

THE PRIVATELY MANAGED SCHOOLS AND COLLEGES
(TAKING OVER) REGULATION 1972

(118 of 1972)

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1. Regulation No. 118

TEXT

'THE PRIVATELY MANAGED SCHOOLS AND COLLEGES (TAKING OVER) REGULATION 1972

(118 of 1972)

1. This Regulation shall come into force at once and shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any deed of trust, contract, agreement or other instrument whatsoever.

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

(a) "college" means an institution having intermediate, degree or post-graduate classes or any combination of two or more such classes;

(b) "privately-managed college" means a college [owned, maintained or] managed by any person or body other than the Central Government, a Provincial Government, a municipal committee, a cantonment board and any other local authority;

(c) "privately-managed school" means a school 'owned, maintained or] managed by any person or body other than the Central Government, a Provincial Government, a municipal committee, a cantonment board and any other local authority;

(d) "school" means an institution imparting education pertaining to classes lower than the intermediate classes.

3. [(1) Except with the prior permission of the Provincial Government and subject to such conditions as it may, in the public interest, impose, no person who owns or manages any privately managed college or privately managed school shall close such college or school or suspend its working or in any manner transfer any property of, or attached to, such college or school or any interest therein.

(2) Any contract or agreement made or entered into at any time on or after the fifteenth day of March, 1972, in contravention of the provisions of paragraph (1) shall be void.]

4. As from the first day of September, 1972, all privately-managed colleges, together with all property attached to them, shall vest—

(a) in the Central Government, if they are situated in the Islamabad Capital Territory; and

'This regulation was issued by the Chief Martial Law Administrator on 4% April, 1972, and was published in the Gazette of Pakistan (Extraordinary), dated 1.4.1972, pages 437-39.

Substituted for the words "maintained and" by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, 8.2.

Ibid.

'Substituted by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.3.

(b) in the Provincial Government, if they are situated in a Province.

5. Such privately-managed school as the Central Government, in the case of a school situated in the Islamabad Capital Territory, and the Provincial Government in any other case, may, by notification in the official Gazette issued at any time on or after the first day of October, 1972, specify in this behalf, shall vest in the Central Government or, as the case may be, in the Provincial Government, together with all property attached to it "[:]".

[Provided that no such notification shall be issued in respect of a privately managed school unless the Provincial Government is satisfied that such school cannot be run on a genuinely benevolent, philanthropic or non-commercial basis or is not maintaining proper standards.]

6. (1) No person who owns or manages a privately-managed college or a privately-managed school shall make any change in the terms of any contract made by him or any of his predecessors with any person with regard to the premises of such college or school or to any property attached to it [except, with the prior permission of the Provincial Government and subject to such conditions as it may, in the public interest, impose.]

(2) [Subject to the provisions of sub-paragraph (1), any change] made in any contract referred to in sub-paragraph (1) on or after the fifteenth day of March 1972, shall be void.

7. (1) No person who owns or manages a privately-managed college or a privately-managed school shall—

(a) | employ or engage any person for the purposes of the college or school, other than a person who was so employed or engaged immediately before the fifteenth day of March, 1972; or

(b) save as otherwise provided in sub-paragraph (2), [or except with the prior permission of the Provincial Government,] change the terms and conditions of service of any person in his employment immediately before the fifteenth day of March, 1972.

(2) [The] teachers of all privately-managed colleges and _privately-managed schools shall be entitled to [such scales or pay, allowances and other benefits as are not less favourable than those] to which the teachers of equivalent

[°]Substituted for the full-stop by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.4.

®Added by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.4.

"Inserted ibid., s.5(a)

®Substituted ibid.,s.5(b), for the words "All changes".

'Inserted by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.6.

"Substituted for the words "As from the first day of October, 1972, the" by the Privately Managed Schools and Colleges (Taking over) (Amendment) Order 1983 (Presidents Order No.6 of 1983.); and published in the Gazette of Pakistan (Extraordinary),

Part |, dated 18.5.1983, s.2.

"Substituted *ibid.*, for the words "The same scales of pay".

qualifications, seniority and experience in the colleges and schools maintained by Government are entitled “[:]”

[Provided that, with the general or special permission of the Provincial Government, any person may be promoted, employed or engaged on such terms and conditions as may be approved by the Provincial Government, against a newly created post or a vacancy caused by the retirement, or expiry of the stipulated period of employment, or termination of services in accordance with the terms and conditions of employment, of a person who was employed or engaged before the fifteenth day of March, 1972.]

8. No compensation shall be payable to any person because of his being divested, under or by virtue of this Regulation, of any privately-managed college or privately-managed school or of any property attached thereto.

9 Tr * * * * * * * * *]

10. “All rights, properties and assets of any privately managed college or privately managed school which is vested in the Provincial Government under or by virtue of this Regulation, shall be the rights, properties and assets of the Provincial Government.]

11 "Tt * * * * * * * * *]

12. |The Central Government may, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Regulation any privately-managed college or privately-managed school in relation to which it is satisfied that it is run on a genuinely benevolent, philanthropic “[or] non-commercial basis.

”[12-A. The Provincial Government may prepare a scheme to provide for the re-transfer to the previous Management thereof of any class of privately-managed colleges and schools vesting in the Provincial Government by virtue of or under this Regulation which in its opinion it would be in the public interest to so re-transfer and may, in accordance with the scheme, by notification in the official Gazette, direct that a college or school belonging to such class and specified in the notification shall, on and from such date as may be so specified, stand re-transferred to the previous Management thereof, subject to such terms and conditions as the Provincial Government may determine.

“Substituted for the full-stop by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976); and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.6

”added ibid.

“Deleted by the Martial Law Regulation No.118 (Punjab Amendment) Act, 1973 (X of 1973); and published in the Punjab Gazette (Extraordinary), dated 21.5.1973, pages 757-A to757-C, s.2.

“Substituted by the Martial Law Regulation No.118 (Punjab Amendment) Act, 1973 (X of 1973); and published in the Punjab Gazette (Extraordinary), dated 21.5.1973, pages 757-A to757-C, s.3.

”Deleted ibid., s.4.

“Substituted for the word “and” by the Privately Managed Schools and Colleges (Taking Over) (Punjab Amendment) Act 1976 (VII of 1976) ; and published in the Punjab Gazette (Extraordinary), dated 19.40.1976, pages 835-838, s.7.

"Inserted by the Privately Managed Schools and Colleges (Taking Over) (Amendment) Order 1983 (Presidents Order No.6 of 1983) ; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 18.5.1983, s.3.

Explanation.— In this paragraph, “previous management” includes the successor or legal representative of the previous management and, where there is no successor or legal representative, such person as the Provincial Government may determine.

12-B. All privately-managed colleges and privately-managed schools shall, in their respective classes, use the same medium of instruction, and follow the same curriculum in the subject of Islamiyat, as is for the time being laid down for the comparable classes in the colleges and schools maintained by Government:

Provided that the provisions of this paragraph in so far as they relate to the medium of instruction shall not apply to any such college or school in relation to students who receive instruction therein for the purpose of preparing themselves for an examination conducted by an institution outside Pakistan.]

13. | The appropriate Government may, by notification in the official Gazette, make such rules as appear to it necessary or expedient for carrying out the purposes of this Regulation.

Explanation.— In this paragraph, “appropriate Government” means,—

(a) in relation to the Islamabad Capital Territory, the Central Government;
and

(b) in relation to a Province, the Provincial Government.

14. (1) No court, including the Supreme Court and a High Court, shall call in question, or permit to be called in question, any provision of this Regulation or of any rule or order made or notification issued or anything done or any action taken or purporting to be made, issued, done or taken thereunder.

(2) No court including the Supreme Court and a High Court, shall grant any injunction or make any order, nor shall any such court entertain any proceedings, in relation to anything done or intended or purporting to be done under this Regulation.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government or a Provincial Government or any other person for anything in good faith done under this Regulation or any rule or order made or notification issued thereunder.

16. If any difficulty arises in giving effect to any provision of this Regulation, the Central Government may make such order, not inconsistent with the provisions of this Regulation, as may appear to it to be necessary for the purpose of removing the difficulty.

17. | Contravention of any of the provisions of this Regulation shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.