

SENATE OF PAKISTAN

REPORT NO. 06



REPORT OF THE SENATE IMPLEMENTATION COMMITTEE

ON

"POINT OF PUBLIC IMPORTANCE RAISED BY SENATOR MANZOOR AHMED KAKAR IN THE HOUSE ON 26-04-2019, REGARDING CHARGE OF HOLIDAYS FEE BY PRIVATE EDUCATIONAL INSTITUTIONS, REFERRED TO THE COMMITTEE FOR CONSIDERATION AND REPORT"

PRESENTED BY:

SENATOR DILAWAR KHAN
Convener Senate Implementation Committee

SENATE SECRETARIAT

REPORT OF THE SENATE IMPLEMENTATION COMMITTEE ON THE POINT OF PUBLIC IMPORTANCE REGARDING CHARGE OF HOLIDAYS FEE BY PRIVATE EDUCATIONAL INSTITUTIONS, RAISED BY SENATOR MANZOOR AHMED KAKAR IN THE SENATE ON 26-04-2019.

I, Senator Dilawar Khan, Convener of the Senate Implementation Committee have the honour to present, on behalf of the Committee, this report on the Point of Public Importance raised by Senator Manzoor Ahmed Kakar in the House on 26-04-2019 regarding charge of holidays fee by Private Educational Institutions, and referred to the Senate Implementation Committee for consideration and report.

2. Following is the composition of the Committee:-

1. Senator Dilawar Khan	Convener
2. Senator Aurangzeb Khan	Member
3. Senator Chaudhary Tanvir Khan	Member
4. Senator Molvi Faiz Muhammad	Member
5. Senator Muhammad Ayub	Member
6. Senator Naseebullah Bazai	Member
7. Senator Nighat Mirza	Member
8. Senator Rana Mahmood ul Hassan	Member
9. Senator Saleem Zia	Member
10. Senator Sardar Muhammad Shafiq Tareen	Member

3. The matter was placed on the agenda of the meetings of the Committee held on 08-10-2019, 29-10-2019, 11-12-2019, 24-01-2020 and 06-03-2020. During meeting held on 08-10-2019 Senator Manzoor Ahmed Kakar said that administrative matters of Private Educational Institutions are not being supervised by the Regulatory authority. The Committee asked the Private Educational Institution Regulatory Authority (PEIRA) to submit comprehensive report about top ten private schools of Islamabad. However Senator Manzoor Ahmed Kakar, Mover, did not attend the next 04 meetings of the Committee consecutively.

4. During meeting of the Committee held on 06-03-2020, Mst. Zia Batool, Chairperson, Private Educational Institutions Regulatory Authority (PEIRA) informed the Committee that the issue raised by Senator Manzoor Ahmed Kakar in the House regarding charge of holidays fee by Private Educational Institutions is a genuine issue. She said that the Supreme Court of Pakistan vide its judgement dated 12-06-2019, and subsequent detailed reasoning dated 13-09-2019 in "Private Schools Fees determination case", have struck down the increase in fees by Private Schools since 2017 and it will be deemed that there was no increase in fee since 2017 and fees were frozen at the rates prevailing in January, 2017. In this regard, a Notice dated 23-09-2019 for compliance was also issued by PEIRA directing private schools



management to issue revised fee vouchers in line with the judgement of the Supreme Court of Pakistan. However private schools of Islamabad and their Associations have filed various Writ Petitions in Islamabad High Court (IHC) with the claim that Supreme Court Judgement is not applicable in Islamabad Capital Territory.

5. Islamabad High Court has announced its judgement on 28-02-2020, and certified copy of the same is still awaited. She however informed the Committee that the Islamabad High Court has declared that the PEIRA, despite absence of its Rules, still is the authority to regulate the fee which it should do so as fixation of fee and enhancement cannot be left unregulated especially in times of escalatory trend in prices of all items and contraction of economy resulting in limited resources for the parents to educate their children. The balance is to be maintained by PEIRA keeping in account the quality of education and other facilities being offered by Schools with a reasonable return over the expenses being made by Schools. IHC has allowed PEIRA to issue fresh notice for regulation of fee pursuant to powers provided under the Act and while regulating the fee, it shall keep in regard the observations made by the Court. The Chairperson PEIRA informed the Committee that it will take 3-4 months to PEIRA to issue instructions to the Private Schools for regulation of fee, after taking into account the quality of education and other facilities being offered by each Private School. Senator Dilawar Khan, Convener of the Committee said that PEIRA should include credible persons to determine the fee structure for Private Schools. Senator Rana Mahmood-ul-Hassan said that PEIRA has to sustain the pressure of the management of Private Schools. Senator Manzoor Ahmed Kakar, Mover of Point of Public Importance did not attend the meeting of the Committee for fourth consecutive time. The Committee, therefore, disposed of the matter and decided to present report of the Committee in the House on the point of public importance, with the following recommendations:-.

RECOMMENDATIONS

Private Educational Institutions Regulatory Authority (PEIRA) should include credible people to determine the fees structure for private schools by implementing the judgement of Courts and keeping in account the quality of education and other facilities being offered by Schools with a reasonable return over the expenses being incurred by Schools.

6. The last meeting of the Senate Implementation Committee held on 06-03-2020 was attended by the following members:-

1. Senator Dilawar Khan, Convener
2. Senator Muhammad Ayub, Member
3. Senator Naseebullah Bazai, Member
4. Senator Rana Mahmood ul Hassan, Member


(SHAUKAT JAVAID)
JS/Secretary Committee


(SENATOR DILAWAR KHAN)
Convener Senate Implementation Committee