

THE BALOCHISTAN TEXT BOOK BOARD
ORDINANCE, 1977

(Baln. Ordinance XI of 1977)

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'THE 7BALOCHISTAN TEXT BOOK BOARD

ORDINANCE, 1977

(Balochistan Ordinance XI of 1977)

[17% November, 1977]

An Ordinance to provide for the establishment of the
Balochistan Text Book Board.

WHEREAS it is expedient to establish for the Province
of Balochistan, a Text Book Board, to arrange for the
preparation, production and publication of Text books for the
classes I to XII, guide books and other reading material
required by the students and teachers;

AND WHEREAS the Governor is satisfied that
circumstances exist which render it necessary to take immediate
action;

NOW THEREFORE, in pursuance of the Proclamation
of the fifth day of July, 1977, read with the Law (Continuance
in Force) Order, 1977 (CMLA Order No. 1 of 1977)* and in
exercise of all powers enabling him in that behalf, the Governor
of Balochistan is pleased to make and promulgate the following
Ordinance: —

1. (1) This Ordinance, may be called the Balochistan
Text Book Board Ordinance, 1977.

(2) It extends to whole of the Province of Balochistan,
except Tribal Areas.

(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,
the following expressions shall have the meaning hereby

respectively assigned to them, that is to say:—

(a) "Advisory Council" means the Advisory Council constituted under this Ordinance;

This Ordinance, was promulgated by the Governor of Balochistan on 17" November, 1977 published in the Balochistan Gazette (Extraordinary) No. 83, dated 17" November, 1977. Saved and Validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

Spelling of the word "Baluchistan", wherever it appears in this ordinance, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.

Chief Martial Law Administrator Order¹ of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.

(b)

(c)

(d)

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(h)

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(1)

Establishment and 3. (1)

"Board" means the Balochistan Text Book Board established under this Ordinance;

"Controlling Authority" means the Controlling Authority specified in section 7;

"Chairman" means the Chairman of the Board;

"Government" means the Government of Balochistan;

"Head of an Institution" means the Principal of an Intermediate College or the Headmaster or Headmistress of a School, as the case may be;

"Institution" means an Intermediate College or a School;

"Intermediate College" means an_ Institution recognised for imparting instruction to classes XI and XII and includes an institution imparting instruction to classes [X to XII];

"Member" means a Member of the Board;

"Prescribed" means prescribed by Rules made under this Ordinance;

"School". means an _ institution imparting

instruction to all or any of the classes I to X and includes English Medium School, a School for handicapped children and any other school which Government may declare to be a school for the purposes to this Ordinance;

"Textbook" means a book or work, printed / published or sold by or under the authority or with the permission of the Board;

As soon as may be, there shall be established a incorporation. _ Board to be known as Balochistan Textbook Board for carrying out the purpose of this Ordinance.

(2)

The Board shall be a body corporate, shall have power to acquire, hold and transfer property, shall have perpetual succession and common seal and may sue or be sued.

Constitution of the 4. (1)

The Board shall consist of one whole time Board. Chairman and '[two ex-officio members]; to be appointed by the

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Substituted by Balochistan Ordinance VII of 1979; taken effect from 17" November, 1977; published in the Balochistan Gazette (Extraordinary), dated 19" July, 1979, saved and validated by Article 270-A of the Constitution of Islamic Republic of Pakistan, 1973.

Disqualification
removal and
resignation of
Chairman and
members.

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Government by name or designation on such terms and conditions as Government may specify from time to time.

(2) A member shall, unless sooner removed by Government, hold office for a term of 3 years and shall also be eligible for re-appointment on terms and conditions fixed by Government.

(3) Every person appointed as Chairman or Member shall divest himself of any other directorship or other interest held by him in any corporation, company or concern which has dealing with the Board.

(4) The Chairman shall be the Chief Executive Officer of the Board.

5. (1) Government may, by order in writing, remove the Chairman or a member, if he;

(a) refuses or fails to discharge or becomes, in the opinion of Government, incapable of discharging his responsibilities under this Ordinance; or

(b) has, in the opinion of Government abused his position as Chairman or Member; or

(c) has, knowingly acquired or continues to hold, directly or indirectly, or through a partner, any share or interest in any contract or employment with or by or on behalf of the Board or in any land or property which in his knowledge is likely to benefit or has benefited as a result of the operation of the Board; or

(d) has been convicted of an _ offence involving moral turpitude; or adjudicated insolvent or is found a lunatic or becomes of un-sound mind or has been dismissed or otherwise disqualified from Government service [;]!

'Provided that no order of removal shall be passed unless the

Chairman or the member has been given
an opportunity of being heard.]

Full-stop substituted by a colon and proviso added by Balochistan Ordinance X1 of 1984; published in the Balochistan Gazette

(Extraordinary), dated 14 November, 1984.

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(2) The Chairman or a member may at any time resign his office by tendering his resignation to Government, with 15 days notice, likewise the Government can remove them after 15 days notice.

Meeting of the 6. (1) The Board shall meet at such times and places Board. and in such manner as may be prescribed.

(2) The Chairman shall preside over the meeting of the Board, and in his absence the members present at the meeting shall elect a Chairman from among themselves.

(3) Fifty percent of the total members shall be present to constitute a quorum at a meeting of the Board.

(4) Each member shall have one vote, but in the event of equality of votes the Chairman shall have a casting vote.

(5) The minutes of every meeting of the Board, stating among other things the names of the members present, shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the person presiding at the meeting and such book shall be open to inspection by the

members.

Controlling 7. The Government of Balochistan or its nominee shall be Authority the Controlling Authority of the Board.

Powers of the 8. The Controlling Authority shall have the powers to Controlling cause an inspection/enquiry etc. of the offices activities and Authority. funds of the Board, if it considers necessary. The result of such

inspection/ enquiry will be intimated to the Board. The Board will report compliance to the Controlling Authority within a reasonable time.

'Advisory 9. (1) The Board shall have an Advisory Council Council.] consisting of the following as its members:—

(1) The Chairman and Members of the Board.

(i1) The Vice Chancellor of University of Balochistan, or his nominee.

(iii) The Director of Education, Balochistan or his nominee.

1 Allotted as marginal heading to Section 9 by Balochistan Ordinance VII of 1979; taken effect from 17" November, 1977. For more detail see footnote under section 4 (1).

(iv) The Chairman of the Intermediate and Secondary Education Board, Balochistan.

(v) One Principal of the Colleges and one Headmaster of High Schools and one Headmistress of Girls High Schools, nominated by the Controlling Authority.

(2) The nominated members of the Advisory Council shall hold office for 3 years and shall also be eligible for re-appointment. The quorum for a meeting of the Advisory Council shall be five. It will advise the Board in performance of the functions of the Board under this Ordinance.

(3) Government may frame Rules of Procedure to regulate the transaction of business by the Advisory Council. The rules of procedure may in particular provide for the following matters namely:—

(i) appointment of the Authority that may convene a meeting of Advisory Council;

(i1) appointment of the person who shall preside over the meeting of the Advisory Council;

(iii) — the manner in which and the authority by whom minutes of the meeting shall be recorded; and

(iv) any other matter considered necessary for the transaction of business by _ the Advisory Council.]

Powers and duties 10. *[(1) | The Board may take such measures and exercise of the Board. such powers as it considers necessary or expedient for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of powers conferred by the provision of sub-section (1), the Board, may, for carrying out the purposes of this Ordinance: —

(1) Undertake any work.

(ii) — Incur any expenditure.

(iii) | Procure plant, machinery and material

1 New sub-section added by Balochistan Ordinance VII of 1979; taken effect from 17 November, 1977. For more detail see footnote under section 4(1).

2 New insertions as sub-sections (1) and (2), *ibid*.

Committee.

Officers and
Officials.

required for its use.

(iv) | Acquire by purchase, lease, exchange or otherwise any material or machinery or any interest therein.

(v) And, enter into and perform all such contracts as it may consider necessary or expedient]

1G3)] The Board may prepare schemes pertaining to any of the following matters: —

(a) Implementation of the educational policies of Government in respect of production and publication of text books, supplementary reading material and teaching aids.

(b) Arrangement for publication and distribution of text books and supplementary material for all stages and types of education and teachers training courses and adult education.

(c) Production of reference and research material relating to the problems of curricula and textbooks.

(d) Maintenance of a library of reference books, textbooks, teaching aids, educational journals and periodicals.

T(4)] Every scheme prepared by the Board shall be submitted to the Controlling Authority with full details and financial implications. The Controlling Authority may approve or disallow or remit the scheme to the Board with its recommendations for further consideration.

11. The Board may appoint such committees as it may consider necessary. The constitution, functions and duties of the committees shall be such as may be prescribed by the rules.

12. The Board may appoint, with the prior approval of Controlling Authority such officers and Secretaries whole-time or part-time, experts or consultants as it may consider necessary for the performance of its function on the terms and conditions

1 Originally sub-sections (1) and (2), re-numbered as sub-sections (3) and (4), by Balochistan Ordinance VII of 1979; taken effect from 17 November, 1977. For more details see footnote under section 4(1).

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Provident Funds or pension.

Delegation of Powers.

Immunity of the Board and its employees.

Board to be a local authority.

Budget Estimates.

as it may deem fit.

The Chairman may however, in case of emergency appoint for a period not exceeding six months such officers and servants as may consider necessary, provided every appointment shall be reported to the Board at its next meeting.

13. (1) The Board shall establish for the benefit of its employees such pension or provident fund or both, as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Rules.

(2) Government may, by notification, declare that the provisions of the Provident Funds Act, 1925 (Act XIX of 1925), shall apply to the provident fund established under sub-section (1) and on the making of such declaration that Act shall apply accordingly as if the Board were Government and the aid Fund were the Government Provident Fund.

14. The Board may, by a general or special order, delegate to the Chairman, a member or other officers, any of its powers, duties and functions under this Ordinance and the rules, subject to such conditions as it may think fit to impose.

15. The Chairman, members, officers, advisors or employees of the Board shall, while acting or purporting to act in pursuance of the provisions of this Ordinance or the rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

16. The Board shall be deemed to be local authority under the Local Authorities Loans Act, 1914 (Act IX of 1914), for the purpose of borrowing money under the said Act, and the making and execution of any scheme under this Ordinance shall

be deemed to be a work which such authority legally authorised to carry out.

17. (1) In the month of June each year, the Chairman shall submit a statement of the estimated receipts and expenditure of the Board in respect of the next financial year for approval by the Board.

(2) A copy of the statement, as approved by the Board, shall be submitted by the Chairman to the Government within fifteen days of its approval by the Board.

Audit. 18. (1) The accounts of the Board shall be audited once in a year by such agency and in such manner as may be specified by Government.

(2) A copy of the Audit Report, together with the comments thereon of the Board, shall be sent to Government and also to the Controlling Authority.

(3) The Board shall carry out any directive issued by Government or the Controlling Authority for the '[rectification of] irregularities, if any, pointed out in the audit report.

Rules ?[and 19. 3{(1)] The Board shall have the power to frame 'rules Regulations] [and regulations] to carry out the purposes of this Ordinance. Such rules *[and regulations] may provide for: —

(a) The powers and duties of the officers of the Board;

(b) the terms and conditions of service of the officers and employees of the Board, including disciplinary action, grant of leave and retirement of the officers and employees of the Board;

(c) the constitution of pension or provident fund or both for the benefit of the officers and employees of the Board;

(d) such other matters as are required to be prescribed by rules °[and regulations], for the smooth working under the Ordinance.

71(2) The regulation prepared shall be submitted to Government for approval, Government may approve or disallow and remit them to the Board with its recommendations for further consideration.]

Validation. 20. No act or proceedings of the Board or the Advisory Council or a committee shall be invalidated merely by reasons

Corrected by Corrigendum dated 8" July, 1979; published in Balochistan Gazette (Extraordinary) No. 72, dated 8" July, 1979. Added in the heading by Balochistan Ordinance VII of 1979; taken effect from 17" November, 1977. For more detail see footnote under section 4(1).

Section 19 re-numbered as sub-section (1), *ibid*.

For "The Balochistan Text Book Employees Pension Rules, 1988" and "The Balochistan Text Book Board Employees Service Regulations, 1988; see Balochistan Gazette (Extraordinary) Nos. 130 and 131, dated 7" August, 1988, respectively. For 'The Balochistan Text Book Board First Regulations" see Balochistan Extraordinary Gazette No. 187, dated 20" September, 1981.

Inserted by Balochistan Ordinance VII of 1979; effective from 17" November, 1977. For more detail see footnote under section 4(1).

Inserted by Balochistan Ordinance VII of 1979; effective from 17" November, 1977. For more detail see footnote under section 4(1).

New sub-section inserted *ibid*.

of the existence of vacancy on the Board or the Advisory Council or Committee or by reason of any irregularity in the appointment of any member of the Board or the Advisory Council or Committee.

Protection of act 21. No ___ suit for damages or other legal proceedings shall and orders. be instituted against Government, the Controlling Authority, Advisory Council or Committee or any officer or employee of the Board in respect of anything done or purported to have been done in good faith in pursuance of this Ordinance and the rules

made thereunder.

22. All actions taken, jurisdiction or power exercised and order issued under any of the provisions of the West Pakistan Textbook Board Ordinance, 1962 (Ordinance No , XLI of 1962) shall be deemed respectively to, have been taken, exercised, and issued under this Ordinance.

23. All assets, property, rights, and interests of whatever kind used, enjoyed, possessed, owned by, vested in, or held in trust by or for the Board established under the West Pakistan Textbook Board, Ordinance, 1962, and all liabilities legally subsisting against the said Board, shall to the extent of the share of the Province of Balochistan, pass on to, the Board.

Repeal. 24. The West Pakistan Textbook Board Ordinance, 1962¹, (West Pakistan Ordinance XLI of 1962) is hereby repealed.

¹ This Ordinance was made by the Governor of West Pakistan and published in the Gazette of West Pakistan, Extraordinary,

7th June, 1962. Now repealed by section 24.

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