

# THE PUNJAB PRIVATE EDUCATIONAL INSTITUTIONS (PROMOTION AND REGULATION) ORDINANCE, 1984

(IV OF 1984)

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### **<sup>1</sup>THE PUNJAB PRIVATE EDUCATIONAL INSTITUTIONS (PROMOTION AND REGULATION) ORDINANCE, 1984**

(IV of 1984)

[12 August 1984]

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, (CMLA Order No. 1 of 1977), and the Provisional Constitution Order, 1981, (CMLA 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, head-master, 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;

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<sup>1</sup> This Ordinance was promulgated by the Governor of the Punjab on 9th August, 1984; and, published in the Punjab Gazette (Extraordinary) dated 12th August, 1984; pages 577-A to 577-D.

- (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;
- <sup>2</sup>[(8) “Registering Authority” means an officer or a committee notified by the Government under section 6 of the Ordinance;]
- (9) “rules” means the rules made under this Ordinance <sup>3</sup>[;]
- <sup>4</sup>[(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;] and
- (11) “University” means a University established under any law for the time being in force.

<sup>5</sup>[**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.

<sup>6</sup>[(2) The Registering Authority shall, within sixty days from the date of filing of an application for registration, decide the application.]

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

<sup>7</sup>[**4. Exemptions.**— \* \* \* \* \*

<sup>8</sup>[**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.]

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<sup>2</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.2.

<sup>3</sup> Misprinted in the Gazette as “full-stop”.

<sup>4</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.2.

<sup>5</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.2.

<sup>6</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.3.

<sup>7</sup> Omitted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.3.

<sup>8</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.4.

**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.

<sup>9</sup>[(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.]

**7. Conditions of Registration.—** An institution shall comply with such conditions of registration including payment of fees as may be prescribed.

<sup>10</sup>[**7A. Fees, etc.—** <sup>11</sup>(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.]

(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.

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<sup>9</sup> Inserted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.5.

<sup>10</sup> Inserted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.4.

<sup>11</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.6.

<sup>12</sup>[(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.]

(6) <sup>13</sup>[\* \* \* \*\* \* \* \* \* \* \* \* \* \*]

<sup>14</sup>[(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.]

(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.]

**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.

<sup>15</sup>**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

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<sup>12</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.6.

<sup>13</sup> Omitted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.6.

<sup>14</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Ordinance 2017 (I of 2017), published in the Punjab Gazette (Extraordinary), dated: 10 January 2017, pp. 3765-3767, s.6.

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.]

<sup>16</sup>[**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.]

<sup>17</sup>[**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.]

<sup>18</sup>[**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.

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<sup>15</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.5.

<sup>16</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.6.

<sup>17</sup> Substituted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.7.

<sup>18</sup> Inserted by the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2016 (XVII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4099-4102, s.8.

**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.]

**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.