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SINDH ACT NO.XVIII OF 2012

THE SINDH TEACHERS EDUCATION DEVELOPMENT AUTHORITY ACT, 2012.

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SINDH ACT NO.XVIII OF 2012

THE SINDH TEACHERS EDUCATION DEVELOPMENT AUTHORITY ACT, 2012.

[8th November, 2012]

An Act to provide for the establishment of the Sindh Teachers Education Development Authority in the Province of Sindh.

Preamble.

WHEREAS it is expedient to provide for the establishment of an Authority to manage and regulate the teachers education and professional development in the Province of Sindh and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Sindh Teachers Education Development Authority Act, 2012.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context -

(a) "accredited institution" means an institution accredited by the Authority;

(b) "Authority" means the Authority established under section 3;

(c) "Board" means the Board of Governors constituted under section 7;

(d) "Chairperson" means the Chairperson of the Board;

(e) "Executive Director" means the Executive Director of the Authority appointed under section 10;

(f) "Fund" means the fund established under section 17;

(g) "Government" means the Government of Sindh;

(h) "institution" means an institution which offers courses or training in teachers education and professional development;

(i) "Initial Teacher Education" means the pre-teaching training for professional development;

(j) "Member" means a member of the Board;

(k) "prescribed" means prescribed by rules or regulations;

(l) "professional development" means a kind of interaction to increase knowledge and skills of the educational personnel;

(m) "rules" means rules made under this Act;

(n) "regulations" means regulations made under this Act; and

(o) "teachers education development" means programmes of education, research or training of persons for equipping them to teach at all levels and includes non-formal, distance and continuing education.

CHAPTER-II
ESTABLISHMENT OF THE AUTHORITY

Establishment and incorporation of the Authority.

3. (1) There shall be established an Authority to be called the Sindh Teachers Education Development Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immovable and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Karachi and it may establish its offices at such other place or places in the Province of Sindh as it may consider appropriate.

Powers and Functions of the Authority.

4. (1) The Authority shall have the powers to –

(a) take steps for ensuring planned and coordinated development of teachers education and for the determination and maintenance of standards for teachers education;

(b) undertake surveys and studies relating to various aspects of teachers education and publish the results thereof;

(c) make recommendations to Government, Universities and accredited institutions for the preparation of suitable plans and programmes in the field of teachers education;

(d) lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in schools or in accredited institutions;

(e) lay down guidelines for minimum criteria for promotions and career path of the teachers in schools;

(f) lay down norms of specified category of courses or training in teachers education including minimum eligibility criteria for admission thereof and the method of selection of candidates, duration of the course and mode of curriculum;

(g) lay down guidelines for compliance by accredited institution for starting new courses, **programmes** or training and for providing physical and instructional facilities, staffing pattern and staff qualifications;

(h) lay down and monitor standards of examinations leading to teachers education, criteria for admission to such examinations and schemes of courses or training;

(i) promote and conduct innovation and research in various areas of teachers education and disseminate the results thereof;

(j) examine and review periodically the implementation of the guidelines and standards laid down by the Authority and to advise the accredited institutions;

(k) evolve suitable performance appraisal systems, norms and mechanisms for enforcing accountability on accredited institutions;

(l) formulate the schemes for various levels of teachers education and development programmes;

(m) recommend standards and competencies for all educational professional posts;

(n) design and publish a code of conduct for teachers and other professionals by engaging all concerned including the teachers associations, civil society and the people of the Province for developing and monitoring professional conduct of teachers;

(o) develop the standards and plans for mentors and teachers;

(p) accredit and oversee public and private sector and other service providers for teachers education and professional development.

(q) frame coherent standards for continuing professional development for teachers;

(r) maintain and present reports for teachers, professional development provided to teachers from time to time by maintaining a database for the purpose;

(s) lay down the standards and quality assurance procedures for Initial Teacher Education;

(t) develop policy and take steps for certification of teachers;

(u) take all steps for help in devising self regulation mechanism for teachers education in private sector; and

(v) perform any other function and exercise such powers as may be prescribed.

Power of Government to issue directives.

5. Government may, as and when it considers necessary, issue directions to the Authority on matters of policy, and such directions shall be binding upon the Authority.

CHAPTER-III
MANAGEMENT AND ADMINISTRATION OF THE AUTHORTIY

Management and administration of Authority.

6. (1) Subject to other provisions of this Act and the rules and regulations, the general directions and administration of the Authority and its affairs shall vest in the Board which may exercise all powers and perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board in discharging its functions shall be guided by such directions as Government may give, from time to time.

(3) If a question arises whether any matter is a matter of policy or not, the decision of Government shall be final.

Constitution of the Board.

7. (1) The Board shall comprise of the following:-

(i) Minister for Education and Literacy; **Chairperson**

(ii) Three Members of the Provincial Assembly of Sindh including the Chairman of the Standing Committee on Education and Literacy be nominated by the Speaker;	**Members**
(iii) Secretary, Education and Literacy;	**Member**
(iv) Director General, Provincial Institute of Teachers Education;	**Member**
(v) Director, Bureau of Curriculum;	**Member**
(vi) Chairman, Sindh Text Book Board;	**Member**
(vii) Additional Secretary, Education (Academic and Training) ;	**Member**
(viii) Representative from Higher Education Commission (Sindh) ;	**Member**
(ix) Representative from **Teachers** Education Institutes (to be nominated by the Chairperson) ;	**Member**
(x) Representative from Public Universities (to be nominated by the Chairperson) ;	**Member**
(xi) Representative from Private Universities or reputed institutions (to be nominated by the Chairperson) ;	**Member**
(xii) Two representatives from Civil Society (to be nominated by the Chairperson) ;	**Members**
(xiii) Two Eminent Educationalists (to be nominated by the Chairperson) ;	**Members**
(xiv) The Executive Director.	**Member**

(2) The Executive Director shall act as Secretary of the Board.

(3) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(4) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-official member shall hold office for a term of three years and shall be eligible for re-appointment for such term as the Board may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by the Board without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

Disqualification and remuneration of members.

8. (1) No person shall be or shall continue to be a member who –

(a) is not a citizen of Pakistan;

(b) is found a lunatic or becomes of un-sound mind;

(c) is or at any time has been convicted of an offence involving moral turpitude;

(d) is or has at any time been adjudicated as insolvent;

(e) is or has at any time been dismissed from Government service;

(f) is acting in contravention of the provisions of this Act;

(g) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Authority.

(2) The Authority may allow such remuneration to the non-official members as it may determine.

Meetings of the Board.

9. (1) The meetings of the Board shall be regulated by regulations but until such regulations are framed the meetings shall be held as and when required by the Chairperson at the time and place as the Chairperson may determine; provided that a meeting shall be held once in a quarter.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.
The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(3) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the Chairperson, presiding a meeting shall have a casting vote.

(4) All orders and decisions of the Board shall be taken in writing and shall be signed by the Executive Director.

Appointment of Executive Director.

10. (1) There shall be a full-time Executive Director of the Authority to be appointed by Government, on the recommendation of the Board, on such terms and conditions as it may determine.

(2) The Executive Director shall be an eminent professional of known integrity and competence having experience of public or private sector management especially in the context of managing human resources, financial management, program implementation and may additionally have technical understanding of teacher education development and educational accreditation and quality assurance procedures.

(3) The Executive Director shall be appointed for a period of four years and shall be eligible for reappointment for another term of four years, on the basis of his performance.

(4) Government shall remove the Executive Director if he –

(a) fails to discharge his responsibilities under this Act;

(b) has abused his position as Executive Director; or

(c) has directly or indirectly acquired or attempted to acquire without permission in writing of Government any share or interest in any property, scheme, project or other concern of the Authority.

(5) The Executive Director may, at any time, resign his office by writing under his hand addressed to Government.

(6) The Executive Director shall not, during the term of his office, engage himself to any other service, business, vocation or employment nor shall he before the expiration of one year thereof enter into employment or accept any advisory or consultancy relationship with any person or entity engaged with the Authority in the capacity of private sector service provider:

Provided that where the Executive Director is a Government servant there shall be no such restrictions on his employment after he has retired or transferred from the post of Executive Director and where he is from private sector he shall not have any direct or indirect financial interest or have any connection with any company engaged in public procurement activity for so long as he holds office for a period of one year thereafter.

Powers of Executive Director.

11. (1) The Executive Director shall be the executive head of the Authority and have power and responsibility to -

(a) exercise administrative control over the day to day functioning of the Authority, including management, financial management and human resource management;

(b) submit the annual budget proposals of the Authority to the Board;

(c) run the affairs of the Authority for attaining the objectives of the Authority;

(d) prepare the annual report of the Authority for placing before the Board;

(e) perform such other functions and exercise such powers as the Board may delegate to him; and

(f) act on behalf of the Authority, in any emergency, subject to the obligation to report such actions to the Board at its next meeting and to seek the ratification of the Board of actions so taken.

Organizational Tier.

12. There shall be established a full-fledged organizational tier of the Authority, under the Executive Director in such manner and with such functions as may be prescribed by regulations.

Committees.

13. The Board may set up such administrative and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.

Appointment of officers and staff.

14. (1) The Authority may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed by regulations.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed by regulations.

Inspection.

15. (1) For the purposes of ascertaining whether the recognized institutions are functioning in accordance with the provisions of this Act, the Authority may cause inspection of any institution of any person authorized by it in such manner as may be prescribed.

(2) The Authority shall communicate to the institution the date on which inspection under sub-section (1) is to be made and the institution shall associate with the inspection in such manner as may be prescribed.

(3) The Authority shall communicate the said institution its views with regard to the results of any such inspection and may, after obtaining comments of that institution, recommend to that institution the action to be taken as a result of such inspection.

Transfer of the employees of Government to Authority.

16. (1) Where the Authority needs the services of any person who is a Government employee, it can request Government for the services of the person or persons on such terms and conditions as may be determined by Government which shall not be less favorable than those admissible to them immediately before their transfer to the Authority.

(2) The employees transferred under sub-section (1) shall continue to be the employees of Government and shall be governed under its rules and shall be liable to be transferred back to Government unless absorbed by consent, in the service of the Authority in such manner as may be prescribed by rules.

Pension, gratuity and other service benefits admissible to such employees shall be the responsibility of the Authority.

CHAPTER-IV
FINANCIAL PROVISIONS

Fund.

17. (1) There shall be established a Fund to be known as the Sindh Teachers Education and Development Authority Fund which shall vest in the Authority with powers to manage and operate it.

(2) All receipts of the Authority from any source whatsoever including annual grants from Government, shall be credited to the Fund.

(3) Government shall provide annual grants to the Authority for carrying out the purposes of this Act.

(4) The Authority may receive grants from other sources including private sector.

(5) The Authority may invest its funds in investment schemes including Government securities for raising funds.

(6) The Fund shall be managed and operated in the manner as may be prescribed by rules.

Audit and accounts.

18. (1) The Authority shall maintain accounts of receipts and expenditure in accordance with the rules.

(2) The Authority would maintain an internal Audit Division which would regularly undertake institutional internal check and control.

(3) The accounts of the Authority shall be annually audited through a firm of external Chartered Accountants approved by the Board and the report of the Chartered Accountant alongwith audited account shall be presented to Government.

Budget and accounts.

19. The Authority shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.

Maintenance of accounts.

20. The Authority shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Authority which shall include a balance sheet and an account of receipt and expenditure.

Submission of Reports.

21. (1) The Authority shall submit an annual report to Government in respect of its activities and furnish such information as and when required by Government

(2) The Authority shall post all relevant information in a user-friendly manner on its website.

Delegation of powers.

22. The Board may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, member or any officer of the Authority.

Public Servant.

23. Every employee of the Authority including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan **Penal** Code, 1860.

Validity of proceedings.

24. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

Indemnity.

25. No suit, prosecution, or other legal proceedings shall lie against Government, the Authority, the Board, the Chairperson or any member, officer, servants, advisors or consultants of the Authority in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made hereunder.

Common seal.

26. (1) The Authority shall have a common seal and such seal shall be kept by the Executive Director or such other person as the Chairperson may authorize.

(2) The seal shall be authenticated in the manner as may be prescribed by regulation and any document purported to be sealed with the seal so authenticated shall be receivable as evidence of the particulars stated in the document.

Powers to make rules.

27. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make regulations.

28. The Authority may, with the approval of Government, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, for carrying out the purposes of this Act.

Removal of difficulty.

29. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty.