

**Punjab Private Colleges (Management And Control)  
Ordinance, 1970**

**20 of 1970**

**[25 June 1970]**

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**FORM 1 :- FORM I**

**Punjab Private Colleges (Management And Control)  
Ordinance, 1970**

**20 of 1970**

**[25 June 1970]**

An Ordinance to provide for control over and management of

private colleges in [3][the Punjab] Preamble.- WHEREAS It is expedient to make provisions to enable the private colleges in [4][the Punjab] to maximize their academic efficiency, to stream-line their administration and to regulate conditions of service of teachers employed therein; 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, Commencement And Application :-**

- (1) This Ordinance may be called the [5][Punjab] Private Colleges (Management and Control) Ordinance, 1970.
- (2) It shall extend to the whole of the Province of [6][the Punjab], except the Tribal Areas.
- (3) It shall come into force at once.
- (4) It shall apply to all private colleges except as otherwise provided in this Ordinance.

### **2. Definitions :-**

In this Ordinance, unless there is anything repugnant in the subject or context-

- (a) "affiliated to a University" means a college affiliated to a University and includes a college admitted to privileges of a University;
- (b) "Board" means the Board of Intermediate and Secondary Education, within the territorial jurisdiction of which a college is located;
- (c) "Chairman" means Chairman of the Governing Body;
- (d) "competent authority" means the Director of Education of the region in which a college is situated;
- (e) "Governing Body" means the Governing Body of the college;
- (f) "Government" means the [7][Provincial Government of the Punjab];
- (g) "Private college or institution" means a college or an institution recognized by a Board for the purpose of education at the Intermediate level or affiliated to a University for the purpose of higher education but does not include any college managed by-
  - (i) Government;
  - (ii) Local body, a Cantonment Board or a University; or
  - (iii) a Governing Body appointed by Government under the

provisions of the [8][Punjab] Educational and Training Institutions Ordinance, 1960 or any other law in force immediately before the commencement of this Ordinance;

(h) "Member" means a member of the Governing Body;

(i) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(j) "Parent Body" means the person who, or the association of persons which founded, established or maintained and managed the college prior to the establishment of the Governing Body;

(k) "principal" means the principal officer incharge of the college;

(l) "registered benefactor" means a person who after the commencement of this Ordinance donates in lump sum an amount not less than Rs. 15,000.00 to the college fund and whose name shall be entered in a register maintained by the principal for the purpose;

(m) "teacher" means a Professor, Associate Professor, Assistant Professor, Reader, Lecturer or any employee of the college imparting instructions and includes the principal, the demonstrator, the Director of Physical Education and the Physical Instructor.

### **3. Establishment Of Governing Body :-**

For the efficient management and control of a college, there shall be established by the competent authority a Governing Body.

### **4. Constitution Of Governing Body :-**

(1) Subject to the provisions of sub-section (3) of section 10, the Governing Body shall consist of the following members, namely:-

(i) the principal of the college;

(ii) three teachers to be elected by the teachers of the college from amongst themselves;

(iii) four members to be nominated by the Parent Body;

(iv) one nominee of the registered benefactors of the college;

(v) two nominees of the competent authority;

(vi) one nominee of the Syndicate of the University in the case of a college affiliated to the University; provided that he shall not be a nominee for any other college; and

(vii) one nominee of the Board in the case of a college recognised by the Board for the purpose of education at the Intermediate level; provided that he shall not be a nominee for any other college.

(2) If any member of the Governing Body is not appointed, elected

or nominated within thirty days of the promulgation of the [10] [Punjab] Private Colleges (Management and Control) [11][\* \* \*] (Amendment) Ordinance, 1970, or in the case of a new college within thirty days of its recognition by the Board concerned or affiliation by the University, or any member is not available for any reason, its remaining members shall continue to act as Governing Body.

(3) There shall be elected in the prescribed manner a Chairman from amongst such members of the Governing Body as are not employees of the college or the University or the Board concerned.

(4) The principal shall be the ex-officio Secretary of the Governing Body.

(5) Members of the Governing Body, other than the principal, shall hold office for a period of three years and shall be eligible for nomination or election, as the case may be, for more than one term.]

## **5. Removal And Resignation Of Member And Chairman :-**

(1) The Chairman or a member may resign his office by tendering his resignation to the competent authority, and the seat of the Chairman and of such member shall become vacant when the resignation is accepted by the competent authority.

[12][(2) The Chairman or a member may [13][after being given an opportunity of being heard] be removed from office for such reasons and in such manner as may be prescribed.]

(3) A person appointed as a member by virtue of his holding a particular office shall cease to be the member on his ceasing to hold that office.

## **6. Filling Of Casual Vacancies :-**

If a vacancy in the office of the Chairman or a member occurs during the prescribed term, by death, resignation, disability or otherwise, the vacancy shall be filled in accordance with the provisions of section 4 and the Chairman or the member so elected or nominated to fill the vacancy shall hold office for the unexpired term.

## **7. Meeting Of Governing Body :-**

The meetings of the Governing Body shall be held at such times and at such places and in accordance with such procedure as may

be prescribed.

## **8. Powers And Duties Of Governing Body :-**

(1) Subject to the provisions of this Ordinance, the Governing Body shall exercise general supervision and control over the affairs of the college and without prejudice to the generality of the above powers it shall-

(a) control and administer the property of the college notwithstanding the ownership of such property being that of the Parent Body;

(b) manage and regulate the funds, finances, assets and investments of the college;

(c) pass the budget; and

[14][(d) appoint teachers and other employees of the college and may dismiss, remove or retire them from service or otherwise terminate their services or take other disciplinary action against them after giving them an opportunity of being heard.]

(2) It shall be duty of the Governing Body to ensure-

(a) that the conditions on which the college has been recognized by a Board or affiliated to a University and all rules and orders issued by such Board, University, or other competent educational authorities from time to time regarding the admission of students, curriculum, syllabus, medium of instructions, examinations and other cognate matters as applicable to the college are observed;

(b) that the provisions of this Ordinance and the rules made thereunder are strictly enforced;

(c) that the views expressed by the students on the working of the college in so far as it affects their interests are given due consideration;

(d) that the accounts of the college are maintained in the form and audited in the manner approved by the competent authority.

## **8A. Review :-**

(1) Any person considering himself aggrieved by any disciplinary action taken under clause (d) of sub-section (1) of section 8 may, within fifteen days of the order in this behalf, apply to the Review Committee constituted under sub-section (2) to review the order.

(2) The Review Committee shall consist of the Chairman and two members to be elected by the members of the Governing Body from amongst themselves.

(3) On an application under sub-section (1), the Review Committee shall make recommendations thereon to the Governing Body, after giving an opportunity to the aggrieved person of being heard.

(4) The Governing Body shall consider the recommendations of the Review Committee and make such order as it may think fit.

## **9. Powers And Duties Of The Principal :-**

Subject to the provisions of this Ordinance and the rules made thereunder, the principal shall be competent to regulate all matters connected with the internal administration of the college including admissions, class promotions, teachers time-table, maintenance of discipline, grant of fee concessions and scholarships, incurring of the expenditure provided for in the budget, maintenance of the register of the registered benefactors and making temporary or officiating appointments of not more than three months duration.

## **10. Submission Of Statement :-**

(1) The Parent Body shall furnish to the competent authority a statement in the form appended to this Ordinance within two months of-

- (a) the commencement of this Ordinance, if the college was in existence at the time of such commencement; or
- (b) the date on which, the college is recognized by a Board, or affiliated to a University.

(2) The Parent Body shall disclose in the statement its contribution to the annual expenditure involved in running the College.

(3) If the contribution made by the Parent Body is less than twenty-five per centum of the annual expenditure of the college, the competent authority may reduce the number of nominees of the Parent Body on the Governing Body to such number as it may deem fit:

[16][Provided that after such reduction, the number of the nominees of the Parent Body shall not be less than two.]

Explanation- For the purposes of sub-section (3) the amount of contribution made by the Parent Body shall be deemed to include the income from the property and assets of the college and the rental value, assessed by the competent authority of the property used by the college and owned by or vesting in the Parent Body.

## **11. College Fund :-**

The college shall have a fund to which shall be credited-

- (a) income from fees, donations, trusts, bequests, endowments, grants, and lumpsum contributions by the registered benefactors;
- (b) income from the property of the college;
- (c) contribution made by the Parent Body;
- (d) contributions or grants-in-aid given by Government; and

(e) income from all other sources.

### **12. Bar To Derive Financial Benefits :-**

No member of the Governing Body shall derive any financial benefit from the college; provided that nothing in this section shall debar a person possessing the prescribed qualifications from being appointed and receiving emoluments and enjoying other benefits as a teacher in accordance with the rules [17][and Regulations made under this ordinance].

### **13. Inspections :-**

(1) The competent authority may inspect the college or cause it to be inspected from time to time by one or more persons authorised by it in this behalf.

(2) The competent authority may call upon any college so inspected to take, within a specified period, such actions as may appear to it to be necessary in respect of any of the matters provided for in this Ordinance and the rules and regulations made thereunder.

### **14. Staff Council :-**

There shall be a Staff Council in the college consisting of the principal as Chairman and four other senior-most teachers as members, to advise on the day-to-day affairs of the college and on other matters mentioned in section 9.

### **15. Section 15 :-**

[Teachers Association] Deleted by the West Pakistan Private Colleges (Management and Control) (Punjab Amendment) Ordinance, 1970 (X of 1970).

### **16. Student-Teacher Council :-**

(1) There shall be a Student-teacher Council in the college consisting of-

(i) the principal;

(ii) two teachers to be elected in the prescribed manner by the [18] [teachers of the college from amongst themselves], other than those elected on the Governing Body; and

(iii) the President and the Secretary of the Students Union.

(2) The Council shall consider matters relating to the welfare of the

students and make recommendations to the Governing Body in this behalf.

### **17. Dissolution Of Parent Body Or Governing Body And Taking Over Of College :-**

If the college ceases to maintain efficiency and discipline in accordance with or fails to satisfy the requirements of the provisions of this Ordinance and the rules and regulations made thereunder or it is conducted in a manner which is prejudicial to the interest of education, Government may after giving the Parent Body or the Governing Body, as the case may be, an opportunity to show-cause against the proposed action-

- (a) dissolve the Governing Body and appoint a Board of Governors under the provisions of the [19][Punjab] Government Educational and Training Institutions Ordinance, 1960;
- (b) take over the college permanently; or
- (c) take such other action as it may deem to be expedient.

### **18. Appointment Of Foreign Nationals :-**

Notwithstanding anything contained in sections 4, 8, 9 and 19 and the rules made under this Ordinance, no person who is a foreign national shall be appointed to the teaching or administrative staff or elected or nominated to the Governing Body of a college without the prior approval of Government.

### **19. Protection Of Rights Secured By Agreement, Custom Or Usage :-**

(1) The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, instrument, articles of association, deed or other document.

(2) Save as provided in section 18 nothing in this Ordinance shall affect any agreement, custom or usage in force immediately before the commencement of this Ordinance in so far as such agreement, custom or usage ensures conditions of employment more favourable to the teachers of the college than those prescribed by the rules made under this Ordinance.

### **20. Indemnity :-**

(1) No suit or legal proceedings shall lie against Government in



respect of anything which is, in good faith, done or intended to be done under this Ordinance.

(2) No suit, prosecution or other proceedings shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

## **21. Exemption :-**

[20] [(1) Government may, by notification in the official Gazette, on the recommendation of a Tribunal to be constituted for the purpose and on such grounds as may be prescribed, exempt any college from the operation of all or any of the provisions of this Ordinance for a period which shall not be less than three years or more than five years at a time:

Provided that an application for exemption shall not be made before the expiry of six months from the establishment of the Governing Body of the college.]

(2) The constitution, term of office and the procedure of the Tribunal referred to in sub-section (1) shall be such as may be prescribed.

## **22. Power To Make Rules :-**

(1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for-

[21] [(a) grounds for exemption from the provisions of this Ordinance;

(b) constitution, terms of office and the procedure of the Tribunal;

(c) election of teachers representatives on the Governing Body ;  
and

(d) any other matter required under any of the provisions of the Ordinance to be prescribed by rules.

## **23. Power To Make Regulations :-**

(1) Subject to the Provisions of sub-section (3) the Governing Body may frame regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder, to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such regulations shall provide for-

- (a) procedure to be followed at the meetings of the Governing Body and the quorum required at such meeting;
  - (b) notice on which an ordinary or special meeting may be convened;
  - (c) time and place at which meetings of the Governing Body may be held;
  - (d) manner in which the minutes shall be circulated and confirmed;
  - (e) appointment, confirmation, promotion and security of service of teachers and other employees of the college;
  - (f) pay scales and allowances payable to teachers;
  - (g) contributory provident fund benefits for the teachers;
  - (h) grant of leave, medical assistance and other amenities to teachers;
  - (i) admission of students to the college;
  - (j) fixation of fees and funds to be realized from students;
  - (k) provision of facilities to students;
  - (l) grant of fee concessions and scholarships to students;
  - (m) establishment and functioning of Student-teacher Council;
  - (n) election of the Chairman;
  - (o) removal of the Chairman and members from the Governing Body; and
  - (p) any other matter required under any of the provisions of this Ordinance to be prescribed by regulations.
- (3) Regulations under clause (e) of sub-section (2) shall be subject to the approval of the competent authority.

#### FORM 1

#### FORM I

(See SECTION 10)

#### I-GENERAL

1. Name of the Institution.
2. Location and address of the Institution.
3. Establishment of the Institution-
  - (a) Date of starting.
  - (b) Date of recognition by the Board of Intermediate and Secondary Education concerned in case of Matriculation and Intermediate.
  - (c) Date of affiliation to the University for degree classes.
  - (d) Date of affiliation for post-graduate classes and other subjects in which affiliation granted.
4. Medium of instruction followed.

#### II-MANAGEMENT

1. Is the Managing Body (Parent Body) registered with the Registrar, Joint Stock Companies under the Societies Registration Act, 1860-
2. Chief Authority/Agency under whose control the Institution is working.
3. Attach:-
  - (a) List of members of the Managing body with their address.

(b) A copy of the constitution/constitutions.

### III-STAFF

1. Attach statement showing full particulars regarding qualifications, teaching experience, field of specialization, salary and scale of each member of the teaching staff.

2. Are the teachers employed on written agreement- If so, attach a copy of the agreement.

3. Has the Institution made provisions for provident fund or pension (or both) for teachers-

4. What is the percentage of contribution made by the Institution towards provident fund-

5. Attach copy of the service rules of the Institution.

### IV-FINANCES

Details of receipts and expenditure for the year ending 30th June, 1970.

Income Amount	Expenditure Amount
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1. Grants-in-aid from Government.	1. Administrative.
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2. Teaching staff.	
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2. Development Grant (Specify the purpose)-	3. Ministerial staff.
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(a) From Government.	4. Menial staff.
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(b) From Evacuee Trust Board.	5. Rent of school building
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(c) From any other source.	6. Electricity and Water charges.
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3. Total income from subscription/contribution endowments.	7. Miscellaneous (Specify.)
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(a) Repair of buildings.	
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(b) Telephone.	
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4. From tuition fee.	(c) Furniture.
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(d) Library.	
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5. From different funds.	(e) Scholarships.
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(f) Sports.	
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6. Contribution by the parent Body.	(g) Any other item of expenditure.
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7. From any other source (specify).	
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Total Receipts	Total Expenditure
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### ASSETS AND LIABILITIES

Assets Amount	Liabilities Amount
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1. Details of immovable property	1. Loans, if any.
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2. Trusts and endowments.	2. Over-draft at bank.
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3. Cash in bank.	3. Rent of the building, if hired.
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4. Cash with manager or treasurer.	4. Any other liability (Specify).
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Total	Total
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### V-BUILDINGS

1. Attach plan of buildings.

2. Does the Institution possess the buildings of its own- If yes, attach transfer deed.

3. Are the buildings acquired on long lease - If so, a copy of the lease deed should be attached.

4. List showing details of-

(a) Class-rooms giving size of each room.

(b) Laboratories.

(c) Library.

### VI-HOSTEL (IF MAINTAINED)

1. Maximum number of boarders who can be accommodated.
2. Arrangement for medical aid.
3. Status of the Superintendent/ Warden.
4. Does the Superintendent/ Warden reside inside or near the hostel-
5. Sanitary and hygienic condition of the hostel.

#### VII-PLAY GROUNDS

Are there playgrounds attached to the Institution- Please specify the area of different play fields.

#### VIII-FURNITURE

Attach the list of main items of furniture which are used by the students.