

Volume VIII (1985-1988)
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW & PARLIMENTARY AFFAIRS SECRETARIAT
MUZAFFARABAD
Dated the 8th April, 1986.

No. 622-25/LD/Leg(A) 86. The following Act of the Assembly received the assent of the President on the 6th day of March, 1986, is hereby published for general information: -

(ACT XXXIX OF 1986)

AN
ACT

to re-constitute and re-organize the Board of Intermediate and Secondary Education in Azad Jammu and Kashmir;

WHEREAS it is expedient to re-constitute and re-organize the board of Intermediate and Secondary Education in Azad Jammu and Kashmir:

It is hereby enacted as follows: -

1. Short title, Extent and Commencement. - (1) This Act may be called the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Act, 1986.

(2) It extends to the whole of Azad Jammu and Kashmir

(3) It shall come into force at once.

2. Definitions: - in this Act unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say: -

(a) 'Board' means the Azad Jammu and Kashmir Board of Intermediate and Secondary Education, as recognize under this Act;

(b) 'Chairman' means a Chairman of board;

(c) 'College' means an Institution within jurisdiction of the Board and recognized for Intermediate Education

includes a College, having Intermediate and Degree classes and affiliated to the University for the Degree

classes.

(d) 'Committee' means a Committee constituted under this Act;

(ce) 'Controller of Examinations' means the Controller of the examinations of the Board;

(f) 'Controlling Authority' means the Controlling authority specified in Section 11;

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(g) 'Director Public Instruction's means the Director Public Instructions of the Government;

(h) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(i) 'Head of an Institution' means the Principal of a college or the headmaster or Headmistress of a School;

Gj) 'Institution' means a College or a School;

(k) 'intermediate College' means an institution recognized

for imparting instructions to class XI and class XII includes an institution having Intermediate and Secondary Classes;

() 'Member' means a member of the Board;

(m) 'Intermediate Education' means education pertaining to Class XI and Class XII;

(n) 'Prescribed' means prescribed by Regulations or Rules

(0) 'Principal' means the head of a College;

(p) 'Recognized' means recognized by the Board;

(q) 'Regulations and Rules' means respectively the regulation and Rules made or deemed to have been made by the Board under this Act;

(r) 'School' means an institution recognized only for the Secondary Education;

(s) 'Secondary Education' means education pertaining to

Class IX and Class X and such other Classes as may declared by Government to be classes of Secondary

Education.

(t) 'Secretary' means the Secretary of the Board;

(u) 'University' means the University of the Azad Jammu

and Kashmir.

Establishment _and_ re-constitution of the Board.- (1) The Board shall be re-constituted in accordance with the provision of this Act and shall be called the Azad Jammu and Kashmir Board of Intermediate and Secondary Education.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire

and hold property and to transfer the same and may sue or be sued by its corporate name.

Constitution of the Board. (1) The Board shall consist of the following members, namely:-

(i) the Chairman;

(ii) the Vice-Chancellor of the University or a University Professor nominated by him;

[(iii) Director Public Instructions (Colleges);

(iv) "Director Public Instruction (Schools);]

(v) one Principal of a Degree College nominated by the Controlling Authority;

(vi) one Principal of an Intermediate College nominated by the Controlling Authority;

(vii) Two Headmasters and one Headmistress of a school to be nominated by the controlling authority;

(viii) Two persons nominated by the controlling authority from amongst scholars and retired Educationists.]

(2) The names of nominated members shall be notified in the official Gazette.

(3) The terms of office of members other than the ex-officio members shall be three years.

(4) No member appointed by virtue of his office shall continue to be member if he ceases to hold that office.

(5) When a person ceases to be a member of the Board, he shall cease to be a member of any of the Committees of which he may be a member.

Resignation of a Member:- A member of the Board may resign his membership by a letter Addressed to the Chairman;

Provided that the resignation shall not have effect until it is accepted by the Controlling Authority.

Removal of a Member.- (1) A member shall be liable to be removed by the Controlling Authority, if he:

(i) becomes of unsound mind;

Clauses (iii) and (iv) subs., by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original are reproduced as under:

“(iii) the Director Public Instructions or his nominee or a nominee of the Government;

(iv) Director Education (Schools) or his nominee or nominee ;”

Clauses (vii) and (viii) subs., by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original are reproduced as under:

“(vii) one Headmaster and one headmistress of Schools to be nominated by the Controlling Authority;

(viii) two members nominated by the Controlling Authority;”

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(ii) is declared insolvent by a competent court; or

(iii) is convicted by a Criminal Court of an offence involving moral turpitude 'l[;

(iv) is found negligent in the discharge of his functions.]

(2) The decision of the Controlling Authority removing a member from his office under sub-section (1) shall be final and shall not be questioned by or before any court or other authority.

Casual vacancies.- (1) Whenever there occurs a vacancy in the membership of the Board due to death, resignation or removal, it shall be filled in accordance with the provisions of this Act.

(2) The person who fills the vacancy shall be member of the Board for the full term of three years.

Meeting of the Board.- (1) The Chairman may, whenever he consider necessary, and shall, on a requisition from at least five members of the board, call a meeting of the Board.

(2) The quorum for meetings of the Board shall be six.

Jurisdiction of the Board.- (1) The Board shall exercise its powers within the territorial limits of the Azad Jammu and Kashmir.

Powers of the Board.- (1) Subject to the provision of this Act the Board shall have power to organize, regulate, develop and control intermediate and Secondary Education.

(2) In particular and without prejudice to the generality of the power conferred by the proceeding sub-section, the Board shall have the power;

(i) to hold and conduct all examinations, pertaining to Intermediate Education, Secondary Education, Pakistani and Classical Languages and such other examinations as may be determined by Government;

(ii) to prescribe courses of study for its examinations;

(iii) to lay down conditions for recognition of institutions;

(iv) to accord, refuse or withdraw recognition, wholly or partly, after considering inspection reports;

(a) in the case of Schools maintained by Azad Jammu and Kashmir Government received from the Education Department of the Government;
and

Full-stop subs., for semi-colon and clause (iv) added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

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(b) in the case of other Schools, Intermediate College and institution preparing candidates for Pakistani and Classical Languages,

Examination, received from an _ Inspection Committee appointed by the Board in this behalf;

to inspect and arrange for inspection of recognized institutions and call for inspection reports;

to lay down conditions for admission to its examinations, to determine the eligibility of candidates and to admit them to such examinations;

to grant certificates and diplomas to persons who have passed its examinations and to withdraw such certificates and diplomas;

to fix, demand and receive such fees as may be prescribed;

to supervise the residence, health and discipline of the students of recognized institutions and classes with a view to promoting their general welfare;

to institute and award scholarships, medals and prizes in accordance with the Regulations and Rules;

to organize and promote extra-mural activities in and for recognized institution;

to hold, control and administer its property and funds;

to enter into and carry out contracts in exercise of its

powers and in the performance of its duties under the Act and the Regulations;

to pass the annual budget;

to transfer any movable and immovable property belonging to it;

to hold and manage endowments;

to regulate and decide all administrative matters including the creation and abolition of posts under the Board, except matters relating to the appointment suspension and removal and matters relating to the

Substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original is reproduced as under:

“(xvii) to regulate and decide all administrative matters, including the creation and abolition of posts under the Board;

Provide that a post carrying an initial pay of Rs. 1,000/- or more, per mensem, shall not be created without the prior approval of the Controlling Authority;”

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conditions of service of the officers of the Board:

Provided that a post carrying an initial pay equal to BPS-17 or more, per mensem, shall not be created without the prior approval of the Controlling Authority;]

(xviii) to appoint such staff as it may consider necessary for the performance of its functions and define their duties and conditions of service.

(xix) to make provision for buildings, premises, furniture, apparatus, books and other means required for carrying out the purposes of this Act;

(xx) to sanction or incur such expenditure as may be necessary to carry out the purposes of this Act; and

(xxi) to do all other act necessary for carrying out the purposes of this Act.

(3) The Board may delegate any of its powers to the Chairman or any officer of the board or to a Committee or sub-committee appointed by its, as it may deem fit.

(4) The Board shall not make any rules or allow any concession, benefit, privilege or allowance to any person which is not in conformity with the rules enforced by the Government on similar matter.]

Controlling Authority.- Government shall be the Controlling Authority of the Board.]

Powers of the Controlling Authority. °[(1) The Controlling

Authority shall have the power to inspect or cause an inspection to be made, by such person or persons as it may direct, of the offices, activities and funds of and the conduct of examinations by the Board and to cause an enquiry to be made in respect of any matter concerning the Board, or the discharge of functions by the members, officers and employees of the Board.]

Subsection (4) added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

Substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original is reproduced as under:

“11. Controlling Authority.- (1) Minister for Education Azad Jammu and Kashmir and when there is no Minister for Education, Government shall be the Controlling Authority of

Board.”

Substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original is reproduced as under:

“(1) The Controlling Authority shall have the powers to cause an inspection to be made by such person or persons as it may direct, of the offices activities and funds of the Examinations conducted by the Board and to cause an enquiry to be made in like manner in respect of any matter concerning the Board.”

'l((1A) The Controlling Authority may at any time suspend a member, an officer or an employee of the Board.]

(2) The Controlling Authority shall communicate the Board the result of such inspection or enquiry and may advise the Board to take such action within such period as may be specified.

(3) The Board shall report to the Controlling Authority the action it proposes to take or has taken on such communication.

(4) Where the Board does not within a *[specificd] time take action to the satisfaction of the Controlling Authority, the Controlling Authority may, after considering any explanation made by the Board, issue such directions as it thinks fit, and the Chairman shall comply with such directions.

(5) If the Controlling Authority is satisfied that any proceeding of the Board or a Committee is not in conformity with the provisions of this Act, *[or regulations or rules framed thereunder or in public interest] the Controlling Authority may, with out prejudice to the foregoing provisions of this section, by order in writing, annual such proceedings;

Provided that before making any such order the Controlling Authority shall, through the Chairman, call upon the Board or the Committee, as the case may be, to show cause why such an order should not be made.

(6) The Controlling Authority may, from time to time, direct the Board to conduct its affairs and to perform its functions in such manner as may be specified.

(7) The Controlling Authority may require the Board to finish it with:-

(i) Any return, statement, estimate, statistics or other information regarding any matter under the control of the Board or

(ii) a report on any such matter; or

(iii) a copy of any document in the charge of the Board; and the Chairman shall comply with every such requisition

Subsection (1A) added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

For the word "reasonable" the word "specified" substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

Between the word and comma "A:

" and "the" the words "or regulations or rules framed

thereunder or in public interest" inserted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

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Notwithstanding anything to the contrary contained in

this Act the Controlling Authority may;

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place the services of any of the officers or other employee of the board at the disposal of the Government or institution for such period and on such terms and conditions as may be determined by him; provided that such terms and conditions shall not be less favourable than those admissible '[x x x to him immediately before the transfer;]

make appointment to any post in the Board in any capacity from persons in the service of Azad Jammu and Kashmir Government;

make regulations concerning efficiency and discipline of officers and other employees of the Board.

the controlling authority may remove from service any employee of the Board:

Provided that no such employee shall be removed from service without being given an opportunity of being hear:

Provided further that where the controlling authority has initiated any such proceeding against any such employee no other person including the Board shall have powers to initiate any proceedings or take any steps in the matter.]

Officers of the Board.- (1) The following shall be the officers of

the Board.

(i) the Chairman;

(ii) the Secretary;

(iii) the Controller of Examinations; and

(iv) such other officers as may be appointed by the

3[Controlling Authority].

Officers of the Board:- (1) The Officers of the Board shall be whole time officers and shall be appointed by the Controlling

The full stop at the end omitted and thereafter the words “to him immediately before the transfer;” added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

Clause (IV) added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

for the word “Board” the word “Controlling Authority” substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

4 Section 13-A Added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

Authority on such terms and conditions as may be determined by the Controlling Authority.

(2) The Officers of the Board shall hold office for a term of three years from the date of notification of their appointments and shall be eligible for reappointment for such further period not exceeding three years, or as may be specified in the order of reappointment:

Provided that the Controlling Authority may, at any time, review the work of the Officers of the Board and if on such review it is satisfied that in the interest of the Board, or for any other sufficient cause, it is necessary to do so, it may, after giving an officer, an opportunity of showing cause against the proposed action, dismiss or remove him from service or reduce the term of office of any such officer by such period as may determine.]

Chairman.- (1) The Chairman shall be a whole-time officer and shall be appointed by the Controlling Authority on such terms and conditions as may be determined by the Controlling Authority.

(2) If at any time the office of the Chairman is vacant temporarily or otherwise, by reason of leave, illness or other cause, for a period not exceeding one year, the Controlling Authority shall make such arrangements for carrying on the duties of the office of the Chairman as it may think fit.

(3) The Chairman shall be the principal executive and academic officer of the Board and shall, when present, preside at the meetings of.-

(i) the Board;

(ii) the Committees of the Board constituted under section 18,

(4) It shall be the duty of the Chairman to ensure that the provisions of this Act and the Regulations and Rules '[and directions of the Controlling Authority] are faithfully observed and carried out, and he shall exercise all powers necessary for this purpose.

(5) Subject to clause (xvii) of sub-section (2) of Section 10 of this Act, the Chairman may, in case of urgency, create a temporary post in the Board and may appoint a person against that post for a period not exceeding six months:

Provided that every appointment so made shall be

Between the words "Rules" and "are" the words "and directions of the Controlling Authority" inserted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

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reported within sixty days of such appointment to the Board for confirmation.

(6) In any emergency arising out of the administrative business of the Board, and requiring in the opinion of the Chairman, immediate action, the Chairman may take such action as he may deem necessary and shall report the action so taken to the Board at its next meeting for approval '[x x x but not later than sixty days.]

(7) The Chairman shall exercise such other powers as may be prescribed by Regulations.

Retirement from Service. An officer or other employee of the Board shall retire from service:-

(i) on such date after he has completed 25 years of service qualifying for pension or other retirement benefits as the competent authority or controlling authority may in the public interest direct, or; and

(ii) where no direction is given under clause (i), on the completion of sixtieth year of his age *->[XXX] {[':

Provided that no order under clause (i) shall be made in respect of an employee unless the Competent Authority has informed him in writing of the grounds on which it is proposed to make the order and has given him an opportunity of showing cause against him.”].

Explanation: In this section “competent authority” means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank to the officer, teacher or other employee concerned.

Secretary and Controller of Examinations.-

(1) (@ The Secretary and the Controller of Examination shall be whole-time salaried officers of the Board and shall be appointed by the Controlling Authority on such terms and conditions as it may determine.

(ii) The Secretary and the Controller of Examinations shall

1 Full stop at the end omitted and thereafter the words “but not later than sixty days” added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

2 Section 14-A added by the Azad Jammu and Kashmir Board of Intermediate and

Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

3 In clause (ii) the Words “or maximum of thirty years of services” omitted and be deemed to have always been so omitted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 2009 (IV of 2009) dt. 09-12-2009

4 The full stop at the end substituted by a colon and thereafter the proviso added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1992 (III of 1992) dt. 31-03-1992.

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held office for a term of three years from the date of notification of their appointments and shall be eligible for re-appointment or such further period, not exceeding three years, as may be specified in the order of re-appointment.

Provided that the Controlling Authority may, at any time, review the work of the Secretary and the Controller of Examinations and if on such review it is satisfied that in the interest of the Board or for any other sufficient cause, it is necessary so to do, it may after giving the Secretary or, the case may be, the Controller of Examinations, an opportunity of showing cause against the proposed action reduce the term of office such period as it may determine.

(2) The terms and conditions of service of the Secretary and the Controller of Examinations and their powers and duties shall be such as may be prescribed.

Other Officers.- Subject to the provision of the Act the powers and duties of other officers of the Board shall be such as may be determined by the '[Controlling Authority].

Committees of the Board.- (1) The Board shall have the following Committees, namely:-

- (i) the Academic Committee;
- (ii) the Finance Committee;
- (iii) the Appointment Committee;

(iv) Committee for appointment of Paper Setters and Head Examiners;

(v) Committee of Courses; and

(vi) | such other Committees as may be prescribed.

(2) | Committee may appoint such sub-committees as it may deem necessary.

Constitution, Functions and Duties of the Committees:- The constitution, functions and duties of the Committees, mentioned in sub-section (1) of Section 17 shall be such as may be prescribed by Regulations.

Powers of the Board.- (1) The Board may, subject to the approval of the Government, frame regulations, not inconsistent with the provisions of this Act, to carry out the purposes of this

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For the word "Board" at the end the word "Controlling Authority" substituted by the Azad

Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act,

1991 (IV of 1991) dt. 19-01-1991.

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Act provided that: -

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The Board shall not propose draft of regulations affecting the constitution or power of any authority of the Board until such authority has been given an opportunity of expressing an opinion in writing upon the proposals;

The draft of Regulations shall be forwarded to the Controlling Authority and shall not be effective until it has been approved by the Controlling Authority; and

the Board shall have the power to make any regulation or adopt any rules or regulations concerning efficiency and discipline of the officer / officials and other employees which is in conformity with rules made by the Government.]

In particular and without prejudice to the generality of the

foregoing powers such regulations may provide for:-

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the terms and conditions of service of the employees of Board, including matters relating to grant of leave, and retirement of such employees;

21Explanation: The terms and conditions should be in conformity with rules applicable to Government servants carrying equivalent pay scales and other benefits.]

the constitution of pension or provident fund or both for the benefit of the officers and other employees of a Board.

the admission of institutions to the privilege of recognition and the withdrawal of recognition;

a general scheme of studies, including the total number of subject to be taught and the duration of course; and

all other matters required under any of the provisions of this Act to be prescribed by regulations.

Powers of the Board to make rules.- (1) The Board may, make rules consistent with this Act and the Regulations to provide for:-

(i) the inspection of institutions and the reports, returns and other information to be furnished by them;

(ii) the conditions of admission of candidates to the examinations and eligibility for diplomas, certificates and titles;

(iii) the manner and the form in which accounts of the Board shall be maintained; and

1 Sub-clause (iii) added by the Azad Jammu and Kashmir Board of Intermediate and

Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

Explanation added by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

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(iv) such other matters as may be required under the Regulations to be provided under this Act.

Fund.- The Board shall have a fund to which shall be credited all its income including income from fees, endowments, grants and contributions.

Accounts and Audit.- (1) The accounts of the board shall be maintained in such form and in such manner as may be prescribed by rules.

(2) The accounts of the Board shall be audited in such manner as may be prescribed by the Regulations.

(3) The Board shall, as soon as possible after end of every financial year submit to Government the annual statement of the accounts of the Board duly audited together with the report of the auditor.

Provident fund or Pension.- (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 regulations.

(2) Government may, by notification in the official Gazette declare that the provisions of the Provident Fund Act, 1925 (Act XI of 1925) shall apply to such fund, and on making of such declaration that Act shall apply accordingly as if the Board were Government and the said fund were the Government provident Fund.

Submission of Yearly Reports and Return.- (1) The Board shall submit to the Controlling Authority as soon as possible

after the end of every financial year but not later than the 30th September, a report on the conduct of its affairs for that year.

Members Prohibited from deriving monetary gains.- (1) No member of the Board shall draw any fee or other remuneration in any capacity whatever from the funds of the Board or enter into

any contract with the Board directly or through any other person in connection with the affairs of the Board.

Provided that the emoluments of the Chairman shall under the terms and conditions of his appointment, be paid from the fund of the Board;

Provided further that a member of a Committee may receive from the Board remuneration in lump sum for writing, compiling or editing a book intended to be prescribed for an examination of the Board.

Bar_ against Membership.- No person who has any financial interest in any book prescribed by the Board as a course of study

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for examination conducted by the Board or has a financial interest as a partner or otherwise in any firm which publishes, procures or supplies any such book, shall be eligible to become a member of the Board or a committee, or continue as such after having acquired any such interest.

Non-compliance with certain formalities / Requirements not be invalidate actions.- No act or proceedings of the Board or

any committee shall invalidated merely by reason of the existence of vacancy on the Board or the committee as the case may be or by reason of any irregularity in the appointment of any member of the Board or the Committee.

Bar of Suits.- No act done, orders made or proceedings take by Board in pursuance of the provisions of this Act shall called in question in any court.

Members and Employees of Board deemed to be Public Servants.- Members of the Board and the Committees

constituted under this Act the employees of the board and other person appointed for carrying out the purposes of this Act shall deemed to be public servants within the meanings of section 21 the Azad Penal Code.

Protection of Acts and Orders.- No suit for damages or other legal proceedings shall be instituted against Government, the Controlling Authority, the Board, any Committee, any member of the Board or Committee, or an officer or employee of the board in respect of anything done or purported to have been done in good faith pursuance of the provisions of this Act and the regulations and rules made thereunder.

First Regulations.- (1) Notwithstanding anything to the contrary contained in this Act the Regulations set out in the Schedule shall '[x x x]' be deemed to be the First Regulations framed by the Board under Section 19 of this Act.

Transactional Provisions.- (1) From the date of commencement of this Act and till such time as the nominated members as

appointed, the Chairman and the Ex-officio members shall exercise all the powers and perform all the duties of the Board and its Committees.

(2) One the appointment of the nominated members, the board shall exercise all powers and perform duties of the Committee of the Board upto the time the Committees are constituted.

After the word "shall" the comma and words, "on the commencement of this Act," omitted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.

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(3) If any difficulty arises in giving effect to the provisions of this Act the Controlling Authority may take such action to remove the difficulty as he may deem necessary.

Savings.- Notwithstanding anything to the contrary contained in this Act everything done, all action taken, jurisdiction or powers conferred, recognition granted and orders issued under any of the provisions of the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Ordinance II of 1973 and the regulations and rules made thereunder, shall, if not inconsistent with the provisions of this Act and the regulations and rules made thereunder, be continued and so far may be, be deemed to have respectively been done, taken, conferred, granted and is sued under this Act and the Regulations and Rules made thereunder.

Repeal.- The Azad Jammu and Kashmir Board of Intermediate and Secondary Education Ordinance, 1973, (Ordinance II) and the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Ordinance, 1986 (Ordinance XXVIII of 1986), is hereby repealed.

Sd /-

(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law

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SCHEDULE

THE FIRST REGULATIONS OF THE BOARD

Powers and duties of the Chairman.- The Chairman shall

exercise control over the office of the Board as its principal

executive and academic officer and shall do all acts to ensure that the officer and the staff properly perform the duties entrusted to them. In particular he shall:-

(i) write confidential reports on the work of Officers of grade 16 and above;

‘[Gi) Appointment of Supervisory, evaluative and other academic staff or Committees, concerned with the conduct of examinations];

(iii) take disciplinary action against members of the establishment carrying grades 5 to 15;

(iv) appoint Superintendents of Examinations.

Powers and duties of the Secretary.- (1) The Secretary shall

subject to the control of the Chairman, be incharge of the

academic and administrative sector of the Board's office and shall cause the orders and decisions of the Board and the

Chairman to be carried out.

(2) The Secretary shall take all possible steps to ensure that

the funds of the Board are spent on the purpose for which they are provided.

(3) | The Secretary shall, cause to be prepared and submit to the Board for approval the annual statement of accounts and budget estimates.

(4) All meetings of the Board and Committees shall be

convened by the Secretary under the directions of the Chairman.

While preparing the agenda for a meeting of the Board or a

Committee the Secretary shall carry out the direction of the

Chairman given in this respect and no item shall be placed on

such agenda or be considered in the meeting without previous permission of the Chairman.

(5) The Secretary shall record the minutes and maintain the records of the proceedings of the Board and the Committees.

(6) The Secretary shall conduct the official correspondence of the Board under the authority of the Chairman except the correspondence relating to the conduct of examinations.

Substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original is reproduced as under:

“(ii) recommend to the Board any disciplinary action that he considers against officers mentioned in clause (i);”

(7) All fees and dues payable to the Board, and all sums received by the Secretary, shall be credited without delay to the account of the Board in a Bank or Treasury approved by the Board.

(8) The Secretary shall issue to successful candidates on behalf of the Board in the prescribed form, certificates of having passed the Examination held by the Board.

(9) The Secretary shall perform such other duties as may assigned to him by the Chairman.

(10) notwithstanding, anything to the contrary in these Regulations the Board may assign to any officer or officers such duties of the Secretary as it may deem necessary.

Duties and power of the Controller of Examinations.- (1) The Controller of Examinations shall, subject to the control of the Chairman, be incharge of the Examination sector of the Board and shall:-

(i) make arrangements for the conduct of all examinations of the Board;

(ii) conduct official correspondence of the Board relating to the examinations; and

(iii) perform such duties as may be assigned to him by the Chairman from time to time.

Constitution _of the Academic Committee.- The Academic Committee shall consist of:-

(i) the Chairman of the Board;

(ii) a University Professor nominated by the Vice-Chancellor of the University;

(iii) a University Professor nominated by Vice-Chancellor of the University of Islamabad.

(iv) Chief Conservator of the Forest of the Government;

(v) | Chief Engineer of the Government;

'l(vi) Director Public Instructions Colleges and Schools or their nominee or nominee of the Government];

(vii) Director Agriculture of the Government;

(viii) Director of Animal Husbandry of the Government;

(ix) Director of Industries of the Government;

(x) one representative each of the following group of teaching Department of the University nominated by the Controlling Authority, namely:-

Substituted by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991. Original is reproduced as under:

“(vi) Director Public Instructions or his nominee or nominee of the Government,”

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- (a) Humanities and Social Science;
 - (b) Natural Science and Mathematics;
 - (c) Islamic Studies and Oriental languages; and
 - (d) — other Languages.
- (xi) _ conveners of the Board of studies of the University for the following subject, namely:-

- (a) Medicine;
 - (b) Commerce; and
 - (c) Education
- (xii) The following members nominated by the Controlling

Authority:-

- (a) Two Conveners of Committees of Courses;
 - (b) three Principals of Degree Colleges of whom one shall be a woman;
 - (c) three Headmasters or headmistresses of Schools of whom one shall be a woman;
 - (d) one District Education Officer;
- (xiii) two Teachers of Intermediate Classes nominated by the Chairman;
- (xiv) three Teachers of Secondary Classes nominated by the Chairman.

Term of office of Members of the Academic Committee.- The members of the Academic Committee, other than ex-officio, shall hold office for two years.

No member appointed by virtue of his office shall continue to be a member, if he ceases to hold that office.

Quorum for the Meetings.- The Quorum for the meeting of the Academic Committee shall be one third of the total number of members, a fraction being counted as one.

Powers and Duties of Academic Committee.- (a) The Academic Committee shall have the general Superintendence and control of and the responsibility for the maintenance of the

standard of teaching and examination.

(b) Without prejudice to the generality of the foregoing provisions and subject to such conditions as may be prescribed the Academic Committee shall exercise the following power and perform the following duties, namely: -

(i) to have the sole responsibility of developing, revising and updating curricula for classes IX to XII

(ii) advise the Board on the qualifications of the teachers and

examiners, their duties and conditions of appointment.

(iii) | advise the Board on all academic matters including the

general scheme of studies for an examination, the number of subjects to be included in an examination, the value each subject in respect of marks to be assigned to it and the conditions to be fulfilled for passing an examination and for being placed in a particular divisions; and
(iv) exercise such other powers and perform such other duties as may be prescribed.

Constitution, Powers and Duties of the Appointments Committee.-

- (1) The appointments Committee shall consist of:-
(0) the Chairman of the Board;
(ii) the Director Public Instructions or his nominee or nominees of the Government;
(iii) | two nominees of the Controlling Authority.
(2) The appointments Committee shall recommend the appointments, confirmation and scale of pay of officers or employee of the Board carrying national pay scale No. 16 and above.

(3) The members of the appointments Committee, other than the ex-officio members, shall hold office for two years.
(4) The quorum for a meeting of the Appointments

Committee shall be three.

Constitution _and_ Functions _of_ the Finance _Committee.-

- (1) Finance Committee shall consist of: -
(i) the Chairman of the Board;
'[Gi]_ the Director Public Instructions by rotation;]
(iii) one representative of the Finance Department of the Government ;]
(iv) two nominee of the Controlling Authority.
(2) The functions of the Finance Committee shall be: -
(i) to examine the annual budget and advise the Board thereon;
(ii) to review the Financial position of the Board periodically and make recommendations to the Board for improving its finances.
(3) The members of the Finance Committee, other than the x-officio members, shall hold office for two years.
(4) The quorum for the meetings of the Finance Committee shall be three.

Clauses (ii) and (iii) subs. by the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Act, 1991 (IV of 1991) dt. 19-01-1991.original are reproduced as under:

- “(ii) the Director Public Instructions or his nominee or nominees of the Government;

(iii) one representative of the Finance Department of the Government,”

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Constitution _and_ Functions of the Committee for

appointment_of Paper Setters, and head Examiners.-

(1) There shall be a Committee for appointment of Paper Setters

and head Examiners and shall consist of:-

(i) the Chairman of the Board;

Gi) The Vice Chancellor of University of Azad Jammu and Kashmir or his nominee who should be a Professor of one of the Science subjects;

(iii) The Director Public Instruction schools and

colleges.]

(2) The functions of the Committee for appointment of Paper

Setters and Head Examiners shall be to appoint Paper Setters and

Head Examiners for all examinations conducted by it the Board,

after considering the recommendations of the Committee of

Course in this behalf. Where a Committee of courses does not

make its recommendations within the time specified by the

Committee for the appointment of Paper Setters and Head

Examiners, the Committee will make these appointments without

the recommendations of the Committee of Courses.

Committee _of Courses.- (1) There shall be Committee of

Courses for each subject or a group of allied subject included in

the courses of studies organized by the Board. Each such

Committee shall consist of the following, namely:

(i) two teachers of the subject from among the teachers of the Intermediate education, nominated by the Academic Committee;

(ii) two teachers of the subject from amongst the teachers of

the Secondary education nominated by the Academic Committee;

(iii) two persons having experience of Intermediate Education or Secondary Education nominated by the Board; and

(iv) one expert in the subject nominated by the Chairman:
Provided that if in a subject the required number of

teachers is not available, the Chairman may decide that the numbers of members of the Committee of Courses for the subject concerned may be less than seven or may permit the nomination of suitable persons who are not teachers, as members of a particular Committee of Courses.

(2) the term of office of the members of the Committee of

Courses shall be two years:

Provided that if a vacancy occurs during the course of two

years, the member appointed to fill the vacancy shall hold office

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for the remaining term only.

(3) Each Committee of Courses shall consider academic Matters relating to the subject or subjects with which it is concerned and shall recommend to the Academic Committee, the Course of Studies and text books to be prescribed as well as the conditions to be fulfilled for passing the relevant examination in the subject or subjects.

(4) Each Committee of Courses shall have a Convener who shall be nominated by the Board.

(5) The quorum for a Committee of Courses shall be four. Notwithstanding anything contained in these Regulations when a person ceases to be member of a Committee, he shall cease to be member of any sub-Committee of which he may be a member by virtue of his membership of that Committee.

Recognitions of Schools.- (1) The Board shall accord recognition, for the Secondary School Examination, to such Schools as are within the jurisdiction of the Board in Azad Jammu and Kashmir if it is satisfied on the basis of the inspection reports received from the Education Department, that the conditions prescribed for the recognition have been satisfactorily fulfilled.

(2) if the Board, on the basis of a report received from the Education Department, is satisfied that the conditions of recognition have ceased to be fulfilled by any school, the Board may cancel the recognition.

(3) | The Board may, if it considers necessary, arrange special inspection of any School by an inspection committee appointed by it.

Audit.- (1) The Board shall appoint a whole time officer as Auditor for the purpose of auditing the accounts and the bills to be paid from the funds of the Board. No expenditure shall be made from the funds of the Board, unless the bill for its payment has been audited by the Auditor in conformity with the Regulations and Rules.

(2) The statement of accounts of the Board, signed by the Secretary and the Auditor, shall be submitted to Government within six months of the closing of the financial year.

(3) The accounts of the Board shall be audited once a year in conformity with Regulations and Rules, by Auditors appointed by Government for this purpose.

