

THE BALOCHISTAN LOCAL COUNCILS
HIGH SCHOOLS (TAKING OVER)
ORDINANCE, 1970

(W.P. Ordinance XV of 1970)

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'THE ?[BALOCHISTAN?] LOCAL COUNCILS
HIGH SCHOOLS (TAKING OVER)
ORDINANCE, 1970

(West Pakistan Ordinance XV of 1970)

[30 May, 1960]

An Ordinance to provide for the taking over by
Government of High Schools maintained by District Councils
and Town Committees in the Province of *[Balochistan].

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 25" 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: —

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

commencemen
t. (2) It shall extend to the whole of the Province of

[Balochistan] 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.

Definitions. 2. (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

a

This Ordinance was promulgated by the Governor of West Pakistan on 30" May, 1970; published in the West Pakistan Gazette (Extraordinary), dated 30" 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 Act LXIII of 1975:

Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u"; a

Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

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Democracies Order, 1959!;

"Government" means the Government of [Balochistan];

"High School" means a school having classes from 1* to 10, 6" to 10% or 9% to 10°;

"income" means the gross income of a Town Committee minus capital receipts;

"Local Area" means the area under the jurisdiction of a Local Council;

"Local Council" means a District Council or a Town Committee constituted under the Basic Democracies Order, 1959!;

"local rate" means the share of the District

Council in the local rate levied under section 59 of the Basic Democracies Order, 1959!;

"prescribed" means prescribed by rules;

"Provident Fund Contribution" means the contribution which a District Council or a Town Committee makes to the Provident Fund account of its employees;

"Students Fund" means fund contributed to by the students for extra curricular activities organised for their benefit;

"Town Committee" means a Local Council or a Town Committee Area

constituted under the Basic Democracies Order, 19593;

"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, 1959¹ or the Municipal Administration Ordinance, 1960, unless the

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That is President Order No. 18 of 1959; repealed by Balochistan Ordinance I of 1972; published in the Balochistan Gazette (Extraordinary), dated 12² February, 1972. Now the Balochistan Local Government Act, 2010 (Act V of 2010); passed by the Balochistan Assembly on 10³ May, 2010: assented to by the Governor of Balochistan on 11³ May, 2010.

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3 See footnote 1 under sub-section (1) (b).

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Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

Taking over of
High Schools.

Power to except
any high
school in a
local area.

Transfer of staff
and assets.

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context otherwise requires, shall have the meanings assigned to them in the said Order or the said Ordinance, as the case may be.

3. 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. 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.

5. 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

That is Ordinance X of 1960; repealed by Balochistan Ordinance I of 1972. Now the Balochistan Local Government Act, 2010

2010); passed by the Balochistan Assembly on 10" May, 2010: assented to by the Governor of Balochistan on 11" May, 2010.

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Transfer of funds.

Contribution by
Local Council.

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towards
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rules.

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 up to
the said date.

6. 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. (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. 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. (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
organization 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. Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

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