

PUNJAB LOCAL AUTHORITIES (AIDED SCHOOLS) ACT, 1959

1959 : Pb. Act XXIII LOCAL AUTHORITIES (AIDED SCHOOLS) THE PUNJAB LOCALAUTHORITIES (AIDED SCHOOLS) 621 Setions 1. 2. 3. 4. 5. 6

7. ACT, 1959 Table of Contents Short title, extent and commencement. Definitions. Power of local authorities to transfer management and Gontrol of aided schools to Central Government. Power to withdraw gant-in-aid. Power to take over aided schools where local authority neglects to perform duty. Amendment of Punjab Acts No, III of 1911 and No. XX of 1883. Liability of local authorities in certain matters to remain unaffected. 1939 Pb. Act XXIIJ LOCAL AUTHORITIES 623 (AIDED SCHOOLS) PUNJAB LOCAL AUTHORITIES (AIDED SCHOOLS) ACT, 1959. PUNJAB ACT NO. XXII OF 1959. [Received the assent of the President on the 9th June, 1959 and first published in the Punjab Government Gazette (Extraordinary) of the 17th June, 1959.] 1 Year 1959 2 No. 3 Short title The Punjab Local Authorities (Aided Schools) Act, 1959 AN ACT 4 Whether repealed or otherwise affected by legislation Amended by Punjab Act No. 22 of 1961'. Amended by the Punjab Re- organisation (Adaptation of Laws on State and Concurrent Subjects) order, 1968. 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. (1) This Act may be called the Punjab Local Short •title, extent Authorities (Aided Schools) Act, 1959. and (2) It extends to the whole of the 8[Unionterritory of Chandigarh.] iFor Statement of Objects and Reasons, sea Punjab Government Gazette (Extraordloaw), 1959, page 488B. 'For Statement of Objects and Reasons, seg Punjab Government Gazette (Extraordinary), 1961, page 364. OSUBstituted for the words "State of Punjab" by the Pun ab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Sub ects) Order, 1968. Definitions. 11959 : Pb. Act 624 LocaL AUTItÖR1tiils (AIDED SCHOOLS) (3) It shall bc deemed to havo come into force on the 1st day of October, 1957

2. In this Act, unless the context otherwise requires, (a) "aided school" means a school under the manage.ment of a Municipal Committee or a District Board receiving aid from the IICentral Govern. ment] ; (b) "local authority" means a Municipal Committee under the Punjab Municipal Act, 1911, or a District Board under the Punjab District Boards Act, 1883 (d) "school" includes the land, buildings, play-grounds and hostels of the school and the movable properties such as furniture, books, apparatus, maps and equipments pertaining to the school. 3. (1) A local authority may pass a resolution to Power of local auth• transfer the management and control of aided schools to orities to transfer management and the 1[Central Government] and communicate the same control of aided schools to Central to the 1[Central Government]. (t) On receiving such a resolution, the 1[Central Government] may direct that the aided schools shall be taken over' under its management and control and there- after all rights and interests including the right of mainte- nance , management and control shall be transferred to and vest in the IICentral Government] and the rights and interests of the local authority in respect of such schools shall cease. Substituted for the words "State Government" by the (Punjab Reorganisation (Chandigarh) (Adaptation of Laws on state and Concurrent subjects) order, 1668. 8Clause (c) omitted by Punjab Act No. 22 of 1961. 1959 ': Pb. Act XXIII LOCAL AUTHORITIES (AIDED SCHOOLS) 625 4. The IICentral Government] may withdraw the Power to withdraw grant-in-aid from any local authority in respect of aided grant-in-aid. schools if the resolution mentioned in section 3, has not been passed and communicated to the 1[Central Governmentl within a period of three months from the date on whicfi this Act is publi shed in the Omcial Gazette

5. Whenever the IICentral Government] is satisfied that take over a local authority has neglected to perform its duties in respect authority of aided schools or that it is necessary in public to perform interest to take over their management for a period not duty.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 manage- Provided that in case of emergency, where the 1[Central 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-athe Official Gazette

6. Where a local authority has passed a resolution Amendment of under section 3 or the IT Central Government] has taken of 1911 and No. Punjab Acts No. 111 over management of aided schools of a local authority XX of 1883. 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 7. Nothing contained in this Act shall affect the Liability of local authorities in cer- liability, including the liability in respect of salaries and tain to allowances of the persons employed In or in connection remain unaffected. 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. 1 Substituted for the words "State Government" by the Panjab Reorgani- sation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 'The words ' 'or from the date the aided schools are taken over, as the case may by Punjab Act No. 22 of 1961. 626 Locxta AUTHORITIES tt959 : Ph. Act xxn (AIDED SCROOLS) THE 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 1[Central Government] by way of contribution as is equivalent to-- (0 the total provision made in the budget for the year 1957-58 under the main head "Education' excluding 2[the provision under the sub-heads relating to public libraries, colleges, reading rooms and museums or pertaining to such other matters not relat- Ing to schools as the Stato Government grants educational specify,] may and the provision made for 'original works' relating to schools ; and (iD 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 a pay- ment to the State Government of the sums which have remained unexpended on 31st March, 1958, out of the provisions under the head GEducation' in the budget of 1957-58, *Substituted for tho words "State Government" by the Punjab tion (Chandigarh) (Adaptation of Laws on state and Concurrent Order, 1968. •Inserted by Punjab Act No, 22 of 1961, 1959 : Pb. Act LOCAL AUTHORITIES 627 (AIDED SCHOOLS) 1[Provided further that in computing the total provision under sub-clause (i), school fees or other moneys received from students by the Committee, income from and property transferred to the State Government, dona- tions for education from the public and such other income of the Committee as may be specified by the State Government shall be excluded]. " 2. To section 59, the following proviso shall be added, namey . "Provided that where a committee has passed a resolution under section 3 of the Punjab Local Authorities (Aided Schools) Act, 1959, or the 2[Central Government] has taken over management of aided schools of a com- mittee under section 5 of that Act, all rights and interests in the establishment, maintenance and management of the aforesaid schools imme- diately 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 trans- ferred to the 2[Central 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 2[Central 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 *Added by ibld. *Substituted for the words "State Govommnt" by the Punjab Reorga- nisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order 1968. 628 [1959 : Pb. Act LOCAL AUT110RTIES (AIDED SCHOOLS) out of the district board's fund— (a) first, such sums as may be required for pay- ment of the cost of the control and admi. nistration 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, vaccina. tion, medical relief and public works as may be held by the 1[Central Govern- ment] to be equitably debitable to the district board on return for services ren- dered to the board by those Depart- ments (d) fourthly, a sum to be paid annually by the district board to the 1[Central Govern- ment] by way of contribution as is equi- valent to— (i) the total provision made in the budget for the year 1957-58 under the main head 'Education' excluding 2[the pro- visions 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 ; 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 deduction made for original works under clause (i) : iSubstituted for the words, 'State Government' by the Punjab Reorga- nisattion(Chandigarh2 (Adaptation of Laws on state and Subjects) Order, 196 • *Inserted by punjab Act No. 22 Of 1961, [1959 Pb. Act XXII LOCAL 629 (AIDED SCHOOLS) 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 l[Provided further that in computing the total provision under sub-clause (i), school fees or other moneys received from students by the Committee, income from any property transferred to the State Government, dona- tions for education from the public and such other income of the Committee as may be specified by the State Government shall be excluded]. " 2. After section 37, the following section 37-A shall be inserted, namely : "37-A. Notwithstanding anything contained in this Act, where a district board has passed a resolution under section 3 of the Punjab Local TratFfer of property Authorities (Aided Schools) Act, 1959, or the 2[Central Government] Central Government. has taken over management of aided schools of a district board under section 5 of that Act all rights and interests in the esta- blishment maintenance and management of the afore- said 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 pro- perties like furniture, books, apparatus, maps, and equipment pertaining thereto shall be deemed to have been transferred to the 2[Central 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 surren- dered to the 2[Central Government]."

iAdded by ibid. 'Substituted for the words "State Government" by the Punjab Reorganisa- don (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) order, 1968.