

THE PUNJAB DAANISH SCHOOLS AND CENTRES OF EXCELLENCE AUTHORITY ACT 2010

(V OF 2010)

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TEXT

**¹THE PUNJAB DAANISH SCHOOLS AND CENTERS OF EXCELLENCE
AUTHORITY ACT 2010**

(V of 2010)

[24th February, 2010]

**An
Act**

*to provide for the establishment and management of the Daanish Schools and
Centers of Excellence in the Punjab.*

Preamble.— Whereas it is expedient to make provisions for the establishment and efficient management of the Daanish Schools and Centers of Excellence in the Punjab with a view to provide quality elementary, secondary and higher secondary education to under privileged and other segments of the society and to provide for other connected matters;

It is enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Daanish Schools and Centers of Excellence Authority Act 2010.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) “administration” means the principal of a School assisted by a head teacher and other staff meant for managing and administering the affairs of the School;

(b) “antecedent verification committee” means a committee established by the governing body to investigate, verify and certify the antecedents of a student of a Daanish School;

(c) “Authority” means the Punjab Daanish Schools and Centers of Excellence Authority established under the Act;

(d) “Center of Excellence” means a high or higher secondary school notified by the Government as the Center of Excellence and includes a Center of Excellence established by the Authority;

(e) “Chairperson” means the Chairperson of the Authority;

(f) “Daanish School” means a school established by the Authority to provide quality education to the children of the most deprived and marginalized strata of the society in accordance with the provisions of the Act;

¹This Act was passed by the Punjab Assembly on 11 February 2010; assented to by the Governor of the Punjab on 23 February 2010; and, was published in the Punjab Gazette (Extraordinary), dated 24 February 2010, pages 2151-2156.

- (g) “disabled” means a person who has lost total functionality of mind or of at least two of his limbs;
- (h) “district” means the district as defined in the Punjab Local Government Ordinance 2001 (XIII of 2001);
- (i) “governing body” means a body appointed by the Authority to manage, administer and run a School;
- (j) “Government” means the Government of the Punjab;
- (k) “household” means a nuclear family residing at one place to the exclusion of any other family;
- (l) “Member” means a Member of the Authority;
- (m) “Managing Director” means the Managing Director of the Authority;
- (n) “prescribed” means prescribed by the rules or regulations made under the Act;
- (o) “School” means a Daanish School or a Center of Excellence established or notified under the Act;
- (p) “student” means a student of a School and includes a candidate for admission in a School;
- (q) “teacher” includes the principal and an employee of a School who is imparting instructions to the students; and
- (r) “Town” or “Tehsil” means a Town or Tehsil as defined in the Punjab Local Government Ordinance 2001 (XIII of 2001).

3. The Authority.— (1) The Government shall establish an Authority to be called the Punjab Daanish Schools and Centers of Excellence Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to enter into contract and shall, by the said name, sue and be sued.

(3) The Authority shall not dispose of an immovable property without the prior approval of the Government.

(4) The Authority shall consist of—

- | | | |
|-----|---|-------------|
| (a) | Chief Minister of the Punjab; | Chairperson |
| (b) | Three Members of the Provincial Assembly of the Punjab
² [including at least one female member of the Assembly]
nominated by the Government; | Members |
| (c) | Chief Secretary of the Government; | Member |
| (d) | Senior Member, Board of Revenue of the Government; | Member |
| (e) | Secretary to the Government Education Department; | Member |
| (f) | Secretary to the Government Finance Department; | Member |
| (g) | Managing Director. | Member |

²Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014), w.e.f. 12.3.2014, s.2 and the Schedule; and published in the Punjab Gazette (Extraordinary), pages 2733-2744.

(5) The Chairperson may co-opt any Government servant or any person from the private sector with experience in the field of business, education, literature, academia, fine arts, public service, social work or development sector, as Member of the Authority for a meeting or for a specified period.

(6) The Government may nominate one of the Members as Vice Chairperson of the Authority and the Chairperson may delegate any of his powers or functions to the Vice Chairperson.

(7) The Authority may regulate its meetings according to the procedure as it deems appropriate.

4. Powers and functions of the Authority.— (1) The Authority shall establish and ensure sustainable management of a School.

(2) The Authority shall:

- (a) provide instructions in a School as it may deem fit;
- (b) make provision for the advancement and dissemination of knowledge in a School in such manner as it may determine;
- (c) promote public education and awareness of environmental issues through mass media and other means including seminars and workshops;
- (d) prescribe courses of studies for the Centers of Excellence and Daanish Schools;
- (e) inspect the Daanish Schools and Centers of Excellence;
- (f) co-operate with schools and public or private organizations or institutions in such manner and for such purposes as may be prescribed;
- (g) institute and award scholarships, exhibitions, medals and prizes under prescribed conditions;
- (h) establish, maintain and control the halls of residence of the students and approve or license hostels and lodgings of the students;
- (i) supervise and control the discipline of the students;
- (j) promote the extra-curricular and recreational activities of students and make arrangements for promoting the health and general welfare of the students;
- (k) conduct internal examinations and assessment of students;
- (l) demand and receive such fees and other charges as it may determine;
- (m) receive, own and manage its property;
- (n) create posts of teachers and other staff for the efficient management and administration of the Schools;
- (o) take disciplinary action against its employees in the prescribed manner or in accordance with the law;
- (p) prescribe code of conduct for the Members, governing bodies, teachers and other employees of the Authority;

- (q) conduct pre-service and in-service training of teachers and other employees of the Authority;
 - (r) establish and maintain a website containing information about its functions and update it at least on weekly basis;
 - (s) affiliate a School with an examining board, body or authority;
 - (t) pass its annual budget containing the estimated receipts and expenditures; and
 - (u) perform such other functions as may be prescribed or which are incidental to the above functions.
- (3) The Authority may—
- (a) enter into a contract;
 - (b) acquire, hold or dispose of property;
 - (c) recommend measures to the Government for improvement in the education system especially elementary, secondary and higher secondary education;
 - (d) promote cooperation with the international agencies and non-governmental organizations for the promotion of quality elementary and secondary education in the Punjab;
 - (e) conduct research in the field of education, print or publish any book or other work; and
 - (f) exercise any other power ancillary to the aforementioned powers or which is essential for performance of its functions.

(4) The Authority may receive grants and funds from the Government or from any other source and shall distribute these, in line with the objects of the Act and principles of equity, need and deservedness, amongst the governing bodies for establishing, managing, running, expanding the Schools in the prescribed manner.

(5) The Authority may make any expenditure out of the funds or grants received by it on its secretariat, a School or any other purpose under the Act.

(6) The Authority may conduct a third party performance evaluation in respect of a School and may publish the result of the evaluation.

5. Managing Director.— (1) The Government shall appoint a person as the Managing Director who shall be the chief executive officer of the Authority.

(2) The Government shall determine the terms and conditions of service of the Managing Director.

(3) The Managing Director shall hold office for a term of three years.

(4) The Government may remove the Managing Director, during the tenure of his office, for reasons to be recorded in writing.

(5) The Managing Director shall perform such functions and exercise such powers as may be conferred or delegated by the Authority.

(6) The Managing Director may delegate any of his powers or functions to a governing body or an employee of the Authority.

6. Secretariat and Secretary.— (1) The Authority may establish its secretariat with any number of posts and incidental costs as it deems appropriate.

(2) The Government may appoint a person as Secretary of the Authority in the prescribed manner.

7. Schools and governing bodies.— (1) The Authority shall, by notification, declare a School as Daanish School or Center of Excellence.

(2) The Authority shall, by notification, appoint a governing body of a School for a period of two years.

(3) The governing body shall consist of five or more members who, in the opinion of the Authority, possess sound moral and financial integrity, enjoy an unquestioned and non-controversial reputation and do not have any conflict of interest with the aims and objects of the School.

(4) The Authority shall nominate one of the members of the governing body as Convener of the governing body.

(5) The Principal of a School shall be the secretary of the governing body of the School.

(6) The Authority shall not appoint a private person as member of more than two governing bodies.

(7) The Authority shall delegate administrative and financial powers to the governing body and the administration of a School in the prescribed manner.

(8) The Authority may, for reasons to be recorded in writing, dissolve a governing body and appoint a new governing body within three months of the dissolution of the governing body.

(9) If the Authority dissolves a governing body, it may appoint any person as administrator of the School to look after the affairs of the School till the appointment of the governing body.

8. Powers of governing bodies.— Subject to the overall supervision of the Authority, a governing body may—

- (i) receive charities and donations;
- (ii) maintain accounts and finance of the School;
- (iii) make appointment of teaching and non teaching staff of the School in the prescribed manner; and
- (iv) administer day to day affairs of the School through administration.

9. Admission to Daanish Schools.— (1) The governing body of a Daanish School shall ensure that admission in the School is merit-based within a particular category or sub-category in terms of the provisions of this section.

(2) The governing body of a Daanish School shall admit students, on ten percent seats, who shall pay the fee and other expenses, as may be determined by the governing body.

(3) Subject to sub-section (2), the governing body of a Daanish School shall admit the destitute, most deprived and marginalized student, if the total

combined gross income of the members of the household of the student does not exceed six thousand rupees per month, or any other amount as may be notified by the Authority and the student, in order of precedence, falls in either of the following sub-categories:

- (a) he is orphan having lost both of his parents and having no guardian or being taken care of by an elder sibling or a member of extended family;
- (b) he is orphan and living with his mother;
- (c) his both parents are illiterate, the parents do not own any immovable property and either of them is disabled;
- (d) he has been a school dropout and his both parents are illiterate and the parents do not own any immovable property;
- (e) his both parents are illiterate, the parents do not own any immovable property and do not have any fixed job or source of income;
- (f) he is not resident of a town, tehsil or district headquarters and any of his parent is a semi-skilled or unskilled menial village worker, and the parents do not own any immovable property and are illiterate; and
- (g) he is resident of a town, tehsil or district headquarters and his household resides in a katcha house.

(4) The governing body of a Daanish School may admit a student whose parent is an employee of the School.

(5) The antecedent verification committee shall determine the merit for admission in the School on the basis of criteria mentioned in this section.

(6) The governing body may, for reasons to be recorded in writing, alter or set aside a decision of the antecedent verification committee if it finds that the decision is not based on the criteria for admission.

10. Members to act pro bono.— A member of a governing body shall act pro bono and shall not receive any remuneration for any service rendered as the member of the governing body.

11. Financial management.— (1) A governing body shall maintain the accounts of the School in the prescribed manner.

(2) The Authority shall appoint a firm of chartered accountants for annual audit of accounts of a School.

(3) The Government may order a partial or complete audit of account of a School and may take such action as it deems necessary.

12. Fund.— (1) There shall be a Fund of the Authority, which shall vest in the Authority and in which shall be credited all moneys received by the Authority.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.

(3) The fund shall consist of:

- (a) grants made or loans advanced by the Government or the Federal Government;

- (b) aid and assistance, grants, advances, donations and other non-obligatory funds received from any person, body or entity, national or international agency;
 - (c) loans and advances obtained from the financial institutions with the approval of the Government; and
 - (d) any other income received from any other source.
- (4) The Authority may receive, own and maintain a property transferred to it by any person, body or organization.

13. Budget and accounts.— (1) The Managing Director shall prepare the annual budget of the Authority.

(2) The Managing Director shall, with the approval of the Chairperson, place the budget proposals for approval before the Authority at least thirty days prior to the commencement of a financial year.

(3) The accounts of the Authority shall be maintained in such manner as may be prescribed.

14. Audit.— (1) The Government shall appoint a firm of chartered accountants for the annual audit of accounts of the Authority.

(2) The firm of chartered accountants shall submit the annual audit report of the Authority to the Government.

15. Reports.— (1) A governing body shall prepare an annual performance report of the School for a year ending on 30th April.

(2) A governing body shall, before 31st May, submit the annual performance report to the Authority for evaluation.

(3) The Authority shall prepare an annual performance report for a financial year before 31st July and forward the report to the Government.

(4) The Government shall, within ninety days of the receipt of the report, submit a notice for laying the annual report in the Provincial Assembly of the Punjab.

16. Public servants.— A person appointed, acting or purporting to act in pursuance of any provision of this Act, shall be deemed to be public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

17. Instructions and guidelines.— (1) The Authority may issue general or special instructions or guidelines to a governing body for proper management of the School on any matter incidental to the functioning of the School.

(2) The instructions or guidelines issued by the Authority shall be binding on a governing body and administration.

18. Transfer of Government employees.— (1) The Government may, with the concurrence of the Authority, transfer the services of any of its employees to the Authority.

(2) The Authority may, with the concurrence of an employee and the Government, absorb the services of the employee into its service.

(3) The terms and conditions of the service of an employee transferred from the Government or absorbed in the service of the Authority shall be such as may be prescribed.

19. Advisors, consultants etc.— The Authority may appoint such advisors, consultants or experts as may be necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

20. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

21. Regulations.— Subject to the rules, the Authority may, by notification, frame regulations to give effect to the provisions of the Act.

22. Dissolution and savings.— (1) The Authority may dissolve a Society by issuing a notification for dissolution of the Society.

(2) An asset or liability of a Society, dissolved by the Authority, shall stand transferred to the Authority.

(3) The Authority shall transfer the assets of a Society to a governing body in accordance with the provisions of this Act.

(4) A decision or action taken by any public functionary or a Society, before the commencement of this Act, shall be deemed to have been taken in good faith for the purposes of the Act.

(5) In this section, "Society" means a society registered, before coming into force of this Act, under the Societies Registration Act 1860 (XXI of 1860) for the purpose of establishment and running a Daanish School.

23. Repeal.— The Punjab Education Authority Ordinance 1999 (LII of 1999) is hereby repealed.