a certificate of registration shall be made without giving the applicant an opportunity of being heard and without recording reasons therefor.

7. Conditions Of Registration :-

An institution shall comply with such conditions of registration including payment of fees as may be prescribed.

8. Inspection :-

(1) The Registering Authority or an officer authorised by Government may inspect any institution and may give directions to

require compliance with the conditions prescribed for registration.

(2) The directions under sub-section (1) shall be communicated to the incharge of the institution through an order and such person shall comply with the same within such time as may be specified therein.

9. Cancellation Of Registration :-

A certificate of registration granted under section 6 may be cancelled by the Registering Authority after giving an opportunity of being heard to the incharge of the institution if-

(i) there is a contravention of any of the provisions of this Ordinance or the rules:

Provided that in case of a minor default which can be easily remedied, opportunity may be given to remove the default within a time specified in the order and if it is not removed within the time so specified cancellation shall follow;

(ii) the incharge of the institution has failed within the period specified to comply with any direction issued under the provisions of this Ordinance or the rules; and

(iii) the institution has ceased to exist.

10. Appeal :-

Any person aggrieved by an order made under sections 6, 8 or 9, may within thirty days of the date of receipt of the order, prefer an appeal to such authority as may be prescribed and the decision of the appellate authority in appeal shall be final.

11. Penalties :-

(1) Subject to the provisions of section 3 whoever continues to run an institution without registration or after refusal or cancellation of registration, shall be punished with fine which may extend to one hundred rupees for each day during which the contravention continues.

(2) Where the contravention continues for a period of three months, the institution shall, be liable to closure by the Registering Authority:

Provided that no order under sub-section (2) shall be made without giving to the incharge of the institution an opportunity of being heard.

12. Cognizance Of Offence :-

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

13. Power To Make Rules :-

Government may make rules to carry out the purposes of this Ordinance.

14. Repeal :-

The Punjab Registration of Unrecognized Educational Institutions Ordinance, 1962 (W. P. XI of 1962), is hereby repealed.