

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

Dated: 23rd June, 2014

No.LD/Legis-Act/416-27/2014. The following Act of Assembly received the assent of the President on 19th day of June, 2014, is hereby published for general information.

(ACT XXVI OF 2014)

An

Act

to provide a law for the establishment of the Azad Jammu and Kashmir Text Book Board

WHEREAS it is expedient to make arrangements for,-

(a) production and publication of,-

(i) text books for Classes I to XII;

(ii) supplementary reading material relating to text-books;

(iii) guide books for teachers;

(b) production of reference and research material in respect of problems relating to schemes of studies and preparation of text-books; and

(c) conduct of research in the field of curricula, text-books and other reading material, in the manner hereinafter 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 Act, 2014.

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

(3) It shall come into force at once and shall be deemed to

have taken effect from 13.01.2014.

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

(a) "Advisory Council" means the Advisory Council constituted under Section 10 of this Act;

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Volume XII (2011-2014)

“Board” means the Azad Jammu and Kashmir Text-Book Board established under Section 3 of this Act;

“Chairman” means the Chairman of the Board;

“Controlling Authority” means the Controlling Authority of the Board;

“Director” means a Director of the Board;

“Government” means the Azad Government of the State of Jammu and Kashmir;

“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 IX to XII;

“Prescribed” means prescribed by Regulations or Rules made under this Act;

“Regulations and Rules” respectively mean the Regulations and Rules made under this Act;

“School” means an institution imparting instruction to all

or any of the Classes I to X and includes an English Medium School, a school for handicapped children and any other school which Government may declare to be a school for the purposes of this Act ';

"Supplementary material" includes guides, get through guides or any other reading material ancillary to a Text books; and

"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."]

Establishment and incorporation.- (1) As soon as may be,

there shall be established a Board to be called the Azad Jammu and Kashmir Text-Book Board for carrying out the purposes of this Act.

In Sec. 2 in cl. (1), for the full stop at the end a semi colon shall be substituted and thereafter new clauses (m) and (n) added by the Azad Jammu and Kashmir Text Book Board (Amendment) Act, 2017. (Act XI of 2017) dt. 21.03.2017.

(2) The Board shall be a body corporate, having perpetual succession and a common seal, with powers subject to the provisions of this Act to acquire, hold and transfer property, both moveable and immoveable, and sue and be sued by the name assigned to it by sub-section (1).

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,

1 Added by the Azad Jammu and Kashmir Text Book Board (Amendment) Act, 2017. (Act XI of 2017) dt. 21.03.2017.

Note:Section 4 of the amending Act provides for saving in the following manners:

"4, Saving. All actions taken, jurisdictions or powers exercised, powers conferred, orders passed, functions performed,

licenses issued, and proceedings initiated shall be deemed to have been validaly taken, exercised, conferred, passed, performed, issued and initiated under this Act."

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Volume XII (2011-2014)

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.

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.

(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 is forced in Azad Jammu and Kashmir.]

Constitution of the Board.- (1) The Board shall consist of a Chairman, three Directors and the Secretary appointed by the Government.

(2) The Chairman and the Directors shall,-

(a) hold office for a term of three years unless sooner removed by Government or, in case of a Government servant on deputation, recalled from deputation or in case resignation is tendered and accepted;

(b) be eligible for re-appointment for such further period or periods as Government may, from time to time, specify;

(c) receive such salary and allowances as Government may determine; and

(d) perform such duties and functions as are assigned by this Ordinance or by the Regulations and Rules made thereunder.

(3) A person appointed as Chairman or Director shall divest

himself of any other directorship or other interest held by him in any corporation, company or concern which has dealings with the Board.

Chief Executive Officer.- The Chairman shall be the Chief Executive Officer of the Board.

Disqualification and Removal of Chairman or Director.- (1) No person shall be or shall continue to be the Chairman or

Director who,-

(a) is or has at any time been convicted of any offence involving moral turpitude; or

(b) is or has at any time been adjudicated insolvent; or

(c) is found a lunatic or becomes of unsound mind; or

(d) is or has at any time been disqualified for employment

in, or dismissed from the service of Pakistan or Azad Jammu and Kashmir.

(2) Government may, by order in writing, remove the Chairman or Director if he,-

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

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

(c) has knowingly acquired or continued to hold without the permission in writing of Government, 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 operations of the Board.

Meetings of the Board.- (1) The Board shall meet at such time and place and in such manner as may be prescribed.

(2) The Chairman shall preside over the meetings of the Board. In the absence of the Chairman, the senior Director specified as by the Government shall preside over the meeting.

(3) Two Director shall be present to constitute a quorum at a meeting of the Board.

(4) The Chairman and each Director shall have one vote, but in the event of equality of votes, the Chairman shall have a second or casting vote.

(5) The minutes of every meeting of the Board stating among other things the names of the Chairman or Director 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 Chairman or Director.

Controlling Authority.- The Prime Minister of the Azad Jammu and Kashmir or his nominee shall be the Controlling Authority of the Board.

Powers of the Controlling Authority.- (1) The Controlling

Authority shall have the power to cause an inspection to be made by such person or persons as it may direct, of the offices, activities and funds of the Board, and to cause an enquiry to be made in like manner in respect of any matter concerning the Board.

(2) The Controlling Authority shall communicate to 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 as it proposes to take or has taken on such communication.

(4) Where the Board does not within a reasonable 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 the Advisory Council is not in conformity with this Act, the Controlling Authority may, without prejudice to the foregoing provisions of this section, by order in writing annul such proceedings:

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

Advisory Council.- (1) The Board shall have an Advisory Council consisting of the following as its members,-

(i) The Chairman and Directors of the Board;

(ii) Director Public Instructions Colleges;

(iii) | Director Public Instructions Education Male;
(iv) Director Public Instructions Education Female;

(v) Director General Directorate of Curriculum, Research and Development;

(vi) Director Education Extension;

(vii) Director Technical Education;

(viii) the Chairmen of the Boards of Intermediate and Secondary Education; and

(ix) the Vice-Chancellor of a Public Sector University in the AJ&K or his nominee, by rotation on yearly basis.

(2) The quorum for a meeting of the Advisory Council shall be six.

(3) The functions of the Advisory Council shall be to advise the Board in the performance of the functions of the Board under this Act.

(4) Government may frame Rules of Procedure to regulate the transaction of business by the Advisory Council

Powers and duties of the Board and the framing of Schemes.-

(1) The Board may take such measures and exercise such powers as it considers necessary or expedient for carrying out the purposes of this Act.

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Without prejudice to the generality of the powers

conferred by the provisions of sub-section (1), the Board may for carrying out the purposes of this Act,-

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undertake any works;

incur any expenditure;

procure plant, machinery and material required for its use;

acquire by purchase, lease, exchange or otherwise any material or machinery or any interest therein, and;

enter into and perform all such contracts as it may consider necessary or expedient.

In particular, the Board may prepare schemes pertaining

to all or any of the following matters, -

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implementation of the educational policies of Government in respect of the production and publication of text-books, supplementary reading material and teaching aid;

arrangement for the publication of text-books, for all stages and types of education and teachers' training

courses as detailed hereunder, namely:-

- (i) Elementary Education;
- (it) Secondary Education;
- (iii) Intermediate Education;
- (iv) Diplomas in Physical Education, Diploma in Commerce, Diplomas in Arts and Crafts and such other training courses as may be prescribed by regulations;
- (v) Courses of English Medium institutions;
- (vi) Education of handicapped children;
- (vii) Adult education;

production of supplementary material relating to the text-books, for the stages and types of education enumerated under clause (b) above;

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Volume XII (2011-2014)

production of reference and research material relating to the problems of curricula and preparation of text-books;

the laying down of specifications of text-books, for their preparation and publication;

control of the policy relating to,
(¢)) distribution of text-books and other material, and

(ii) appointment of agencies for this purpose in the Azad Jammu and Kashmir so as to make the text-books and material available to the students well in time;

the holding of training courses for the writers of text-books;

preparation and publication of literature for adults;

preparation and publication of reading material on new developments in educational concepts and teaching methods and techniques;

workshops and seminars and courses for effective use of text-books and reading materials;

conduct of research in curricula, text-books, other reading materials and teaching aids;

exhibitions of text-books and teaching materials; maintenance of a library of,-

(i) reference books;

(ii) text-books;

(iii) | maps, charts, diagrams and other documents of that nature;

(iv) educational journals and periodical literature on education published in Pakistan and other countries; and

(v) books and reading material, other than the text-books, which the Board may consider useful for fulfilling the purposes and objects of this Act:

Provided that the Board may adapt any prescribed curriculum of, and the text books published by any other text books Board, in Azad Jammu and Kashmir.

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Volume XII (2011-2014)

(4) Every scheme prepared by the Board under the last preceding sub-section shall be submitted to the Controlling Authority with full details as regards its purpose and financial implications and the manner in which it is to be executed.

(5) The Controlling Authority may approve, or disallow, or remit the scheme to the Board with its recommendations for further consideration.

(6) In the preparation and execution of any scheme the Board may seek and obtain advice from Directorates of Education or Boards of Intermediate and Secondary Education or institutions, who shall give advice and assistance sought to the best of their ability, knowledge and judgment.

Committees.- (1) The Board may appoint such Committees as it may consider necessary.

(2) The constitution, functions and duties of the Committees shall be such as may be prescribed by the Regulations.

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

(a) Chairman;
(b) Director;
(c) Secretary; and

(d) such other officers as may be appointed by the Chairman.

(2) Subject to the provisions of sub-section (3), the Board may, from time to time, employ such officers and servants or appoint such whole-time or part-time experts or consultants as it may consider necessary for the performance of its functions on such terms and conditions as it may deem fit:

Provided that, in case of urgency, the Chairman may appoint, for a period not exceeding six months, such officers and servants as he may consider necessary:

Provided further that every appointment so made shall be reported to the Board for confirmation within sixty days of such appointment.

(3) The Board shall not make appointment to any post carrying pay equivalent to BPS-17 and above without the prior

approval of the Controlling Authority.

Duties of Officers and Servants.-Subject to other provisions of

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Volume XII (2011-2014)

this Act, the duties and functions of the Chairman and Director shall be such as may be specified by the Controlling Authority and those of officers and servants as may be assigned to them by the Regulations or Rules or by the Chairman.

Recruitment _and Conditions of Services _and Disciplinary Powers.- Subject to other provisions of this Act, the Board shall

prescribe such procedure for appointment, removal, dismissal, suspension, other disciplinary action and general conditions of service of its officers and servants as it may consider necessary.

Provident Fund and Pension.- 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.

Delegation of powers to Chairman, etc.- The Board may by a general or special order delegate to its Chairman, Director and other officers any of its powers, duties and functions, under this Act and subject to such conditions as it may think fit to impose.

Immunity of the Board and its Employees.- The Chairman, Directors, officers and servants of the Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Azad Penal Code (Act XLV of 1860).

Board to be Local Authority.- The Board shall be deemed to be a local authority under the Local Authorities Loans Act, 1914 (IX of 1914), for the purpose of borrowing money under the said Act and the making and execution of any scheme under this Act shall be deemed to be a work which such authority is legally authorised to carry out.

Budget Estimates.- In the month of April each year, the Chairman shall submit a statement of the estimated receipts and

expenditure in respect of the next financial year for approval by the Board.

Maintenance of Accounts.- (1) The Board shall maintain complete and accurate books of accounts in such form as it may prescribe by Rules.

(2) The statement of the accounts of the Board shall be submitted to Government once a year.

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

after the end of every financial year, a report on the conduct of

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Volume XII (2011-2014)

its affairs for that year.

(2) The Controlling Authority may require the Board to furnish it with,-

q@) 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.

Audit.- The accounts of the Board shall be audited once in a year by such agency and in such manner as may be specified by the Government. Copies of the audit report shall be sent to the Board and with the comments of the Board to the Government, with a copy thereof to the Controlling Authority. The Board shall carry out any directive issued by the Government for the rectification of irregularities, if any, pointed out in the audit report.

Regulations.- (1) For the purposes of carrying into effect the provisions of this Act, the Board shall have the power to make Regulations, consistent with this Act [and Rules], on all or any of the following matters,-

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

(b) rules of service including rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;

(c) creation of Pension or Provident Fund or both for the

benefit of the officers and servants of the Board; and

(d) such other matters as may appear necessary for giving effect to the provisions of this Act.

(2) The Regulations approved by the Board shall be submitted to the Government and shall not take effect until they are approved by the Government. The Government may approve or disallow or remit them to the Board with its recommendations for further consideration.

(3) Notwithstanding anything to the contrary contained in this Act, the Regulations set out in the Schedule shall, on the commencement of this Act, be deemed to be the First

Regulations framed by the Board under this section.

(4) The Regulations laid down by the Government within

I Inst. by the Azad Jammu and Kashmir Text Book Baord (Amendment) Act, 2019 (Act X of 2020) dt. 10.01.2020

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Volume XII (2011-2014)

six months of the date of commencement of this Act shall become part of the Schedule attached to this Act.

Power to make Rules.- The Government may make rules to carry out the purposes of this Act.]

Validation.- No act or proceedings of the Board or the Advisory Council shall be invalidated merely by reason of the existence of a vacancy of the Board or the Advisory Council, or by reason of any irregularity in the appointment of any member of the Board or the Advisory Council.

Indemnity.- No suit for damages or other legal proceedings shall be instituted against the Government, the Controlling Authority, the Board, Advisory Council, any Director of the Board or member of the Advisory Council, or officer or employee of the Board in respect of anything done or purported to have been done in good faith in pursuance of this Act and the Regulations and Rules made thereunder.

Saving.- (1) Anything done, proceeding or action taken, right acquired, obligation or liability incurred, appointment made, person authorized, jurisdiction or power conferred and Rule, Regulation or order made by or in the name of the Directorate of Curriculum Research and Development Azad Jammu and Kashmir before the commencement of this Act, shall be deemed to have been done, taken, acquired, incurred, authorized, conferred and made by the Board constituted under Section 4 of this Act.

(2) Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, notifications issued, proceedings initiated, power exercised, power conferred etc. which have been visualized by this Act in AJ&K, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised, conferred under this Act.

Sd/-

(Ch. Muhammad Nawaz)

Section Officer Law

1 Subs. by the Azad Jammu and Kashmir Text Book Board (Amendment) Act, 2019 (Act X of 2020) dt. 10.01.2020. The original

of Sec. 25 is reproduced as under:-

“25. Power of the Board to make Rules.- The Board may, consistent with this Act and the Regulations made thereunder, make Rules to carry out the purposes of this Act.”