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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 18th May, 1976

The following Acts of Parliament received the assent of the President on the 11th May, 1976, and are hereby published for general information :—

ACT No. XXVIII OF 1976

An Act to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan

WHEREAS it is necessary to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan ;

AND WHEREAS, by virtue of the declaration made in the Proclamation issued by the President under Article 234 of the Constitution on the 31st December, 1975, in respect of the Province of Baluchistan, the powers of the Provincial Assembly of that Province are exercisable by, or under the authority of, Parliament ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Conformity with Fundamental Rights (Baluchistan Amendment of Laws) Act, 1976.

(2) It extends to the Province of Baluchistan.

(3) It shall come into force at once.

2. Amendment of certain laws.—The laws specified in the Schedule are hereby amended to the extent and in the manner specified in the second column thereof.

3. Repeal.—The Conformity with Fundamental Rights (Baluchistan Amendment of Laws) Ordinance, 1976 (Baluchistan Ordinance No. II of 1976), is hereby repealed.

THE SCHEDULE

(See section 2)

Laws amended	Amendments made
1	2
The Societies Registration Act, 1860 (XXI of 1860).	<p>For section 16A the following shall be substituted, namely:—</p> <p>“16A. Supersession of governing body of a society :—</p> <p>(1) Notwithstanding anything contained in the memorandum of association, rules or regulations of a society registered under this Act, if, after such inquiry as may be necessary, the Provincial Government is of the opinion that the governing body of the society—</p> <p>(a) is unable to discharge or persistently fails in discharging its duties, or</p> <p>(b) is unable to administer its affairs or meet its financial obligations, or</p> <p>(c) generally acts in a manner contrary to public interest or the interests of the members of the society,</p> <p>the Provincial Government may, by notification in the official Gazette, declare the governing body to be superseded for such period, not exceeding one year, as may be specified in the notification.</p> <p>(2) On the publication of a notification under sub-section (1),—</p> <p>(a) the office-bearers and other members of the governing body shall cease to hold office ; and</p> <p>(b) all functions of the governing body shall, during the period of supersession, be performed by a governing body constituted by the Provincial Government or by such authority as the Provincial Government may appoint for the purpose.</p> <p>(3) On the expiry of the period of supersession, the governing body of the society shall be reconstituted in accordance with its memorandum of association, rules and regulations.”</p>
The Baluchistan Industries (Control on Establishment and Enlargement) Ordinance, 1963 (W.P. Ordinance No. IV of 1963).	<p>In section 3, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—</p> <p>“Provided that the application of any person for the grant of such permission shall not be rejected—</p> <p>(a) without giving such person an opportunity of showing cause against it ; or</p> <p>(b) unless the Government is satisfied, on the basis of information available to it and after making such inquiry as it may deem fit, that the grant of permission to such person will be prejudicial to the national interest, or injurious to the health of, or a source of nuisance for, the residents of the local area in which the industrial undertaking is proposed to be set up or, as the case may be, the industrial undertaking which is proposed to be enlarged is situated.”</p>
The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.	<p>(1) In paragraph 2,—</p> <p>(a) in clause (b), for the words “ maintained and ” the words and comma “ owned, maintained or ” shall be substituted; and</p>



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(b) in clause (c), for the words "maintained and" the words and comma "owned, maintained or" shall be substituted.

2. For paragraph 3 the following shall be substituted, namely:—

"3 (1) Except with the prior permission of the Provincial Government and subject to such conditions as it may, in the public interest, impose, no person who owns or manages any privately managed college or privately managed school shall close such college or school or suspend its working or in any manner transfer any property of, or attached to, such college or school or any interest therein.

(2) Any contract or agreement made or entered into at any time on or after the fifteenth day of March, 1972, in contravention of the provisions of sub-paragraph (1) shall be void."

3. In paragraph 5, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that no such notification shall be issued in respect of a privately managed school unless the Provincial Government is satisfied that such school cannot be run on a genuinely benevolent, philanthropic or non-commercial basis or is not maintaining proper standards."

4. In paragraph 6,—

(a) in sub-paragraph (1), after the word "it" at the end the commas and words "except with the prior permission of the Provincial Government and subject to such conditions as it may, in the public interest, impose" shall be added; and

(b) in sub-paragraph (2), for the words "All changes" the words, brackets, figure and comma "Subject to the provisions of sub-paragraph (1), any change" shall be substituted.

5. In paragraph 7, in sub-paragraph (1), in clause (b),—

(a) after the brackets, figure and comma "(2)", the words and comma "or except with the prior permission of the Provincial Government," shall be inserted; and

(b) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that, with the general or special permission of the Provincial Government, any person may be promoted, employed or engaged, on such terms and conditions as may be approved by the Provincial Government, against a newly created post or a vacancy caused by the retirement, or expiry of the stipulated period of employment, or termination of service in accordance with the terms and conditions of his employment, of a person who was employed or engaged before the fifteenth day of March, 1972."

6. In paragraph 12, for the word "and" the word "or" shall be substituted.