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**THE PUNJAB LOCAL COUNCILS HIGH SCHOOLS (TAKING
OVER) ORDINANCE, 1970
(XV of 1970)**

CONTENTS

- 1. Short title, extent and commencement**
- 2. Definitions**
- 3. Taking over of High Schools**
- 4. Power to except any high school in a local area**
- 5. Transfer of staff and assets**
- 6. Transfer of funds**
- 7. Contribution by Local Council**
- 8. Contribution towards pension**
- 9. Donations and bequests**
- 10. Power to make rules**

TEXT

**¹THE ²[PUNJAB] LOCAL COUNCILS HIGH SCHOOLS (TAKING OVER)
ORDINANCE, 1970**

(XV of 1970)

[30th May, 1970]

**An
Ordinance**

to provide for the taking over by Government of High Schools maintained by District Councils and Town Committees in the Province of ³[Punjab].

Preamble.— **WHEREAS** District Councils and Town Committees in the Province requested that High Schools maintained and run by them be taken over by Government and it is expedient to do so;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.— (1) This Ordinance may be called the ⁴[Punjab] Local Councils High Schools (Taking Over) Ordinance, 1970.

(2) It shall extend to the whole of the Province of ⁵[the Punjab], except the Tribal Areas.

(3) This section and section 2 shall come into force at once, and such other provisions of the Ordinance shall come into force in such areas and on such dates as Government may, by notification in the Official Gazette, specify in this behalf.

2. Definitions.— (1) In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) “District” means a revenue district;
- (b) “District Council” means a District Council constituted under the Basic Democracies Order, 1959;
- (c) “Government” means the ⁶[Provincial Government of the Punjab];

¹This Ordinance was promulgated by the Governor of West Pakistan on 30th May, 1970; published in the West Pakistan Gazette (Extraordinary), dated 30th May, 1970, pages 962-A to 962-D; saved by Article 281 of the Interim Constitution of the Islamic Republic of Pakistan (1972); and, validated by the Validation of Laws Act, 1975 (LXIII of 1975).

²Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

³Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

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⁵Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

- (d) "High School" means a school having classes from 1st to 10th, 6th to 10th or 9th to 10th;
- (e) "income" means the gross income of a Town Committee *minus* capital receipts;
- (f) "Local Area" means the area under the jurisdiction of a Local Council;
- (g) "Local Council" means a District Council or a Town Committee constituted under the Basic Democracies Order, 1959;
- (h) "local rate" means the share of the District Council in the local rate levied under section 59 of the Basic Democracies Order, 1959;
- (i) "prescribed" means prescribed by rules;
- (j) "Provident Fund Contribution" means the contribution which a District Council or a Town Committee makes to the Provident Fund account of its employees;
- (k) "Students' Fund" means fund contributed to by the students for extra curricular activities organised for their benefit;
- (l) "Town Committee" means a Local Council or a Town Committee Area constituted under the Basic Democracies Order, 1959;
- (m) "tuition fee" means the fee which the students pay to the school for their studies.

(2) Any expression used but not defined in this Ordinance and defined in the Basic Democracies Order, 1959 or the Municipal Administration Ordinance, 1960, unless the context otherwise requires, shall have the meanings assigned to them in the said Order or the said Ordinance, as the case may be.

3. Taking over of High Schools.— As from the date of enforcement of this Ordinance in any area, hereinafter referred to as the said date, high schools maintained by the Local Councils shall notwithstanding anything contained in any other law for the time being in force in that area be under the control of Government and all rights, authorities and jurisdiction vested in or exercised by a Local Council in respect of such high schools in that area immediately before the said date, shall—

- (i) except in so far as may be otherwise provided by or under the Ordinance or as may be otherwise directed by Government, cease to vest in and be exercisable by the Local Council ; and
- (ii) vest in and be exercisable by Government in accordance with the provisions of this Ordinance.

4. Power to except any high school in a local area.— Notwithstanding anything contained in section 3, Government may, by notification in the Official Gazette, except from the operation of the provisions of section 3, such high schools in a local area as may be specified.

⁶Substituted *for the words* "Government of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

5. Transfer of staff and assets.— As from the said date, subject to the provisions of this Ordinance—

- (a) all properties and assets (including any unspent grants or unspent part of grants and donations) vesting in a Local Council for the purposes of high schools shall vest in Government for the purposes of high schools;
- (b) all teachers including the heads of schools and other staff employed by a Local Council in connection with the high schools shall stand transferred for service to, and be employed by, Government on the same terms and conditions as are applicable from time to time to teachers and staff of corresponding categories in Government service;
- (c) all rights of a Local Council relating to properties and assets of high schools shall become the rights of Government:

Provided that nothing herein contained shall affect the liability of a Local Council in respect of arrears of pay, leave salary, allowances, contributions to the General Provident Fund, and other dues of the teachers and other staff transferred for service to Government under clause (b), rent for the buildings, and other liabilities relating thereto accrued upto the said date.

6. Transfer of funds.— The Students' Fund, the Teachers Provident Fund and such other funds as are raised from the students shall be transferred to Government and be utilised in the manner in which such funds are utilised in Government schools.

7. Contribution by Local Council.— (1) A Local Council shall pay as its share for maintenance of high schools such percentage of the local rate or income, as the case may be, as may be prescribed by Government.

(2) The amount payable by the District Council under sub-section (1) shall be deducted at source and that payable by the Town Committee shall be paid in such manner as may be prescribed by Government.

8. Contribution towards pension.— A Local Council shall pay to Government such amount as its contribution towards the pension of teachers and other employees for the period they served under it as may be prescribed by Government.

9. Donations and bequests.— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the property donated or bequeathed by an individual, a group or an organisation in favour of a Local Council for the purposes of high schools shall stand transferred to Government on the same terms and conditions.

(2) Any liability existing in connection with property referred to in sub-section (1) before the said date shall be the liability of the Local Council:

Provided that Government may in its discretion undertake to meet the liability in respect of the property.

10. Power to make rules.— Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.