

PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

March 04, 2016

No.PAP/Legis-2(99)/2015/1389. The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Bill 2015, having been passed by the Provincial Assembly of the Punjab on February 26, 2016, and assented to by the Governor of the Punjab on March 03, 2016, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB PRIVATE EDUCATIONAL INSTITUTIONS (PROMOTION AND REGULATION) (AMENDMENT) ACT 2016

ACT XVII OF 2016

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated March 04, 2016.]

An Act

to amend the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984.

There is an urgent need to amend the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984 (IV of 1984) for effective management of the privately managed educational institutions, for regulating the fee structure and for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016.

(2) It shall come into force at once.

2. Amendment in section 3 of Ordinance IV of 1984.— In the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984 (IV of 1984), for brevity cited as the said Ordinance, for section 3, the following shall be substituted:

“3. All institutions to be registered.— (1) An Incharge shall, before the commencement of business by the institution, register the institution with the Registering Authority under this Ordinance.

(2) In case an institution is not registered under this Ordinance or any other repealed law on the subject, the Incharge of the institution shall, within forty five days of the commencement of the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2015, apply for registration of the institution to the Registering Authority and the Registering Authority shall, within sixty days from the date of filing of the application, decide the same.

(3) Until the application for registration is decided, the institution may continue to function without registration.”

3. Omission of section 4 of Ordinance IV of 1984.— In the said Ordinance, section 4 shall be omitted.

4. Insertion of section 7A in Ordinance IV of 1984.— In the said Ordinance, after section 7, the following section 7A shall be inserted:

“7A. Fees, etc.– (1) An institution shall not charge, during the academic year 2015-16, the fee from a student at a rate higher than the fee charged for the class during the academic year 2014-2015.

(2) Subject to subsection (1), if there is reasonable justification for appropriate increase in the fee for purposes of the next academic year, the Incharge may apply to the Registering Authority, at least three months before the start of the next academic year, proposing reasonable increase of the fee.

(3) The application shall contain reasons and justification for the proposed increase and all the requisite documents or evidence in support of the application shall be annexed with the application.

(4) The Incharge shall provide such other information or documents to the Registering Authority as may be necessary for the disposal of the application.

(5) The Registering Authority may, after affording an opportunity of hearing to the Incharge, either reject the application or allow reasonable increase of the fee after recording reasons, but such increase for any academic year shall not be more than five per cent of the fee charged in the preceding academic year.

(6) The Registering Authority may, in the prescribed manner, fix the maximum amount of fee which may be charged by an institution or a category of institutions from a student or a category of students.

(7) An institution shall not charge any amount from the student other than the fee mentioned in subsection (1) or fixed under subsections (5) or (6), and the Incharge shall either refund to the student, within seven days from the commencement of the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2015, the additional fee already charged or adjust it with the fee immediately payable by the student.

(8) The admission fee or the security shall not exceed the amount equal to the tuition fee payable by the student for a month.

(9) The word ‘fee’ in this section means admission fee, tuition fee, security, laboratory fee, library fee or any other fee or amount charged by an institution from a student.

(10) An institution shall not require the parents to purchase textbooks, uniform or other material from a particular shop or provider.”

5. Amendment in section 10 of Ordinance IV of 1984.– In the said Ordinance, for section 10, the following shall be substituted:

“10. Appeal.– (1) Any person aggrieved by a final order of the Registering Authority may, within thirty days of the date of receipt of the order, prefer an appeal to the Commissioner of the Division and the Commissioner shall decide the appeal within thirty days.

(2) The decision of the Commissioner shall be final.”

6. Amendment in section 11 of Ordinance IV of 1984.– In the said Ordinance, for section 11, the following shall be substituted:

“11. Penalties.– (1) If an Incharge contravenes any provisions of the Ordinance or the rules, the Registering Authority may, subject to reasonable opportunity of defence, impose administrative penalty which may extend to twenty thousand rupees per day from the date when the notice of contravention is served on the institution till such time that the contravention continues.

(2) If the contravention under subsection (1) continues for more than thirty days, the Registering Authority may, in addition to any other action or penalty under the Ordinance, file a complaint against the Incharge in the court of Magistrate of the First Class and the court may punish the Incharge with fine which may extend to two million rupees but which shall not be less than two hundred thousand rupees.

(3) Subject to subsections (2) and (3) of section 3, in addition to any other action or penalty under the Ordinance, if an Incharge runs the institution without registration under this Ordinance, the Incharge shall be liable to punishment of fine which may extend to four million rupees but which shall not be less than three hundred thousand rupees.

(4) The Registering Authority shall not impose penalty of fine under subsection (1) unless the Incharge is afforded an opportunity of hearing.”

7. Amendment in section 12 of Ordinance IV of 1984.— In the said Ordinance, for section 12, the following shall be substituted:

“12. Cognizance and summary trial.— (1) An offence under this Ordinance shall be cognizable on the complaint of the Registering Authority or an officer authorized by the Registering Authority.

(2) A Magistrate of the first class shall conduct the trial of an offence under this Ordinance in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (*V of 1898*) relating to the summary trials and notwithstanding anything contained in the said Code may impose punishment of any amount of fine under the Ordinance.”

8. Insertion of section 12A to 12C in Ordinance IV of 1984.— In the said Ordinance, after section 12, the following sections 12A to 12C shall be inserted:

“12A. Compounding of offence.— (1) Subject to subsection (2), the Registering Authority may, at any stage, compound an offence under this Ordinance subject to the deposit of administrative penalty which shall not be less than one hundred thousand rupees.

(2) The offence under this Ordinance shall not be compoundable if the accused had been previously convicted under the Ordinance or his previous offence had been compounded by the Government or the officer authorized by the Government.

12B. Recovery of amounts due.— The collector of the district shall recover any fine or other amount payable under this Ordinance as arrears of land revenue.

12C. Directions and Instructions.— The Registering Authority may, from time to time, issue such directions or instructions to the Incharge as may be necessary to accomplish the objectives of the Ordinance, and the Incharge shall comply with such directions or instructions within the time specified by the Registering Authority.”

9. Repeal.— The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance, 2015 (XXVII of 2015) is hereby repealed.