

SIND ACT NO. XXVIII OF 1974

THE SIND PRIVATE SCHOOLS (MANAGEMENT AND CONTROL) ACT, 1974

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[11th December, 1974]

An Act to provide for control over and management of private schools in Sind.

WHEREAS it is expedient to make provisions to enable the private schools in Sind to maximize their academic efficiency, stream-line their administration and regulate conditions of service of teachers employed therein;

Preamble.

It is hereby enacted as follows:--

1. (1) This Act may be called the Sind Private Schools (Management and Control) Act, 1974.

Short title and commencement.

(2) It shall come into force at once.

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

Definitions.

(a) "Board" with reference to a technical school, means the Sind Board of Technical Education, and with reference to any other school means the Board of Intermediate and Secondary Education within the territorial jurisdiction of which the school is located;

(b) "Board of Governors" means the Board of Governors constituted under section 4;

(c) "Chairman" means Chairman of the Board of Governors;

(d) "Controlling Authority" means the Minister for Education, Government of Sind or his nominee;

(e) "Government" means the Government of Sind;

(f) "Member" means a member of the Board of Governors and include Chairman;

(g) "Parents Body" means the person who, or the body of persons which, founded, established or was, immediately before the commencement of this Act, maintaining and managing the school;

(h) "Prescribed" means prescribed by rules or regulations made under this Act;

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- (i) "Principal" means the Principal including the Head Master of a school;
- (j) "Private School" means a school or an institution other than a school managed or run by Government, a local body, cantonment board or a university;
- (k) "School" means a Private School;
- (l) "teacher" means teacher of the school and includes the Principal and the Physical Instructor of the school; and
- (m) "Technical School" means a school, institute or other institution in Sind recognized by Government or by the Sind Board of Technical Education for technical or commercial education and includes a Polytechnic Institute, Technical Institution, Commercial Institute and any other institute or school imparting technical training at diploma level.

3. The Controlling Authority may for the efficient management and control of a school establish a Board of Governors.

Establishment of Board of Governors.

4. (1) The Board of Governors shall consist of—

Constitution of Board of Governors.

- (a) four members nominated by the Parent Body; provided that if the annual contribution made by the parent body which includes the income from property and assets of the school and the rental value as assessed by the Controlling Authority of the property used by such school, is less than ten percent of the annual expenditure of the school, the number of members nominated by the Parent Body shall be reduced as the Controlling Authority may deem fit;
- (b) five members nominated by the Controlling Authority;
- (c) one member elected annually by the parents and guardians of the students on the roll of the school from amongst themselves; and
- (d) one member elected annually by the teachers of the school from amongst themselves;

(2) The Chairman shall be appointed by the Controlling Authority from amongst the nominated members.

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(3) The Principal shall be the Secretary of the Board of Governors.

(4) The Chairman and the nominated members shall hold office for a period of three years and be eligible for re-nomination.

5. (1) The Chairman may resign his office by forwarding his resignation to the Controlling Authority and a member may resign his office by tendering his resignation to the Chairman.

**Removal
resignation
members
Chairman.
and
of
and**

(2) The Controlling Authority may, if he is satisfied that a member is acting in a manner prejudicial to the interests of school or has otherwise become in-capable of performing duties, remove him before the expiry of the term of his office;

1["Provided that no member shall be removed unless he is given an opportunity of being heard.".]

(3) A person who is a member by virtue of his office shall cease to be a member on vacating such office.

6. If a vacancy occurs in the office of the Chairman or a member during the term of his office, it shall be filled in accordance with the provisions of section 4, and the Chairman or the member filling the vacancy shall hold office for the unexpired terms.

**Filling of casual
vacancies.**

7. The meeting of the Board of Governors shall be held at least once every month at such time and at such place and in accordance with such procedure as may be prescribed.

**Meeting of Board
of Governors.**

8. Subject to the provisions of this Act, the Board of Governors shall exercise general supervision and control over the affairs of the school and without prejudice to the generality of these powers it shall—

**Powers and duties
of Board of
Governors.**

- (a) formulate the policy for running the school in the light of guide lines issued by Government from time to time;
- (b) control and administer the property of the school notwithstanding the ownership of such property being that of the Parent Body;
- (c) manage and regulate the funds, finances, assets and investments of the school;

1. In section 5 new proviso added vide Sind Ordinance No.XLIV of 1984 dated November, 18th 1984.

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- (d) pass the budgets; and
- (e) appoint teachers and other employees of the school and have the power to take disciplinary action against them; and
- (f) ensure that the conditions on which the school has been recognized by a Board and all rules and orders issued by such Board; or other competent educational authorities from time to time regarding the admissions of students, curriculum, syllabus, medium of instruction, examinations and other cognate matters, are observed—
 - (i) that the provisions of this Act and the rules and regulations made thereunder are strictly enforced; and
 - (ii) that the accounts of the school are maintained in the prescribed form and audited in the prescribed manner.

9. Subject to the provisions of this Act and the rules and regulations made thereunder, the Principal shall, under the general control and supervision of the Board of Governors, be competent to regulate all matter connected with the internal administration of the school including admissions, class promotions, teachers' time-table, maintenance of discipline, grant of fee concessions and scholarships, incurring of the expenditure provided for in the budget and making temporary or officiating appointments of not more than three months' duration.

Powers and duties of the Principal.

10. The Parent Body shall furnish to the Controlling Authority a statement in the form given in the Schedule to this Act within two months of—

Submission statement. of

- (a) the commencement of this Act if the school was in existence at the time of such commencement; or
- (b) the recognition of the school by a Board, after the commencement of this Act.

11. The school shall have a fund to which shall be credited—

School Fund.

- (a) income from fees, donations, trusts, bequest, endowments, grants and contributions;
- (b) income from the property of the school;

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- (c) contributions made by the Parent Body;
- (d) contributions or grants-in-aid given by Government; and
- (e) income from and other sources.

12. No member shall derive any financial benefit from the school; provided that nothing in this section shall debar a person possessing the prescribed qualifications from being appointed and receiving emoluments and enjoying other benefits as a teacher in accordance with the rules and regulations made under this Act.

Bar to derive financial benefits.

13. (1) The Controlling Authority may inspect a school placed under the control and management of the Boards of Governors or cause it to be inspected from time to time by one or more persons authorised in this behalf.

Inspection.

(2) The Controlling Authority may call upon any school so inspected to take, within a specified period, such actions as may appear to it to be necessary in respect of any of the matter provided for in this Act and the rules and regulations made hereunder.

14. There shall be Staff Council consisting of the Principal as its Chairman and four senior-most teachers as its members to advise and assist the Principal in connection with the day-to-day affairs of the school and on matters mentioned in section 9.

Staff Council.

15. If the school, ceases to maintain efficiency and discipline in accordance with, or fails to satisfy the requirements of the provisions of this Act and the rules and regulations made thereunder, or fails to take any action which it has been called upon to take by the Controlling Authority under section 13, or it is conducted in a manner which is prejudicial to the interests of education, Government may, after giving the Parent Body and the Board of Governors an opportunity to show cause against the proposed action—

Dissolution of Board of Governors and taking over of school.

- (a) dissolve the Board of Governors; and—
 - (i) appoint an administrator who shall perform the functions and duties of the Board of Governors until a new Board of Governors is constituted; or such other arrangement is made as may be deemed fit;
 - (ii) take over the school; or

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(b) take such other action as it may deem fit.

16. Notwithstanding anything contained in sections 4, 8, 9 and 17 and the rules made under this Act, no person who is a foreign national shall be appointed to the teaching or administrative staff or elected or nominated to the Board of Governors without prior approval of Government.

Appointment of foreign nationals.

17. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, instrument, articles or associations, deed or other documents.

Protection of rights secured by agreement, custom or usage.

18. No suit or legal proceedings shall lie against Government, Controlling Authority or any other person in respect of anything which is, in good faith, done or intended to be done under this Act.

Indemnity.

19. (1) Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

Powers to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) appointment, confirmation, promotion and security of service of the teachers;
- (b) minimum pay admissible to teachers;
- (c) contributory provident fund benefits for the teachers;
- (d) the maintenance of accounts of school and their audit;
- (e) the procedure to be followed in the election of members from amongst the teachers and parents and guardians;
- (f) any other matter required under any of the provisions of this Act to be prescribed.

20. (1) The Board of Governors shall frame regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to carry out the purposes of this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations shall provide for—

- (a) the procedure to be followed at meetings of the Board of Governors and the quorum required at such

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meetings;

- (b) the notice on which an ordinary or special meeting may be convened;
- (c) the time and place at which meetings of the Board of Governors may be held;
- (d) the manner in which the minutes shall be circulated and confirmed;
- (e) subject to the rules, the pay scales, allowance, leave and other benefits to be admissible to teachers and other staff;
- (f) provision of facilities to students, fixation of fees and other sums to be realised from students;
- (g) grant of fee concessions and scholarships to students;
- (h) establishment and functioning of the Teachers Council; and
- (i) any other matter required under any of the provisions of this Act to be prescribed by regulations;

SCHEDULE

(See section 10)

FORM

Statement to be furnished by Parent Body.

1. GENERAL

1. Name of the school.
2. Location and address of the school.
3. Establishment of the school, namely:--
 - (a) Date of starting.
 - (b) Date of recognition by the Body concerned.
4. Medium of instruction followed.

II. MANAGEMENT

1. Is the Managing Body (Parent Body) registered with the Registrar, Joint Stock Companies under the Societies Registration Act, 1860.
2. Chief Authority/Agency under whose control the institution is working.

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3. Documents to be furnished:--

(a) List of members of the Managing Body with their dresses.

(b) A copy of the Constitution of the Managing Body.

III. STAFF

1. Are the teachers employed on written agreement? If so, attach a copy of the agreement.

2. Has the school made provision for Provident Fund or Pension (or both) for teachers?

3. What is the percentage of contribution made by the institution towards Provident Fund?

4. Documents to be furnished:--

(a) Statement showing full particulars regarding qualifications, teaching experience, field of specialization, salary and scale of each member of the teaching staff.

(b) Copy of the Service Rules of the school.

IV. FINANCE

DETAILS OF RECEIPT AND EXPENDITURE FOR THE YEAR ENDING 30TH JUNE

| Income | Amount | Expenditure | Amount |
|--|--------|-----------------------------------|--------|
| 1. Grant-in-Aid from Government | | 1. Administrative. | |
| 2. Development Grant (Specify the purpose) | | 2. Teaching Staff. | |
| (a) From Government. | | 3. Ministerial Staff. | |
| (b) From Evacuee Trust Board. | | 4. Menial Staff. | |
| (c) From any other source. | | 5. Rent of School Building. | |
| 3. From subscription, contribution and endowments (other than contribution by the Parent Body) | | 6. Electricity and water charges. | |
| 4. From Tuition Fee. | | 7. Miscellaneous (Specify). | |

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|--|---|
| 5. From different funds. | (a) Repair of buildings. |
| 6. Annual Contribution by the Parent Body. | (b) Telephone. (c) Furniture. (d) Library. |
| 7. From any other source (Specify) | (e) Scholarships. (f) Sports. (g) Any other item of expenditure |

Total Receipts.

Total Expenditure.

ASSETS AND LIABILITIES.

| Assets | Amount | Liabilities | Amount |
|------------------------------------|--------|-------------------------------------|--------|
| 1. Details of immovable property. | | 1. Loans, if any. | |
| 2. Trusts and Endowments. | | 2. Over-draft at Bank. | |
| 3. Cash in Bank. | | 3. Rent of the Buildings, if hired. | |
| 4. Cash with Manager or Treasurer. | | 4. Any other liability (Specify). | |

Total ..

V. BUILDINGS

1. Does the school possess buildings of its own? If so, attach transfer deed.

2. Are the buildings acquired on long lease? If so, attach a copy of the lease deed.

3. Documents to be furnished:--

(a) List showing details of.—

(j) Class rooms giving size of each room.

(ii) Laboratories.

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(iii) Library.

(b) Plan of Buildings.

VI. HOSTEL (IF MAINTAINED)

1. Maximum number of boarders who can be accommodated.
2. Arrangement for medical aid.
3. Status of the Superintendent/Warden.
4. Does the Superintendent/Warden reside inside or near the Hostel?
5. Sanitary and Hygienic condition of the hostel.

VII. PLAY GROUNDS.

Are there playgrounds attached to the schools? If so, specify the area of different play fields.

VIII. FURNITURE.

List of main items of furniture which are used by the students should be furnished.