

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON EDUCATION REGARDING THE PUNJAB PRIVATE EDUCATIONAL INSTITUTIONS (PROMOTION AND REGULATION) (AMENDMENT) BILL 2017 (BILL NO. 3 OF 2017)

The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Bill 2017 (Bill No.3 of 2017) was referred to the Standing Committee on Education on 25 January 2017. The Committee considered the Bill in its meeting held on 16 February 2017.

2. The following were present:-

1.	Engineer Qamar-ul-Islam Raja, MPA (PP-5)	Chairman
2.	Mrs Joyce Rofin Julius Parliamentary Secretary for School Education	<i>ex-officio</i> Member
3.	Chodhary Muhammad Akram, MPA (PP-122)	Member
4.	Mrs Shameela Aslam, MPA (W-312)	Member
5.	Mst Bushra Anjum Butt, MPA (W-354)	Member

3. Mr Imran Sikandar Baloch, Special Secretary, Government of the Punjab, Schools Education Department and Mr Abid Raza Khan, Deputy Secretary, Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab, functioned as Secretary to the Committee.

4. The Special Secretary Schools Education Department apprised the Committee about the aims and objects of the subject Bill. He stated that it was necessary further to amend the Punjab Private Educational Institutions (Promotion and Regulations) Ordinance, 1984 (IV of 1984) to allow reasonable increase of fee per annum and to deal with other purposes. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative Department as well as Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) LONG TITLE

before the word "to" occurring at the beginning, the word "further" be added.

(2) PREAMBLE

after the word "necessary" occurring in line 1, the word "further" be added.

(3) CLAUSE 4

- (i) in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of"; and
- (ii) in proposed section 5 of the Ordinance, the words "a District Committee" be substituted by the words "one or more District Committees".

(4) CLAUSE 6

- (i) in the rider Clause, the word "said" be omitted; and
- (ii) in section 7A of the Principal Ordinance, in subsection (2), the words "three months" occurring in line 3, be substituted by the words "sixty days".

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
16 February 2017

(ENGINEER QAMAR-UL-ISLAM RAJA)
Chairman
Standing Committee on Education

Lahore
16 February 2017


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 03 of 2017

**THE PUNJAB PRIVATE EDUCATIONAL INSTITUTIONS
(PROMOTION AND REGULATION) (AMENDMENT) BILL 2017**

A

Bill

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

It is necessary to amend the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984 (IV of 1984) to allow reasonable increase of fee per annum and, to deal with other purposes.

Be it enacted by the 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 2017.
(2) It shall come into force at once.

- 2. Amendment in section 2 of Ordinance IV of 1984.**— In the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984 (IV of 1984), for brevity cited as the Ordinance, in section 2:
 - (i) for clause (8), the following shall be substituted:
“(8) “Registering Authority” means an officer or a committee notified by the Government under section 6 of the Ordinance;” and
 - (ii) for clause (10), the following shall be substituted:
“(10) “school” means:
 - (a) a school, by whatever name called, preparing students for pre-primary, primary, elementary, high, higher secondary, O-Level, A-Level, General Certificate of Secondary Education, Human Scale Education or any other similar system of education;
 - (b) any other institution imparting vocational, commercial, technical or other specialized education leading to a certificate recognized by the Government or a Board of Education; or
 - (c) an institution for Special Persons;”.

- 3. Amendment in section 3 of Ordinance IV of 1984.**— In the Ordinance, in section 3, for subsection (2), the following shall be substituted:
“(2) The Registering Authority shall, within sixty days from the date of filing of an application for registration, decide the application.”

- 4. Amendment in section 5 of Ordinance IV of 1984.**— In the Ordinance, in section 5, the following shall be substituted:
“**5. District Committees.**— The Government shall, by notification, constitute a District Committee in each district consisting of at least five members to perform such functions in relation to schools as may be prescribed.”

- 5. Amendment in section 6 of Ordinance IV of 1984.**— In the Ordinance, in section 6, after subsection (4), the following subsection (5) shall be inserted:

“(5) The Government shall, by notification, constitute one or more Registering Authorities in a district and if more than one Registering Authority is constituted in a district, the Government shall specify the jurisdiction of each Registering Authority.”

6. Amendment in section 7A of Ordinance IV of 1984.— In the said Ordinance, in section 7A:

(a) for subsections (1) and (2), the following shall be substituted:

“(1) Subject to this section, a school charging fee at the rate of four thousand rupees per month or above shall not charge the fee at a rate higher than five percent of the fee charged for the class during the previous academic year but this limitation shall not apply to a school charging monthly fee from a class of students at the rate which is less than four thousand rupees per month inclusive of the increase in the fee.

(2) If there is reasonable justification for increase in the existing fee at a rate higher than five percent under subsection (1), the Incharge may, at least three months before the commencement of the next academic year, apply to the Registering Authority incorporating justification.”

(b) for subsection (5), the following shall be substituted:

“(5) The Registering Authority may, after affording an opportunity of hearing to the Incharge and after recording reasons, reject the application for increase in the fee of the school or allow reasonable increase in the fee not exceeding eight per cent of the fee charged for the class during the previous academic year.”

(c) subsection (6) shall be omitted; and

(d) for subsection (7), the following shall be substituted:

“(7) The Registering Authority shall, within thirty days from the receipt of the application for increase in the fee, take appropriate decision and inform the applicant of the decision taken.”

7. Transition.— (1) Notwithstanding anything contained in the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), for the academic year 2016-17 and as one time dispensation, if a school charging fee from a class of students at the rate of four thousand rupees per month or above, and intends to apply for more than five per cent increase in the fee charged in the previous academic year, the Incharge may, within sixty days from the commencement of the said Ordinance, apply for the proposed increase to the Registering Authority.

(2) The Registering Authority shall decide the application within fifteen days of the receipt of the application under subsection (1).

8. Repeal.— The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017) is hereby repealed.

MINISTER INCHARGE

Lahore:
25 January 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE - B

(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON EDUCATION)

A

Bill

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

It is necessary further to amend the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance, 1984 (IV of 1984) to allow reasonable increase of fee per annum and, to deal with other purposes.

Be it enacted by the 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 2017.

(2) It shall come into force at once.

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

(i) for clause (8), the following shall be substituted:

“(8) “Registering Authority” means an officer or a committee notified by the Government under section 6 of the Ordinance;” and

(ii) for clause (10), the following shall be substituted:

“(10) “school” means:

(a) a school, by whatever name called, preparing students for pre-primary, primary, elementary, high, higher secondary, O-Level, A-Level, General Certificate of Secondary Education, Human Scale Education or any other similar system of education;

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

(c) an institution for Special Persons;”.

3. Amendment in section 3 of Ordinance IV of 1984.— In the Ordinance, in section 3, for subsection (2), the following shall be substituted:

“(2) The Registering Authority shall, within sixty days from the date of filing of an application for registration, decide the application.”

4. Substitution of section 5 of Ordinance IV of 1984.— In the Ordinance, in section 5, the following shall be substituted:

5. District Committees.— The Government shall, by notification, constitute one or more District Committees in each district consisting of at least five members to perform such functions in relation to schools as may be prescribed.”

5. Amendment in section 6 of Ordinance IV of 1984.— In the Ordinance, in section 6, after subsection (4), the following subsection (5) shall be inserted:

“(5) The Government shall, by notification, constitute one or more Registering Authorities in a district and if more than one Registering Authority

is constituted in a district, the Government shall specify the jurisdiction of each Registering Authority."

6. Amendment in section 7A of Ordinance IV of 1984.— In the Ordinance, in section 7A:

(a) for subsections (1) and (2), the following shall be substituted:

"(1) Subject to this section, a school charging fee at the rate of four thousand rupees per month or above shall not charge the fee at a rate higher than five percent of the fee charged for the class during the previous academic year but this limitation shall not apply to a school charging monthly fee from a class of students at the rate which is less than four thousand rupees per month inclusive of the increase in the fee.

(2) If there is reasonable justification for increase in the existing fee at a rate higher than five percent under subsection (1), the Incharge may, at least sixty days before the commencement of the next academic year, apply to the Registering Authority incorporating justification."

(b) for subsection (5), the following shall be substituted:

"(5) The Registering Authority may, after affording an opportunity of hearing to the Incharge and after recording reasons, reject the application for increase in the fee of the school or allow reasonable increase in the fee not exceeding eight per cent of the fee charged for the class during the previous academic year."

(c) subsection (6) shall be omitted; and

(d) for subsection (7), the following shall be substituted:

"(7) The Registering Authority shall, within thirty days from the receipt of the application for increase in the fee, take appropriate decision and inform the applicant of the decision taken."

7. Transition.— (1) Notwithstanding anything contained in the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), for the academic year 2016-17 and as one time dispensation, if a school charging fee from a class of students at the rate of four thousand rupees per month or above, and intends to apply for more than five per cent increase in the fee charged in the previous academic year, the Incharge may, within sixty days from the commencement of the said Ordinance, apply for the proposed increase to the Registering Authority.

(2) The Registering Authority shall decide the application within fifteen days of the receipt of the application under subsection (1).

8. Repeal.— The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017) is hereby repealed.
