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PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

November 26, 2019

No. PAP /Legis-2(28)/2019/2153. The Punjab Seized and Freezed Institutions (Madaaris and Schools) Bill 2019, having been passed by the Provincial Assembly of the Punjab on November 18, 2019, and assented to by the Governor of the Punjab on November 25, 2019, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB SEIZED AND FREEZED INSTITUTIONS (MADAARIS AND SCHOOLS) ACT 2019

ACT XX OF 2019

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated November 26, 2019.]

An Act

to establish the Madaaris and Schools Management Board in the Punjab.

It is necessary to establish the Madaaris and Schools Management Board; to manage the seized and freezed institutions; to ensure mainstreaming of students of such institutions; and to provide for the matters connected therewith and ancillary thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Seized and Freezed Institutions (Madaaris and Schools) Act 2019.

(2) It extends to whole of the Punjab and shall apply to such institutions as may be notified by the Government.

(3) It shall come into force from such date as the Government may, by notification in the official Gazette, specify.

2. **Definitions.**— In the Act:

- (a) "Act" means the Punjab Seized and Freezed Institutions (Madaaris and Schools) Act 2019;
- (b) "Board" means the Board constituted under section 3 of the Act;
- (c) "Chairperson" means the Chairperson of the Board;

- (d) "Committee" means a Committee constituted by the Board under the Act;
- (e) "Directorate" means the Directorate established under section 7 of the Act;
- (f) "Government" means Government of the Punjab;
- (g) "Institutions" means the madaaris or schools seized and freezed under section 2 of the United Nations (Security Council) Act 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4 March 2019, and any other educational or training institution notified by the Government under the Act and includes an establishment, a property or an organization attached thereto;
- (h) "member" means a member of the Board;
- (i) "prescribed" means prescribed by the rules made or the regulations framed under the Act;
- (j) "regulations" means the regulations framed by the Board under the Act;
- (k) "rules" means the rules made by the Board under the Act; and
- (l) "seizing agency" means a seizing agency notified under section 2 of the United Nations (Security Council) Act 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4 March 2019.

3. **Board.**— (1) For the efficient management and control of the institutions, the Government shall, by notification in the official Gazette, constitute a Board to be known as Madaaris and Schools Management Board.

(2) The Board shall be a body corporate, having perpetual succession and a common seal, with power to enter into contracts and to acquire, hold and dispose of property, movable and immovable, and shall in its name sue and be sued.

(3) The Board shall consist of the following:

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| (a) Secretary to the Government, School Education Department; | Chairperson |
| (b) Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary; | Vice Chairperson |
| (c) Secretary to the Government, Law and Parliamentary Affairs Department or his nominee not below the rank of an Additional Secretary; | member |
| (d) Secretary to the Government (Regulations Wing), Services and General Administration Department or his nominee not below the rank of an Additional Secretary; | member |
| (e) Special Secretary to the Government, Home Department or his nominee not below the rank of an Additional Secretary; | member |
| (f) three non-official members, including at least one woman, to be nominated by the Chief Minister Punjab; and | members |
| (g) Director of the Directorate. | member/Secretary |

(4) The non-official members shall have such qualification and experience and shall serve for such period as may be prescribed through regulations.

4. **Removal of non-official members.**— The Chief Minister may remove any non-official member before the expiry of his term without assigning any reason thereof.

5. Meetings of the Board.— The meetings of the Board shall be held at such time and at such place and in accordance with such procedure as may be prescribed by the regulations.

6. Powers of the Board.— Subject to the provisions of the Act, the Board shall have the powers to:

- (a) acquire and dispose of a property and to enter into contracts;
- (b) recruit and determine terms and conditions of employees of the institutions, including special dispensation if required;
- (c) formulate the budget of the institutions;
- (d) lay down the procedure for the conduct of its business;
- (e) set up any Committee as may be required for carrying out the purposes of the Act;
- (f) hire the services of staff belonging to the other Provinces as one-time dispensation only; and
- (g) delegate powers to the Chairperson or a Committee or the Director of the Directorate or any employee of the Board, except the power to make rules or frame regulations.

7. Establishment of the Directorate.— (1) The Government shall, by notification in the official Gazette, establish a Directorate headed by Director having such number of employees on such terms and conditions as the Board may determine through regulations.

(2) The Directorate shall be managed and controlled by the Board in such manner as may be prescribed.

(3) The Directorate shall manage the properties of the institutions and affairs of the students of these institutions, as may be prescribed through regulations.

8. Transitional provisions for employees of the Institutions.— Any person, not below the age of eighteen years, serving in connection with the affairs of the institutions, in any capacity immediately before the date notified under subsection (3) of section 1 of the Act, hereinafter referred to as the "said date", shall be deemed to have been an employee of the Board on such terms and conditions as the Board may determine:

provided that such terms and conditions shall not be less favorable than those determined by the seizing agency as notified and were admissible to an employee immediately before commencement of the Act:

provided further that no such employee shall be dismissed or removed from employment or reduced in rank by any authority other than the Board.

9. Properties.— (1) All liabilities of the institutions on the said date shall stand transferred to the Board.

(2) All properties, movable or immovable, owned by an institution shall vest in the Board:

provided that where a property is not owned by an institution, such property shall be managed and controlled by the Board.

10. Board Fund.— (1) There shall be a fund to be known as Board Fund.

(2) The Board Fund shall consist of:

- (a) grants-in-aid made by the Government;
- (b) loans obtained from the Government;
- (c) aid and loans obtained by the Board with the prior approval of the Government on such terms and conditions as may be approved by the Government; and
- (d) fees and other sums received by the Board.

(3) All moneys at the credit of the Board shall be kept in such manner as may be prescribed.

(4) The Board Fund shall be utilized by the Board in connection with its functions under the Act, including the payment of salaries and other remunerations of the employees of the Board.

11. Maintenance of accounts.— The Board shall maintain complete and accurate books of accounts in such form and manner as may be prescribed.

12. Annual Financial Statement.— The Board shall submit a statement of estimated receipts and expenditure in respect of the next financial year to the Government for approval, at such time and in such manner as may be prescribed and the Board shall give effect to any modification made therein by the Government.

13. Returns and statements.— (1) As soon as may be after the close of every financial year but not later than the last day of September next following, the Board shall submit to the Government for approval a report on the conduct of its affairs for that year.

(2) The Government may direct the Board to furnish:

- (a) any return, statement, estimate, statistics or other information or report regarding any matter under the control of the Board; or
- (b) a copy of any document in the custody of the Board, and the Board shall comply with every such direction.

14. Audit.— The accounts of the Board shall be audited in such manner as may be prescribed.

15. Chairperson, members, employees to be public servants.— The Chairperson and members of the Board, members of any of a Committee constituted under the Act and the employees of the Board shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code 1860 (*XLV of 1860*).

16. Powers to make rules.— (1) The Board may, with prior approval of the Government, make rules for carrying out the purposes of the Act.

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

- (a) forms and registers for keeping the accounts of the institutions;
- (b) time and manner of submission of annual financial statement to the Government for approval;
- (c) returns, statements, estimates, statistics, information or reports for submission to the Government;
- (d) manner in which the accounts of the Board shall be audited;
- (e) manner in which Board Fund shall be kept; and
- (f) any other matter under the provisions of the Act.

17. Regulations.— (1) The Board may frame regulations, not inconsistent with the provisions of the Act and the rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for:

- (a) schedule of meetings of the Board and the procedure to be followed in such meetings;
- (b) circumstances in which an ordinary or special meeting may be convened;
- (c) manner in which the minutes shall be circulated and confirmed;
- (d) powers to be exercised and functions to be performed by a Committee;
- (e) terms and conditions of employment of employees of the Board;
- (f) delegation of administrative and financial powers to the Directorate, a Committee or an employee of the Board;
- (g) manner in which the Board Fund shall be disbursed;
- (h) procurement of goods and services; and
- (i) any other matter within the scope of the Act.

18. Exception.— The provisions of the Punjab Civil Servants Act 1974 (*VIII of 1974*), the Punjab Regularization of Service Act 2018 (*XV of 2018*), the rules, regulations, policies and instructions made thereunder, shall not apply to the employees of the Board.

19. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Board, the Chairperson or any employee of the Board in respect of anything done in good faith in public interest or intended to be done under the Act, the rules, the regulations or the instructions issued thereunder.

20. Validation.— All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made thereunder by any authority which were made, taken, done or purported to have been made, taken, done, issued, or exercised immediately before the commencement of the Act and after the said date, shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had effect accordingly.

21. Removal of difficulties.— If any difficulty arises in giving effect to any provision of the Act, the Chief Minister may make such order not inconsistent with the provisions of the Act, as may appear to him to be necessary for the purpose of removing such difficulty.

22. Repeal and saving.— (1) The Punjab Seized and Freezed Institutions (Madaaris and Schools) Ordinance 2019 (V of 2019) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Seized and Freezed Institutions (Madaaris and Schools) Ordinance 2019 (V of 2019), all actions taken under the repealed Ordinance from the date of repeal of the said Ordinance till the date of commencement of the Act shall be deemed to have been taken under the Act.

Inayat Ullah Lak
Acting Secretary