

THE PUNJAB EDUCATION FOUNDATION ACT, 2004
(XII of 2004)

CONTENTS

1. **Short title, extent and commencement**
2. **Definitions**
3. **Establishment of the Foundation**
4. **Functions of the Foundation**
5. **Board of Directors**
6. **Managing Director**
7. **Filling in vacancy**
8. **Resignation of Director**
9. **Removal of Director**
10. **Fund**
11. **Committees**
12. **Authentication of decisions**
13. **Rules**
- 13A. **Directions of the Government**
14. **Regulations**
15. **Indemnity**
16. **Repeal and Savings**

TEXT

THE PUNJAB EDUCATION FOUNDATION ACT, 2004
(XII of 2004)

[9th June, 2004]

**An
Act**

to provide for the restructuring of the Punjab Education Foundation.

Preamble.— **Whereas** it is expedient to restructure the Punjab Education Foundation for the promotion of education, specifically encouraging and supporting the efforts of the private sector in providing education to the poor and matters ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Punjab Education Foundation Act, 2004.

- (2) It extends to the whole of the Punjab.
- (3) It shall come into force at once.

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

- (a) “Act” means the Punjab Education Foundation Act, 2004;
- (b) “Board” means the Board of Directors constituted under section 5;
- (c) “Chairperson” means the Chairperson of the Board elected under section 5;
- (d) “Director” means the Director of the Board;
- (e) “educational institution” means a primary, middle, high, and higher secondary school, teacher training institution, special education institution, and any other institution engaged in education-related activities;
- (f) “financial assistance” includes grants, loans, scholarships, stipends, and rewards;
- (g) “Foundation” means the Punjab Education Foundation established under section 3;
- (h) “Fund” means the Fund established under section 10;
- (i) “Government” means the Government of the Punjab;
- (j) “grant-in-aid” means monies that are non-refundable;
- (k) “loan” means a refundable sum of money with or without mark up or service charge;

¹This Act was passed by the Punjab Assembly on 26 May 2004; assented to by the Governor of the Punjab on 5 June 2004; and, was published in the Punjab Gazette (Extraordinary), dated 9 June 2004, pages 1455-1458.

- (l) “Managing Director” means the Managing Director of the Foundation;
- (m) “non-governmental organization (NGO)” means a non-governmental organization registered as such under the laws of Pakistan;
- (n) “prescribed” means prescribed by rules made under this Act; and
- (o) “quorum” means quorum of the meeting of the Board specified in section 5(6).

3. Establishment of the Foundation.– (1) There shall be established a Punjab Education Foundation.

(2) It shall be a body corporate having perpetual succession and a common seal with power to hold and dispose of moveable property and to acquire, hold, and sell immoveable property with the approval of the Government and shall by the said name sue and be sued.

²[(3) The Foundation shall have its Headquarter at Lahore and may, with the approval of the Board, establish regional offices outside Lahore.]

4. Functions of the Foundation.– The functions of the Foundation shall be to–

- (i) provide financial assistance for the establishment, expansion, improvement, and management of educational institutions and allied projects;
- (ii) provide incentives to students, teachers, and Educational Institutions;
- (iii) promote public-private partnerships relating to education;
- (iv) provide technical assistance to Educational Institutions for testing policy interventions and innovative programmes for replication;
- (v) rank private educational institutions based on educational standards;
- (vi) raise funds through donations, grants, contributions, subscriptions etc.;
- (vii) assist Educational Institutions in capacity building, including training of teachers; and
- (viii) undertake any other function as may be assigned to it by the Board with the approval of the Government.

5. Board of Directors.– (1) The executive authority and managing of the Foundation shall vest in the Board.

³[(2) The Board shall consist of fifteen Directors including the Chairperson and Managing Director to be appointed by the Government in the following manner:

- (a) eight Directors including at least three women from amongst the non-governmental organizations, philanthropists, technocrats, academicians, parliamentarians and public representatives;
- (b) Secretary to the Government, Finance Department;

²Substituted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.2.

³Substituted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.3.

- (c) Secretary to the Government, School Education Department;
- (d) Secretary to the Government, Literacy and Non-Formal Basic Education Department;
- (e) Secretary to the Government, Social Welfare and Bait-ul-Maal Department;
- (f) Secretary to the Government, Planning and Development Department;
- (g) Vice Chancellor, University of Education, Lahore; and
- (h) Managing Director who shall also be the Secretary of the Board.

Explanation.— The members mentioned from (b) to (f) may be represented by their nominees not below the rank of an Additional Secretary.]

⁴[(3) The Board shall elect the Chairperson from amongst the Directors appointed under clause (a) of subsection (2) for a period of three years.]

(4) The Directors, other than ex-officio Directors, shall hold office for a term of three years and shall be eligible for re-appointment. The retiring Directors shall continue to perform their functions till their successors are appointed.

⁵[(5) * * * * *]

⁶[(6) Six Directors including at least three Directors appointed under clause (a) of subsection (2) shall constitute the quorum for a meeting.]

(7) The Board meeting shall be presided over by the Chairperson or, in his absence, by a Director duly nominated by the Chairperson.

(8) The Board shall appoint the employees and other functionaries of the Foundation and determine the terms and conditions of their employment.

(9) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy or any defect in the constitution of the Board.

(10) The Board may delegate any of its powers to the Managing Director to enable him to carry out its functions.

⁷[(11) The Board shall establish an effective system for monitoring, supervision and control of the discharge of functions under the Act.]

6. Managing Director.— (1) The ⁸[Government] shall appoint a Managing Director who shall be the Chief Executive of the Foundation.

(2) The Managing Director may exercise all such powers and do all acts and things as authorized by the Board.

⁴Substituted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.3.

⁵Omitted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.3.

⁶Substituted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.3.

⁷Inserted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.3.

⁸Substituted for the word "Board" by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.4.

⁹[(3) The Board shall determine the terms and conditions of service of the Managing Director.]

¹⁰[7. **Filling in vacancy.**—The Government may fill a vacancy of Director, other than an ex-officio Director, by appointing an eligible person for the unexpired period of the term of his predecessor.]

8. Resignation of Director.— A Director, other than an ex-officio Director, may at any time, resign his office by addressing a letter to the Chairperson; provided that the resignation shall not take effect until it has been accepted by the Government.

9. Removal of Director.— Government may remove a Director from the Board in such circumstances and in such manner as may be prescribed.

10. Fund.— (1) There shall be established a Fund which shall vest in the Foundation and to which shall be credited—

- (i) grants made by the Federal, Provincial Governments and the local bodies;
- (ii) income from investments made by the Foundation;
- (iii) donations, endowments and subscriptions from organizations and individuals;
- (iv) revolving funds placed by the Government at the disposal of the Foundation;
- (v) donations, endowments and grants from international organizations, subject to approval of the Government; and
- (vi) all other sums received by the Foundation from any other source.

(2) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be determined by the Board.

(3) The accounts of the Foundation shall be maintained in such form and manner as may be prescribed and shall be audited by an auditor, to be appointed by the Government, being a person who is a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961 (Ordinance No. X of 1961).

(4) The Managing Director shall, at the close of each financial year, submit to the Board the audited annual statement of accounts of the Foundation, together with the report of the auditor.

(5) The Managing Director shall submit to the Board at the end of each financial year a report of the activities of the Foundation during that year.

11. Committees.— (1) The Board may constitute such financial, technical, advisory and other committees as may be deemed necessary for carrying out the purposes of this Act.

⁹Inserted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.4.

¹⁰Substituted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.5.

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

12. Authentication of decisions.— All decisions of the Board shall be authenticated by the signatures of the Chairperson and the Managing Director.

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

¹¹[**13A. Directions of the Government.**— In the performance of its functions, the Foundation shall be bound by and shall give effect to the directions of the Government.]

14. Regulations.— Subject to the provisions of this Act and the rules framed thereunder, the Board may, with the previous approval of the Government, make regulations as may be necessary to carry out the purposes of this Act.

15. Indemnity.— No suit, prosecution or other proceedings shall lie against any ¹²[Director,] officer or employee of the Foundation or any other person exercising any power or performing any function under this Act or the rules or regulations made thereunder for anything done in good faith.

16. Repeal and Savings.— (1) On the commencement of this Act—

- (i) the Punjab Education Foundation Act, 1991 (I of 1991), shall stand repealed;
- (ii) the Punjab Education Foundation established under the Punjab Education Foundation Act, 1991 (I of 1991), shall stand dissolved;
- (iii) the assets and liabilities created under the said repealed Act shall stand transferred to the Foundation; and
- (iv) all rules made under the Punjab Education Foundation Act, 1991, shall remain in force in so far as they are not inconsistent with the provisions of this Act until the Rules are framed under this Act.

(2) Save as otherwise specifically provided, nothing in this Act or any repeal effected thereby shall affect or be deemed to affect anything done, action taken, proceedings commenced, orders, rules, regulations, appointments, mortgages or agreements made, directions given or instruments executed or issued, under or in pursuance of any law repealed or amended by this Act and any such thing, action, proceedings, orders, rules, regulations, appointments, mortgages, agreements, directions or instruments shall, if in force at the commencement of this Act and not inconsistent with any of the provisions of this Act, continue to be in force, and have effect as if it were respectively done, taken, commenced, made, given, executed or issued under this Act.

¹¹Inserted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.6.

¹²Inserted by the Punjab Education Foundation (Amendment) Act 2016 (XVIII of 2016), published in the Punjab Gazette (Extraordinary), dated: 4 March 2016, pp. 4103-4104, s.7.