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THE PUNJAB EDUCATION INITIATIVES MANAGEMENT AUTHORITY ACT 2018 (I of 2018)

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TEXT

**'THE PUNJAB EDUCATION INITIATIVES MANAGEMENT AUTHORITY
ACT 2018
(I of 2018)**

[13 February, 2018]

**An
Act**

*to provide for the establishment of Punjab Education Initiatives Management
Authority.*

It is necessary to devise, implement and manage reformatory and dynamic initiatives in the education sector in partnership with the private sector, to establish an Authority for the purpose and to provide for matters ancillary thereto.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Education Initiatives Management Authority Act 2018.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) “Act” means the Punjab Education Initiatives Management Authority Act 2018;

(b) “Authority” means Punjab Education Initiatives Management Authority;

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

(d) “Chief Executive” means the Chief Executive of the Authority;

(e) “educational institution” means a public sector institution providing education up to higher secondary level;

(f) “financial assistance” includes grants, loans, scholarships, stipends and rewards;

(g) “fund” means the fund established under the Act;

(h) “Government” means Government of the Punjab;

(i) “member” means a member of the Authority and, where the context so requires, includes the Chairperson;

(j) “non-governmental organization” means a non-commercial or not-for-profit body or organization, by whatever name called, in the private sector and registered under the relevant law;

¹This Act was passed by the Provincial Assembly of the Punjab on 07 February 2018; assented to by the Governor of the Punjab on 13 February 2018; and, was published in the Punjab Gazette (Extraordinary), dated: 13 February 2018, pp. 5749-5754.

- (k) “non-official member” means a member, other than an *ex-officio* member, of the Authority;
- (l) “public-private partnership arrangement” means an agreement between the Government or an agency established by it and a non-governmental organization for operation, administration and management of an educational institution for purposes of achieving the objectives of the Act;
- (m) “regulations” means the regulations framed by the Authority under the Act; and
- (n) “rules” mean the rules made by the Government under the Act.

3. Establishment of the Authority.— (1) The Government shall establish Punjab Education Initiatives Management Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers to enter into contracts, acquire or, subject to subsection (3), dispose of both movable and immovable property, and may, by the said name, sue or be sued.

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

(4) The Authority shall have the headquarters at Lahore and may, with the prior approval of the Government, establish regional offices at such places as may be necessary.

4. The Authority.— (1) The Authority shall consist of the Chairperson who shall be nominated by the Government and the following members:

- (a) Secretary to the Government, School Education Department;
- (b) Secretary to the Government, Literacy and Non-Formal Basic Education Department;
- (c) Secretary to the Government, Finance Department;
- (d) Secretary to the Government, Planning and Development Department;
- (e) Chairman Punjab Information Technology Board;
- (f) Chairman, Punjab Curriculum and Textbook Board;
- (g) Chairman, Punjab Education Foundation;
- (h) eight non-official members, including at least three women, from amongst the members of Provincial Assembly of the Punjab, non-governmental organizations, philanthropists, technocrats and academicians; and
- (i) Chief Executive Officer (member/secretary).

(2) The members mentioned in clauses (a) to (f) may be represented by their nominees not below the rank of an Additional Secretary or equivalent.

(3) The Chairperson and non-official members shall hold office for a term of three years and may, subject to the performance, be appointed for a second term

but the Chairperson or a non-official member shall not be appointed for more than two terms.

(4) A non-official member may resign by writing under his hand.

(5) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or any defect in the constitution of the Authority.

(6) The Government may fill a vacancy of a non-official member by appointing an eligible person in the prescribed manner.

5. Meetings.– (1) The Authority shall meet at least once in every quarter.

(2) The Chief Executive Officer shall convene a meeting of the Authority on the direction of the Chairperson or on a requisition in writing of not less than six members.

(3) The Chairperson shall preside over a meeting of the Authority and in his absence the meeting shall be presided over by the member duly nominated by the Chairperson from amongst the non-official members.

(4) Six members, including at least three non-official members, shall constitute the quorum for a meeting.

(5) The Authority shall take decisions by the majority of its members present and voting, and in case of a tie, the person presiding the meeting shall have a casting vote.

(6) The decisions of the Authority shall be recorded in writing and signed by the Chairperson and Chief Executive Officer.

(7) The Chief Executive Officer shall maintain a complete record of the minutes and the decisions of the Authority in the prescribed manner.

6. Functions of the Authority.– (1) The Authority shall:

(a) design, implement and manage reformatory and dynamic initiatives in the education sector in respect of the educational institutions, including Public School Support Program under the Punjab Education Foundation, for achieving the objectives of the Act;

(b) establish and maintain an effective system for monitoring, supervision and control of its functions under the Act;

(c) boost and support efficient utilization of public sector facilities including capacity building of the existing public sector facilities and designing innovative solutions in consultation with, and support of, the other key stakeholders;

(d) channelize efforts of the private sector in providing quality education and improving service delivery in the education sector;

(e) support Government in improving access to education while addressing regional and gender imbalances and ensuring equitable distribution of cost-effective and quality education;

(f) enter into contract, agreement and memorandum of understanding with non-governmental organizations, any public or private, institution,

person, authority, body, association, society, corporation, having objects common with the functions of the Authority;

- (g) promote and enter into public-private partnership arrangement relating to education in carrying out any of its functions and activities;
- (h) harness the capacities of the private sector in achieving education goals of the Government and filling in gaps in the education system;
- (i) provide financial assistance for improvement, management and expansion of educational institutions and allied projects;
- (j) provide incentives to students, teachers, and educational institutions;
- (k) provide technical assistance to the educational institutions for testing policy interventions and innovative programmes for replication;
- (l) conduct ranking of educational institutions based on educational standards for purposes of the Act;
- (m) monitor the standards of education within and across various initiatives;
- (n) lay down criteria for appointment of qualified teachers in educational institutions;
- (o) raise and accept funds through donations, grants, contributions, subscriptions from any organization with the approval of the Government; and
- (p) perform such other functions as are incidental to the functions of the Authority either by itself or in partnership with any other person or institution.

(2) The Authority shall perform its functions in accordance with the international best practices and in a fair, just and transparent manner and, where required, shall observe the processes which are open, transparent, competitive and equitable.

7. Delegation of powers.— The Authority may, subject to such conditions and limitations as it may deem fit to impose, delegate any of its powers or functions to the Chairperson, Chief Executive Officer, a committee constituted by it, a member or employee, except the powers to:

- (a) frame, amend or repeal regulations;
- (b) approve policy decisions, guidelines or procedures for the operation of the fund;
- (c) determine the terms and conditions of service of the employees of the Authority;
- (d) constitute committees;
- (e) approve the annual budget, audited accounts and annual reports of the Authority; and
- (f) consider audit reports of the Authority.

8. Chief Executive Officer.— (1) The Government shall appoint the Chief Executive Officer on such terms and conditions as it may determine.

(2) The Chief Executive Officer shall be responsible for day to day administration of the affairs of the Authority and shall exercise such powers and functions as are mentioned in the Act or as may be prescribed or assigned to him by the Authority.

9. Committees.– (1) The Authority may constitute such committees as it may deem necessary for carrying out the purposes of the Act.

(2) The composition and functions of the committees shall be such as the Authority may determine.

10. Employees.– The Authority may appoint such persons in its service as it considers necessary for the performance of its functions under the Act, on such terms and conditions as may be prescribed.

11. Advisors, Consultants and Technical Experts.– The Authority may engage Advisors, Consultants and Technical Experts as it may consider necessary for the performance of its functions under the Act, on such terms and conditions as may be prescribed.

12. Fund.– (1) There shall be established a fund to be known as the 'Punjab Education Initiative Authority Fund' which shall vest in the Authority.

(2) The Fund shall consist of:

- (a) the grants received from the Government;
- (b) the grants received from any other authority or agency;
- (c) donations made to the Authority; and
- (d) income of the Authority from any other source.

(3) The fund shall be maintained in such form and manner as may be prescribed.

(4) The Authority shall prudently and frugally utilize the fund to meet expenses of the Authority in connection with the discharge of its functions under the Act.

13. Budget and accounts.– (1) The Chief Executive Officer shall, before the commencement of a financial year, prepare a statement of the estimated receipts and expenditure for that financial year and submit it to the Authority for approval.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(3) As soon as may be, after the end of each financial year, the Authority shall, for that financial year, prepare and approve in the manner prescribed, statements of account of the Authority which shall include a balance-sheet and an account of income and expenditure.

14. Bank accounts.– (1) The Authority may open and maintain its accounts in such scheduled banks as may be prescribed and, until so prescribed, as the Government may determine.

(2) The Authority shall maintain proper books of accounts and other record relating to its financial affairs, assets and liabilities in such form and manner as may be prescribed.

15. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government may, in addition to the audit under subsection (1), cause the annual accounts of the Authority audited by a Chartered Accountant or a firm of Chartered Accountants.

(3) The Chief Executive Officer shall, at the close of each financial year, submit to the Authority duly audited accounts of the Authority together with the report of the Auditor.

16. Annual report.— The Authority shall, within three months of the close of a financial year, submit an annual report to the Government which shall include:

- (a) a comprehensive statement of the work and activities of the Authority during the preceding financial year;
- (b) a statement of accounts and audit report;
- (c) the plans and goals for the future; and
- (d) such other matters as may be prescribed or as the Authority may consider appropriate.

17. Rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

18. Regulations.— Subject to the Act and the rules, the Authority may, with the previous approval of the Government, frame regulations.

19. Directions of the Government.— In the performance of its functions, the Authority shall be bound by, and shall give effect to, the directions of the Government.

20. Public servants.— The Chairperson, Chief Executive Officer, members, officers, employees and other persons authorized to perform or exercise any functions or powers under this Act shall be deemed to be public servant within the meanings of section 21 of the Pakistan Penal Code 1860 (*XLV of 1860*).

21. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Authority, Chairperson, members, officers or employees of the Authority or any other person exercising any power or performing any function under this Act or the rules or regulations made there under for anything done in good faith.

22. Succession and Validation.— (1) On the establishment of the Authority:

- (a) Public School Support Program of Punjab Education Foundation shall stand transferred to the Authority;
- (b) the handing over of operational management of low performing public schools commenced under the Public School Support Program of

Punjab Education Foundation shall be deemed to have been made under the Act;

- (c) all employees, regular or on contract basis, serving the Directorate/Wing of Public School Support Program of the Punjab Education Foundation immediately before coming into force of the Act, shall be considered to be on deputation with the Authority without entitlement to any deputation allowance; provided that such employees may, within three hundred and sixty five days from the date of commencement of this Act, opt for absorption in the service of the Authority as one time option; and
- (d) all the posts sanctioned for Public School Support Program under Punjab Education Foundation shall stand transferred to the Authority.

(2) Save as otherwise specifically provided, nothing in the Act shall affect or be deemed to affect anything done, action taken, proceedings commenced, orders, rules, regulations, appointments, agreements made, directions given or instruments executed or issued in relation to Public School Support Program, under or in pursuance of Punjab Education Foundation Act, 2004 (*XII of 2004*) and any such thing, action, proceedings, orders, rules, regulations, appointments, agreements, directions or instruments shall, if in force at the commencement of the Act and not inconsistent with any of the provisions of this Act, continue to be in force and have effect as if they were respectively done, taken, commenced, made, directed, given, executed or issued under the Act.

23. Removal of difficulties.— If any difficulty arises in giving effect to or applying the provisions of the Act, the Government may make such order, not inconsistent with the Act, as may be necessary for removing the difficulty.

24. Repeal.— The Punjab Education Initiatives Management Authority Ordinance 2017 (XIV of 2017) is hereby repealed.