

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 21st March, 2017

No. LD/Legis-Act/173-183/2017. The following Act of Assembly received the assent of the President on the 16th day of March 2017, is hereby published for general information.

(ACT XI OF 2017)

An
Act
to amend the Azad Jammu and Kashmir Text book Board Act, 2014

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Text book Board Act, 2014 (Act XXVI of 2014) for the purposes here-in-after appearing:

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Text Book Board (Amendment) Act, 2017.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Amendment of Section 2, (Act XXVI of 2014).- In the Azad Jammu and Kashmir Text book Board Act, 2014 (Act XXVI of 2014), hereinafter referred to as the said Act, in Section 2, in clause (1), for the full stop at the end a semi colon shall be substituted and thereafter following new clauses (m) and (n) shall be added as under:-

“(m) “Supplementary material” includes guides, get through guides or any other reading material ancillary to a Text books; and

(n) “Text book” means a book or a work developed in accordance with the curricula, and which is printed, published or sold by any person or agency with the permission of the Board.”

3. Addition of Section 3-A, 3-B, 3-C, 3-D & 3-E, (Act XXVI of 2014).- In the said Act, after Section 3, following new Sections

shall be added as under:-

“3-A Functions of the Board.- (1) The Board shall,-

(a) prepare or cause to be prepared, manuscripts of Text books, incorporate standards of education in Text books and schedules, and develop strategy for their introduction in various classes of an Institution in connection with the implementation of the education policy of the Government;

(b) regulate and control pricing, printing, publication and sale of Text books and other Supplementary material;

(c) be responsible for maintenance of standards of education; and

(d) be responsible for collection of royalty of Text books.

(2) The Board may,-

(a) direct, in writing, any person or agency to delete, amend or withdraw any portion or the whole of the Text book or Supplementary material prescribed for any class of an Institution within a period specified in such direction; and

(b) prohibit any person or agency in writing from producing, printing, publishing or selling any Text book, or Supplementary material with effect from a specified date:

Provided that power under this Section shall not be exercised unless an opportunity of hearing is provided to the concerned person or agency.

(3) The Board shall not approve the publication of any book or Supplementary material which is or is likely to be detrimental for examination or assessment purposes, or which contains anything repugnant to the injunctions of Islam, or contrary to the integrity, defense or security of the State or any part of the State, public order, decency or morality.

(4) If the Board has issued a direction or prohibition to a person or agency, the person or agency shall, within the time specified by the Board, submit an implementation report to the Board.

3-B. Prohibition.- (1) No person or agency shall, except with the prior approval of the Board, print, publish, sale or prescribe in an Institution any Text book or Supplementary material.

3-C.

3-D.

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(2) An application for approval to print, publish, sell or prescribe in any Institution a Text book or Supplementary material, shall be made in such manner and form and on the payment of such fee as may be prescribed.

Technical experts.- The Board, Advisory Council or a committee may invite any technical expert or other person possessing specialized knowledge of any subject for assistance in the performance of its functions.

Offence_and_penalty.- (1) If a person or agency to

whom a direction or prohibition has been issued under this Act, fail to carry out the direct or prohibition, he shall be liable to punishment of imprisonment for a term which may extend to six months or fine which may extend to fifty thousand or both.

(2) Notwithstanding anything contained in any other law and in addition to the prosecution of the person under sub-section (1), the board may impose or recommend to the concern authority any one or more of the following actions against such person,-

(a) revocation of license or permit or work order or cancelation of any registration pertaining to printing, publication or sale of any Text book, or any other Supplementary material under any law; and

(b) disqualify the person or agency for registration or grant of any license or permission under any law relating to printing, publication or sale of any Text book or any other Supplementary material for a maximum period of two years.

Cognizance_and_trail.- (1) No court shall take cognizance of an offence punishable under this Act except on a report in writing made by an officer of the Board authorized for this purpose.

(2) An offence under this Act shall be triable by a Magistrate of the first class.

(3) The Magistrate competent to try an offence under this Section may try offence in a summary manner in accordance with provisions of Sections 260 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in Azad Jammu and Kashmir."

Saving.- All actions taken, jurisdiction or powers exercised, powers conferred, orders passed, functions performed, licenses issued, and proceedings initiated shall be deemed to have been validly taken, exercised, conferred, passed, performed, issued and initiated under this Act.

Sd/-

(Mehr-un-Nisa Qadri)

Section Officer (Legislation)