

The Punjab Local Authorities (Aided Schools) Act, 1959

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Act 22 of 1959

- Published on 9 June 1959
- Commenced on 9 June 1959
- [This is the version of this document from 9 June 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Local Authorities (Aided Schools) Act, 1959 Punjab Act No. 22 of 1959 Statement of Objects and Reasons. - All Local Bodies Schools in the State have been provincialised with effect from the 1st October, 1957. However, there is no provision in the existing Punjab Municipal Law and the Punjab District Board Act requiring these bodies to part with their movable and immovable property or to make contributions to Government. It is desirable that the procedure to this effect may be laid down by adopting a legislative measure. Hence this Bill is presented to the State Legislature to meet this requirement. Published vide Punjab Government Gazette (Extra), 1959, Page 468. Received the assent of the President of India on the 9th June, 1959 and was first published for general information in the Punjab Government Gazette (Extraordinary), dated the 17th June, 1959. An Act to provide for the management and control of local authorities schools receiving grants-in-aid from the State of Punjab. Be it enacted by the Legislature of the State of Punjab in the Tenth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Local Authorities (Aided Schools) Act, 1959. (2) It extends to the whole of the State of Punjab. (3) It shall be deemed to have come into force on the 1st day of October, 1957.

2. Definitions.

- In this Act, unless the context otherwise requires - (a) "aided school" means a school under the management of a Municipal Committee or a District Board receiving aid from the State Government; (b) "Local authority" means Municipal Committee under the Punjab Municipal Act, 1911, or a District Board under the Punjab District Boards Act, 1883; (c) [-] [Omitted by Punjab Act 22 of 1961.] (d) "school" includes the land, buildings, playgrounds and hostels of the school and the

movable properties such as furniture, books, apparatus, maps and equipments pertaining to the school.

3. Powers of local authorities to transfer management and control of aided schools to State Government.

(1)A local authority may pass a resolution to transfer the management and control of aided schools to the State Government and communicate the same to the State Government.(2)On receiving such a resolution, the State Government may direct that the aided schools shall be taken over under its management and control and thereafter all rights and interests including the right of maintenance, management and control shall be transferred to and vest in the State Government and the rights and interests of the local authority in respect of such schools shall cease.

4. Power to withdraw grant-in-aid.

- The State Government may withdraw the grant-in-aid from any local authority in respect of aided schools if the resolution mentioned in section 3, has not been passed and communicated to the State Government within a period of three months from the date on which this Act is published in the Official Gazette.

5. Power to take over aided schools where local authority neglects to perform, duty.

- [(1)] [Section 5 renumbered as sub-section (1) and sub-sections (2) and (3) inserted by Punjab Act 8 of 1968.] Whenever the State Government is satisfied that a local authority has neglected to perform its duties in respect of aided schools or that it is necessary in public interest to take over their management for a period not exceeding ten years, it may, after giving the local authority a reasonable opportunity for showing cause against the proposed action, make an order to take over the management :Provided that in cases of emergency, where the State Government is satisfied that such a course is necessary in the interests of the students, it may without giving such notice take over the management of such schools after publication of a notification to that effect in the Official Gazette.(2)Notwithstanding anything contained in sub-section (1), if the State Government is satisfied that it is necessary in public interest that an order issued under the aforesaid sub- section (hereinafter referred to as the initial order) should continue in force for a further period not exceeding one year after the expiry of the period of ten years, it may, after giving the local authority an opportunity for showing cause against the proposed action, make an order to that effect.(3)An order under sub-section (2) may be made within a period of six months of the date of expiry of the initial order and where an order is passed under the sub-section for continuing in force the initial order, the order so passed shall have effect from the date of expiry of the initial order and shall be deemed to be in force during the period intervening the date of expiry of the initial order and the date on which an order is passed under sub-section (2) and shall not be called into question before any court or other authority merely on the ground that it was passed after the expiry of the initial order.(4)[The initial order continued in force under sub-section (2) may by an order made by the

State Government, be continued in force for a further period of one year by the State Government under the circumstances and in the manner provided in that sub-section.(5)An order under sub-section (4) may be made within a period of six months of the date of expiry of the order made under sub-section (2) (hereinafter referred to as "the second order") and where an order is made under sub-section (4) for further continuing in force the initial order, the order so made shall have effect from the date of expiry of the second order and shall be deemed to be in force during the period intervening the date of expiry of the second order and the date on which an order is made under sub-section (4) and shall not be called in question before any court, or other authority merely on the ground that it was made after the expiry of the second order.

6. Amendment of Punjab Acts No. III of 1911 and No. XX of 1883.

- Where a local authority has passed a resolution under section 3 or the State Government has taken over management of aided school of a local authority under section 5, the Punjab Municipal Act, 1911, and the Punjab District Boards Act, 1883, shall be deemed to have been amended in the manner specified in the Schedule appended to this Act with effect from the 1st October, 1957.] [Substituted vide Punjab Act 3 of 1968.]

7. Liability of local authorities in certain matters to remain unaffected.

- Nothing contained in this Act shall affect the liability, including the liability in respect of salaries and allowances of the persons employed in or in connection with the aided schools by local authorities before the commencement of this Act for and in connection with the maintenance, management or control of aided schools.

Schedule

(See Section 6)A - The Punjab Municipal Act, 1911(Punjab Act III Of 1911)

1. After clause (f) of sub-section (1) of section 52, the following clause shall be added, namely: -

"(g) seventhly, such sum to be paid annually by the committee to the State Government by way of contribution as is equivalent to -(i)the total provision made in the budget for the year 1957-58 under the main head 'Education' excluding [educational grants" the words "the provision under the sub-heads relating to public libraries, colleges, reading rooms and museums or pertaining to such other matters not relating to schools as the State Government may specify, educational grants and the provision made for 'original works' relating to schools;] [Inserted by Punjab Act 22 of 1961, section 4, w.e.f. 1.10.1957.] and(ii)a sum representing one per centum of the total income from its own resources for the year 1957-58, in lieu of the deductions made for 'original works' made under clause (i) :Provided that in respect of the financial year 1957-58 the committee shall make payment to the State Government of the sums which have remained unexpended on 31st March, 1958, out of the provisions under the head 'Education' in the budget of 1957-58:[Provided further that in

computing the total provision under sub-clause (1), school fees or other moneys received from students by the Committee, income from any property transferred to the State Government, donations for education from the public and such other income of the Committee as may be specified by the State Government shall be excluded.] [Inserted Punjab Act 22 of 1961, Section 4, w.e.f. 1st October, 1957.]

2. To section 59, the following proviso shall be added, namely :-

"Provided that where a committee has passed a resolution under section 3 of the Punjab Local Authorities (Aided Schools) Act, 1959, or the State Government has taken over management of aided schools of a committee under section 5 of that Act, all rights and interests in the establishment, maintenance and management of the aforesaid schools immediately before the 1st October, 1957, including all interests in the lands, buildings, play-grounds, hostels of the said schools as also in the movable properties like furniture, books, apparatus, maps and equipment pertaining thereto shall be deemed to have been transferred to the State Government on that date, and all unspent balances in respect of grants and contributions received for the maintenance and promotion of these schools shall be deemed to have been surrendered to the State Government."B - The Punjab District Boards Act, 1883(Act XX of 1883)

1. For sub-section (1) of section 37, the following shall be substituted, namely :-

(1)The district board shall set apart and apply out of the district board's fund-(a)first, such sums as may be required for payment of the cost of the control and administration of the district boards.(b)secondly, such sums as may be required for payment of the expenses of pauper lunatics sent to public asylums from the area under the authority of the district board;(c)thirdly, the expenses incurred in auditing the accounts of the district board and local boards and such portion of the cost of the State departments for sanitation, vaccination, medical relief and public works as may be held by the State Government to be equitably debitable to the district board on return for services rendered to the board by those Departments;(d)fourthly, a sum to be paid annually by the district board to the State Government by way of contribution as is equivalent to -(i)the total provision made in the budget for the year 1957-58 under the main head 'Education' excluding [the provision under the sub-heads relating to public libraries, college, reading rooms and museums or pertaining to such other matters not relating to schools as the State Government may specify, 'educational grants' and the provision made for 'original works' relating to schools] [Inserted by Punjab Act 22 of 1961, Section 4 w.e.f. 1st October, 1957.]; and(ii)a sum representing one per centum of total income from its own resources for the year 1957-58 in lieu of the deduction made for 'original works' under clause (i) :Provided that in respect of the financial year 1957-58 the district board shall make a payment to the State Government of the sums which have remained unexpended on 31st March, 1958, out of the provision under the head 'Education' in the budget of 1957-58:Provided further that in computing the total provision under sub-clause (i), school fees, or other moneys received from the students by the Committee, income from any property transferred to the State Government, donations for education from the public and such other income of the Committee as may be specified by the State Government shall be excluded.

2. Transfer of property relating to school to State Government - After section 37, the following section 37-A shall be inserted namely :-

37A. Notwithstanding anything contained in this Act, where a district board has passed a resolution under section 3 of the Punjab Local Authorities (Aided Schools) Act, 1959, or the State Government has taken over management of aided schools of a district board under section 5 of that Act, all rights and interests in the establishment, maintenance and management of the aforesaid schools immediately before 1st October, 1957, including all interests in the lands, buildings, play-grounds, hostels of the said schools as also in the movable properties like furniture, books, apparatus, maps and equipment pertaining thereto shall be deemed to have been transferred to the State Government on that date, and all unspent balances in respect of grants and contributions received for the maintenance and promotion of these schools shall be deemed to have been surrendered to the State Government."