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PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

July 23, 2021

No. PAP/Legis-2(121)/2021/2590. The Punjab Educational Institutions (Reconstitution) Bill 2021, having been passed by the Provincial Assembly of the Punjab on June 4, 2021, and assented to by the Governor of the Punjab on July 15, 2021, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB EDUCATIONAL INSTITUTIONS (RECONSTITUTION) ACT 2021

ACT XXII OF 2021

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated July 23, 2021.]

An Act

to reconstitute certain educational Institutions in the Punjab.

It is necessary to reconstitute certain educational Institutions in the Punjab to improve their governance and management by providing academic, financial and administrative autonomy aiming at enhancing quality of education in the Punjab.

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 Educational Institutions (Reconstitution) Act 2021.

- (2) It shall extend to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) "Board" means the Board of Governors of an Institution;
- (b) "Government" means Government of the Punjab;
- (c) "Institution" means an educational Institution mentioned in the Schedule to this Act;
- (d) "Management Committee" means the Management Committee constituted under section 10 of this Act;
- (e) "prescribed" means prescribed by the regulations framed under this Act;
- (f) "President" means Governor of the Punjab;
- (g) "Principal" means the Principal of an Institution;
- (h) "regulations" means the regulations framed under this Act; and

- (i) "relevant Department" means the Department under whose domain an Institution is reflected in the First Schedule of the Punjab Government Rules of Business 2011.

3. Incorporation.— (1) The Government shall, by notification in the official Gazette, reconstitute an Institution.

(2) An Institution shall be a body corporate having perpetual succession and a common seal, and may by the said name sue and be sued.

(3) An Institution may acquire and hold property, both movable and immovable; lease, sell or otherwise transfer any property vested in it; or, enter into contracts for purposes of this Act.

(4) Notwithstanding anything contained in any other law for the time being in force, an Institution shall have academic, financial and administrative autonomy, including the powers to engage advisors and consultants, and employ officers, teachers and other employees on such terms and conditions as may be prescribed.

(5) Upon reconstitution of an Institution under subsection (1), all properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held in trust by and for an Institution immediately before the commencement of this Act, and all liabilities legally subsisting against such an Institution shall stand transferred to that Institution.

(6) An Institution shall consist of the following:

- (a) Board;
- (b) President;
- (c) Principal;
- (d) members of Management Committee and other Committees;
- (e) Bursar;
- (f) Heads of schools or departments;
- (g) Chief Medical Officer;
- (h) Chief Security Officer;
- (i) teachers and students; and
- (j) other officers and members of the staff of the Institution.

4. Board.— (1) The management and control of an Institution shall vest in the Board which shall consist of the President and the following members:

- (a) Minister in charge of the relevant Department;
- (b) Secretary to Government of the relevant Department or his nominee not below the rank of an Additional Secretary;
- (c) General Officer Commanding of the corps of the armed forces as may be appointed by the President;
- (d) two distinguished academicians to be appointed by the President;
- (e) fifteen eminent alumni of the Institution from academia, industry, judiciary, civil service, armed forces, sports, and former and sitting members of legislative bodies to be appointed by the President;
- (f) Principal of the Institution; and
- (g) any other member as may be appointed by the President.

(2) Members of the Board, other than *ex-officio* members, shall be appointed for a period of three years, and may be reappointed on the expiry of their term of appointment.

5. Powers and functions of Board.— (1) Unless otherwise provided in this Act, the Board shall have powers to:

- (a) hold, control, administer, acquire and dispose of property and funds of the Institution and to enter into contracts for the purposes of this Act;
- (b) govern and regulate finance, accounts and investments of the Institution, and for that purpose appoint such agents and auditors as the Board may deem fit;

- (c) determine the form, custody and use of the common seal of the Institution;
- (d) collaborate with the Government, national and international organizations and educational institutions for the purposes of this Act;
- (e) devise and implement proper system of checks and balances within the Institution;
- (f) appoint Principal of the Institution from a panel of three persons recommended by the Management Committee;
- (g) frame regulations for the terms and conditions of service of advisors, consultants, Principal and other members of teaching and administrative staff of the Institution, and of the officers and employees of the Board;
- (h) consider and approve the annual budget of the Institution;
- (i) constitute the Management Committee and such other Committees as may be required for carrying out the purposes of this Act;
- (j) receive and manage any property transferred, grants, bequests, trusts, gifts, donations, endowments and other contributions made to the Institution, and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions, and to convert one kind of property into another in such manner as it may deem fit;
- (k) frame regulations for carrying out the purposes of this Act; and
- (l) do all such other acts and things incidental to the above powers.

(2) Notwithstanding anything to the contrary contained in this Act, the Board may delegate any of its powers, duties or functions to the President, the Management Committee, the Principal or to any other Committee constituted by the Board, on such terms and conditions as may be prescribed through regulations, except the following powers:

- (a) approval of regulations;
- (b) approval of annual budget of the Institution;
- (c) approval of investment or purchase of immovable property by the Institution; and
- (d) transfer of immovable property of the Institution.

(3) The Board or President may call for the record of any decision taken by the Principal or by any other member of the teaching or administrative staff of the Institution within ninety days of the decision, to evaluate correctness, legality or propriety of such decision, and to pass such directions and orders thereon as may be deemed appropriate by the Board or the President, as the case may be.

6. Business of Board.— (1) The Board shall meet at least thrice a year at such times as the President may, on his own motion or on the recommendation of the Principal, require and the Board shall transact its business in the meetings in such manner as may be prescribed through regulations and until so prescribed, as may be determined by the Board.

(2) One third of the total members of the Board or three members of the Board, whichever is higher, shall constitute the quorum for a meeting of the Board.

(3) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting, and in case of equal votes, the President shall have the casting vote.

(4) The provisions of this section shall apply *mutatis mutandis* to meetings of the Management Committee and of any other Committee constituted by the Board.

(5) The Principal shall be the Secretary to the Board, and other Committees constituted by the Board shall appoint their own Secretaries, and it shall be the duty of a Secretary to keep and record the proceedings of a meeting in a minute-book.

7. Powers and duties of President.— (1) The President or his nominee shall preside at the meetings of the Board.

(2) The President may remove any person from the membership of the Board if such person:

- (a) has become of unsound mind; or

- (b) has been incapacitated to function as member of the Board; or
- (c) has ceased to hold the position, office or qualification which was prerequisite for his nomination or appointment as a member of the Board; or
- (d) has been convicted by a court of law for an offence involving moral turpitude; or
- (e) has failed to attend three consecutive meetings of the Board.

(3) An order for removal of a member of the Board under subsection (2) shall not be passed unless the person to be affected thereby is afforded an opportunity of being heard.

8. Principal.— An Institution shall have a Principal who shall be appointed by the Board in such manner and on such terms and conditions as may be prescribed.

9. Powers and duties of Principal.— (1) The Principal shall be the Chief Executive of the Institution and shall be responsible to the Board for control, management and administration of the Institution.

(2) The Principal shall be responsible for framing the annual budget and to submit it to the Board for consideration and approval before commencement of a financial year.

(3) The Principal shall have authority to sanction all expenditure as provided in the sanctioned budget and to re-appropriate funds from one major head of expenditure to another.

(4) The Principal shall operate the accounts of the Board and the Institution, and submit the quarterly statement of accounts thereof to the Board for consideration.

(5) Annual accounts of an Institution shall be audited by an external Auditor **duly appointed** by the Board on the close of every financial year, and the audited accounts shall be presented by the Principal to the Board for approval.

(6) Notwithstanding any existing terms and conditions, the Principal shall have the powers to appoint, suspend, remove and dismiss advisors, consultants and all members of the teaching and administrative staff of the Institution except the Bursar, Heads of schools or departments, Chief Medical Officer and Chief Security Officer, in such manner as may be prescribed:

provided that no order for suspension, removal or dismissal of an employee shall be passed unless the person to be affected thereby is afforded an opportunity of being heard.

(7) Any person aggrieved by an order for suspension, removal or dismissal passed under subsection (6) may, within a period of thirty days of the decision, file an appeal to the Management Committee, and the Management Committee shall decide the appeal within sixty days.

(8) The Principal may, in an emergency, take an action which is not otherwise in the competence of the Principal but is in the competence of the Board.

(9) The Principal shall, within seven days of taking an action under subsection (8), submit a report to the Board, and the Board shall, in its immediate next meeting, pass such orders on the action taken by the Principal as it may deem appropriate.

(10) The Principal may:

- (a) direct any member of the teaching and administrative staff, officers or other employees of the Institution to take up such assignments in connection with the teaching, examination, administration and such other activities in relation to the Institution as he may deem necessary;
- (b) sanction, by re-appropriation, an amount for an unforeseen item not provided for in the annual budget of the Institution; and
- (c) exercise such other powers as may be prescribed or as may be assigned to him by the Board from time to time.

(11) Notwithstanding anything to the contrary contained in this Act, the Principal may delegate any of his powers, duties or functions to any member of the teaching or administrative staff of the Institution on such terms and conditions as he may deem fit.

10. Management Committee.— The Board of an Institution shall constitute a Management Committee, consisting of not less than three members, for such duration as may be determined by the Board.

11. Powers and duties of Management Committee.— (1) The Management Committee shall recommend to the Board names of suitable candidates for appointment as Principal of the Institution in such manner as may be prescribed.

(2) The Management Committee shall be responsible for extending advice and assistance to the Principal as and when he may need it.

(3) Notwithstanding any existing terms and conditions, the Management Committee shall have powers to appoint, suspend, remove and dismiss the Bursar, Heads of schools or departments, Chief Medical Officer and Chief Security Officer of the Institution, in such manner and on such terms and conditions as may be prescribed:

provided that no order for suspension, removal or dismissal of an employee shall be passed unless the person to be affected thereby is afforded an opportunity of being heard.

(4) Any person aggrieved by an order for suspension, removal or dismissal passed under subsection (3) may, within a period of thirty days of the decision, file an appeal to the Board, and the Board shall decide the appeal in sixty days.

(5) The Management Committee may co-opt any expert professional for purposes of appointments under this Act.

12. Fund.— An Institution shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, contributions, grants and income from any other source.

13. Regulations.— The Board may frame regulations to give effect to the provisions of this Act.

14. Bar to suits.— All acts done, orders passed or proceedings taken by an Institution in good faith under this Act shall be final, and shall not be called in question in any court by a suit or otherwise.

15. Overriding effect.— Notwithstanding anything contained in any other law for the time being in force, all matters pertaining to disciplinary action in respect of the employees of an Institution shall, to the exclusion of all other applicable laws, be governed by the regulations, and until such regulations are framed be governed by such procedure and in manner as may be determined by the Management Committee.

16. Repeal and Savings.— (1) The Statutes, Regulations and Rules of the Institutions are hereby repealed.

(2) Notwithstanding the repeal of the Statutes, Regulations and Rules under subsection (1):

(a) everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, scholarships, studentships or exhibitions instituted, privileges granted and orders issued under any of the provisions of the repealed Statutes, Regulations and Rules shall, if not inconsistent with the provisions of this Act or the regulations framed under this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, acquired, appointed, authorized, conferred, created, made, instituted, granted and issued under this Act, and any document referring to any of the provisions of the repealed Statutes, Regulations and Rules, shall, be considered to refer to the corresponding provisions of this Act and the regulations framed under this Act;

(b) any regulations framed or deemed to have been framed under the repealed Statutes, Regulations and Rules shall, if not inconsistent with the provisions of this Act, be deemed to be the regulations

framed under this Act and shall, having regard to the various matters which by this Act have to be regulated or prescribed, respectively continue to be in force, until repealed, rescinded or modified in accordance with the provisions of this Act;

- (c) the Board of an Institution as constituted immediately before commencement of this Act shall continue to exist and perform its functions and duties in accordance with the provisions of this Act till such time the Board is constituted under this Act; and
- (d) the Committees constituted under the provisions of the repealed Statutes, Regulations and Rules shall continue to function and shall, as far as may be, exercise the powers respectively assigned to the corresponding Committees under this Act till such time these Committees are constituted under this Act.

17. Removal of difficulties.— If any difficulty arises in giving effect to any provision of this Act, the Board may give such directions, not inconsistent with this Act, as it may consider necessary for the removal of such difficulty.

SCHEDULE

[See sections 2(c) and 3(1)]

1. The Aitchison College, Lahore.
2. The Sadiq Public School, Bahawalpur
3. The Lawrence College, Ghora Ghali Murree

Muhammad Khan Bhatti
Secretary