

THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION ACT, 1976

(XIII of 1976)

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TEXT

'THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY
EDUCATION ACT, 1976

(XIII of 1976)

[21 July, 1976]

An

Act

to reconstitute and establish Boards of Intermediate and Secondary Education in the Punjab and to amend and consolidate the law relating thereto.

Preamble.- WHEREAS it is expedient to reconstitute and establish Boards of Intermediate and Secondary Education in the Punjab and to amend and consolidate the law relating thereto;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Punjab Boards of Intermediate and Secondary Education Act, 1976.

(2) It shall come into force on such date as may be notified by Government in the official Gazette.

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 a Board of Intermediate and Secondary Education constituted or reconstituted under Section 3;

(b) 'Chairman' means the Chairman of a Board;

(c) 'College' means an institution within the jurisdiction of a Board and recognised by it for Intermediate education, and 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;

(e) 'Controller of Examinations' means the Controller of Examinations of a Board;

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

(g) 'Government' means the Government of the Punjab;

(h) 'Head of an institution' means the Principal of a college or the headmaster or headmistress of a school;

(i) 'Institution' means a college or school;

'This Act was passed by the Punjab Assembly on 5th July, 1976; assented to by the Governor of the Punjab on 21st July, 1976; and, published in the Punjab Gazette (Extraordinary), dated 21st July, 1976, pages 2013-2032.

(j) 'Intermediate College' means an institution recognised for imparting instructions to Class XI and Class XII and includes an institution having Classes for Intermediate and Secondary education;

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

(l) 'member' means a member of a Board;

(m) 'prescribed' means prescribed by regulations or rules;

) 'Principal' means the head of a College;

(o) 'recognised' means recognised by a Board;

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'regulations' and 'rules' means respectively the regulations and rules made or deemed to have been made under this Act;

(q) 'School' means an institution within the jurisdiction of a Board and recognised by it only for Secondary education;

(r) 'Secondary education' means education pertaining to Class IX and Class X and such other Classes as may be declared by Government to be Classes of Secondary education;

(s) 'Secretary' means the Secretary of Board; and

(t) 'University' means the University having jurisdiction within an area in which a Board functions under Section 4.

3. Constitution and Reconstitution of the Boards.— (1) Government may establish one or more Boards in respect of such institutions or such areas as it may deem necessary [:]

Provided that Boards of Intermediate and Secondary Education Bahawalpur, Gujranwala and Rawalpindi shall be constituted: and

Provided further that as soon as may be, the Board of Intermediate and Secondary Education, Lahore, reconstituted under the West Pakistan (Boards of Intermediate and Secondary Education, Lahore) Ordinance, 1961 (Ordinance No. XVIII of 1961) and the Boards of Intermediate and Secondary Education (Multan and Sargodha) constituted in accordance with the provisions of the West Pakistan Boards of Intermediate and Secondary Education (Multan and Sargodha) Ordinance, 1968 (Ordinance No. VII of 1968) shall be reconstituted by the Government.

(2) | A Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire, hold and transfer property and may sue or be sued by its corporate name.

4. Jurisdiction of the Boards.— A Board shall exercise its powers in respect of such institutions and within such area as may be determined by the Government from time to time.

5. Constitution of a Board.— (1) A Board shall consist of the following members, namely:—

2Misprinted in the original Gazette as full stop.

(i) the Chairman;

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

'[(iii) all "[Executive District Officers (Education)] related to the area within the jurisdiction of a Board.]

(iv) | the Director of Technical Education, Punjab, Lahore or his nominee;

'[(v) one representative each of the Finance and Education Departments not below the rank of a Deputy Secretary;]

(vi) one Principal of a Degree College situated within the jurisdiction of the Board to be nominated by the Controlling Authority;

(vii) one '[female] Principal of an Intermediate College situated within the jurisdiction of the Board to be nominated by the Controlling Authority;

(viii) two Headmasters and one Headmistress of schools situated within the jurisdiction of the Board to be nominated by the Controlling Authority;
and

(ix) 'including at least one woman] nominated by the Controlling Authority '[from amongst scholars and retired educationist].

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

(3) | The term of Office of members, other than ex-officio members, shall be three years.

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

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

6. Resignation of member.— A member may resign his membership by a letter addressed to the Chairman.

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

(i) becomes of unsound mind;

'Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985) and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted for the words "Directors of Education" by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.2. which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

5Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985) and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

®inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and published in the Punjab Gazette (Extraordinary), dated 12.3.2014, pages 2733-2744, s.2 and Schedule, at serial No.17.

Substituted *ibid.*, for the words “two persons”.

®Added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

- (ii) is declared insolvent by a competent Court; or
- (iii) is convicted by a Criminal Court of an offence involving moral turpitude;

‘[(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.

[Provided that no decision under sub-section (1) shall be made unless the member to be affected thereby is afforded an opportunity of being heard.]

8. Casual vacancies.— (1) Whenever there occurs a vacancy in the membership of a 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 referred to in sub-section (1) shall be a member for the full term of three years.

9. Meetings of the Board.— (1) The Chairman may, whenever he considers necessary, and shall, on a requisition from at least [seven] members, call a meeting of the Board.

(2) | The quorum for meetings of a Board shall be [seven].

10. Powers of a Board.— (1) Subject to the provisions of this Act a Board shall have power to organise, regulate, develop and control Intermediate Education and Secondary Education.

(2) In particular and without prejudice to the generality of the powers conferred by the preceding sub-section, a 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

"tl

(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:—

(a) in the case of schools maintained by the Government of Pakistan, after considering inspection reports from the Officer on Special Duty, Ministry of Education, Government of Pakistan or

°Inserted *ibid*.

"added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1984 (XX of 1984); and published in the Punjab Gazette (Extraordinary), dated 16.12.1984, pages 2041-2042, s.2.

"Substituted for the word "six" by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted for the word "six" by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

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any other authority appointed for the purpose by the said Ministry;

(b) in the case of other schools, after considering inspection reports from the "[Executive District Officer (Education)] concerned; and

(c) in the case of Intermediate Colleges and institutions preparing candidates for languages examinations, after considering reports from an Inspection Committee appointed by a Board in this behalf;

to inspect and arrange for inspection of recognised institutions and call for inspection reports in respect of such institutions, other than the institutions run by the Government of Pakistan;

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 recognised institutions with a view to promoting their general welfare;

to institute and award scholarships, medals and prizes in the prescribed manner;

to organise and promote extra-mural activities in and for recognised institutions;

to hold, control and administer its property and fund;

to enter into and carry out contract in exercise of its powers and in the performance of its duties under this Act and the regulations;

to pass its 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 conditions of service of the officers of the Board]:

“Substituted for the words “Director of Education” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.3, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

‘added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

Provided that a post carrying an initial pay of “[equal to Basic Scale 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 for carrying out the purposes of this Act; and

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

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

"1(4) Except where the Controlling Authority directs otherwise, a 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 matters.]

11. Controlling Authority.— “[* * *] Government shall be the Controlling Authority of a Board.

12. Powers of the Controlling Authority.— “[(1) The Controlling Authority shall have the power to inspect and 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 a Board, and to cause an enquiry to be made in respect of any matter concerning a Board, or the discharge of functions by the members, officers and employees of the Board.]

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

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

"Substituted for the word “Rs.1000/-” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Omitted the words “officers and”, by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Act, 1992 (X of 1992); and published in the Punjab Gazette (Extraordinary), dated 2.11.1992, s.2. Earlier added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

2°Omitted the words “Minister for Education, Punjab and when there is no Minister for Education and the comma’ by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab

Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted *ibid.*

22ndded by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); a
published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

Substituted *ibid.*, for the word "shall".

(3) | The Board shall report to the Controlling Authority the action “[* * *] taken on such communication.

(4) | Where a Board does not within a “[specified] time, take action to the satisfaction of the Controlling Authority, the Controlling Authority may, after considering any explanation made by a 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 a 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, without prejudice to the foregoing provisions of this section, by order in writing, annul such proceeding:

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 a Board to conduct its affairs and to perform its functions in such manner as may be specified.

(7) — The Controlling Authority may require a Board to furnish 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.

(8) Notwithstanding anything to the contrary contained in this Act, the Controlling Authority may:—

(i) place the services of any of the officers or other employees of any Board at the disposal of the Government or any other Board 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 to him immediately before his transfer;

(ii) make appointment to any post in the Board in any capacity from persons in the service of Pakistan or from officers or other employees of any other Board; and

(iii) | make regulations concerning efficiency and discipline of officers and other employees of the Board.

Omitted the words “it proposes to take or has” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S 8.2.

?5Substituted *ibid.*, for the word “reasonable”
5added *ibid.*

27Not printed in the original Gazette.

*“(iv) the Controlling Authority may remove from service any employee of a Board:

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

Provided further that where the Controlling Authority has initiated any such proceedings against any such employee, no other person including the Board shall have power to initiate any proceedings or take any steps in the matter.]

13. | Officers of the Board.— The following shall be the officers of a Board:—

(i) | the Chairman;

(ii) | the Secretary;

(iii) | the Controller of Examination; and

(iv) such other officers as may be appointed by the “[Controlling Authority].

“[14. Officers of the Board.— (1) The officers of the Board shall be whole time

officers and shall be appointed by the Controlling Authority on such terms and conditions as may be determined by the Controlling Authority.]

“[(2) The Officers of the Board shall hold office during the pleasure of the Controlling Authority]

“[(3) Notwithstanding anything contained in sub-section (2), a civil servant, if appointed on deputation as an Officer of the Board, shall cease to hold office in the Board on the date of his retirement from civil service.]

“[15. Chairman.— (1) The Chairman shall be the principal executive and academic officer of the Board and shall, when present, preside at the meeting of-

(i) the Board; and

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

(2) 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.

(3) 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.

?8added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

Substituted for the word “Board” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

°° Substituted *ibid*.

“Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Act, 1992 (X of 1992); and published in the Punjab Gazette (Extraordinary), dated 2.11.1992, s.3.

“added ibid.

%5ISubstituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985) and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

(4) Subject to clause (xvii) of subsection (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 reported within sixty days of such appointment to the Board for confirmation.

(5) 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 taken to the Board at its next meeting for approval but not later than sixty days.

(6) | The Chairman shall exercise such other powers as may be prescribed by regulations.]

16. Other Officers.— Subject to the provisions of this Act the powers and duties of other officers of a Board shall be such as may be determined by the “[Controlling Authority].

17. Retirement from service.— An officer or other employee of a Board shall retire from service:—

(i) on such date after he has completed “[ten] 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 the sixtieth year of his age:

Provided that no order under clause (/) shall be made in respect of an officer or an employee of a Board unless the competent authority or the Controlling Authority, as the case may be, has informed him in writing of the grounds on which it is proposed to be made and has given him an opportunity of showing cause against it.]

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.

18. Committees of Boards.— (1) The Board shall have a Joint Academic Committee which shall serve all the Boards constituted or re-constituted under this Act.

(2) | A Board shall have the following Committees, namely:—

- (i) the Finance Committee;
- (ii) the Appointments Committee;

“Substituted for the word “Board” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

Substituted for the figure “25” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Act, 1992 (X of 1992); and published in the Punjab Gazette (Extraordinary), dated 2.11.1992, s.4.

added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Act, 1992 (X of 1992); and published in the Punjab Gazette (Extraordinary), dated 2.11.1992, s.2.

- (iii) | Committee for appointment of Paper Setters and Head-Examiners; and
- (iv) | Committee of Courses.

(3) In addition to the Committees mentioned in sub-section (2) of this Section, a Board may appoint such Committees or sub- Committees as it may deem necessary.

(4) A committee may appoint such sub-committees as it may consider necessary.

19. Constitution, functions and duties of Committees.— The constitution, functions and duties of committees shall be such as may be prescribed by regulations.

20. Power of a Board to make regulations.— (1) A 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 Act provided that—

(i) a Board shall not propose draft of regulations effecting 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;

(ii) 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

“[(iii) A Board shall not have the power to make any regulation or adopt any rules or regulations concerning efficiency and discipline of the officers/officials and other employees which is not in conformity with rules made by the Government.]

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for:—

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

(b) — the constitution of pension or provident fund or both for the benefit of the officers and other employees of a Board;

(c) the admission of institutions to the privilege of recognition and the withdrawal of recognition;

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

(d) | a general scheme of studies, including the total number of subjects to be taught and the duration of courses; and

Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"added ibid.

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

21. Powers of a Board to make rules.— A 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 held by it and their eligibility for diplomas, certificates and titles;

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

(iv) such other matters as may be required under the regulations to be provided in the rules.

22. | Fund.— A Board shall have a fund to which shall be credited all its income, including income from fees, endowments, grants and contributions.

23. Accounts and Audit.— (1) The accounts of a 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 regulations.

(3) | A Board shall, as soon as possible after the 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.

24. Provident Fund or Pension.— (1) A 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 a Provident Fund established by a Board and on the making of such declaration that Act shall apply as if such Board were Government and the said fund were the Government Provident Fund.

25. Submission of yearly reports and returns.— A 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.

26. Members of the Board prohibited from deriving monetary gains.— (1) No member 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 be paid from the funds of the Board in accordance with the terms and conditions of his appointment.

(2) Nothing in this Section shall be deemed to prohibit a member of a committee from receiving from the Board, remuneration in lump sum for writing,

compiling or editing a book intended to be prescribed for an examination of the Board.

27. Bar against membership.— No person who has any financial interest in any book prescribed by a Board as a course of study for any examination conducted by such 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 such Board, or a committee thereof or continue as such after having acquired any such interest.

28. Validations.— No act or proceedings of a Board or any Committee shall be invalid merely by reason of the existence of a vacancy on the Board of 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.

29. Bar of suit— No act done, order made or proceeding taken by a Board in pursuance of the provisions of this Act shall be called in question in any Court.

30. Members and employees of Boards deemed to be public servants.— Members of a Board and its committees “[the officers of the Board], the employees of a Board and other persons appointed for carrying out the purposes of this Act, shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act “ [XLV] of 1860).

31. Protection of acts and order under the Act.— No suit for damages or other legal proceedings shall be instituted against Government, the Controlling Authority, a Board, a committee, a member or a committee or an officer or employee of a Board in respect of anything done or purported to have been done in good faith in pursuance of the provisions of this Act and the regulations and rules made thereunder.

32. First Regulations.— Notwithstanding anything to the contrary contained in this Act, the regulations set out in the Schedule shall be deemed to be the First Regulations framed by the Board under section 20 of this Act.

33. Transitional Provisions.— (1) Till such time as the constitution of a Board under Section 5 is completed, the Chairman and the ex-officio members, shall exercise all the powers and perform all the duties of a Board and its Committees.

(2) A Board shall exercise all powers and perform all duties of the committees of a Board till such time as the committees are constituted.

(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, in the circumstances of the case, it may deem necessary.

34. | Savings.— Notwithstanding anything to the contrary contained in this Act, everything done, action taken, jurisdiction or power conferred, recognition granted

“added by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

“Misprinted in the original Gazette “XLI”.

and order issued under any of the provisions of the West Pakistan (Board of Intermediate and Secondary Education, Lahore) Ordinance 1961 (West Pakistan Ordinance No. XVII of 1961)/West Pakistan Boards of Intermediate and Secondary Education (Multan and Sargodha) Ordinance, 1968 (West Pakistan Ordinance No. VII of 1968), as the case may be, 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 as may be, be deemed to have respectively been done, taken, conferred, granted and issued under this Act and the Regulations and Rules made thereunder.

35. Repeal and Savings.— The following enactments are hereby repealed:—

(a) | the West Pakistan (Board of Intermediate and Secondary Education, Lahore) Ordinance, 1961; and

(b) the West Pakistan Board of Intermediate and Secondary Education (Multan and Sargodha) Ordinance, 1968.

SCHEDULE

THE FIRST REGULATIONS OF THE BOARD

(See Section 32)

1. 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 officers and the staff properly perform the duties entrusted to them. In particular he shall:—

“(i) write confidential reports on the work of officers and employees of the rank of Superintendent and above;

(ii) appointment of supervisory, evaluative and other academic staff or Committees, concerned with the conduct of examinations.]

2. Powers and duties of the Secretary.— (1) The Secretary shall, subject to the control of the Chairman, be in charge of the academic and administrative sector of a Board's Office and cause the orders and decisions of a Board and the Chairman to be carried out.

(2) | The Secretary shall take all possible steps to ensure that the funds of a Board are spent on the purpose for which they are provided.

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

(4) — All meetings of a Board and the committees shall be convened by the Secretary under the direction of the Chairman. While preparing the agenda for a meeting of a Board or a committee, the Secretary shall carry out the directions of the Chairman given in this respect and no item shall be placed on such agenda or be considered in the meeting without the previous permission of the Chairman.

(5) | The Secretary shall record the minutes and maintain the records of the proceedings of a 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.

(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 Government Treasury or a bank 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 examinations held by the Board.

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

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

“Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

3. Duties and Powers of the Controller of examinations.— 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 other duties as may be assigned to him by the Chairman from time to time.

4. “T * * * * *

5. Appointments Committee.— (1) The Appointments Committee shall consist of:—

- (i) the Chairman of the Board;
 - (ii) the Vice-Chancellor of the University or his nominee;
 - (iii) | “[one “[Executive District Officer (Education)] by rotation from amongst “Executive District Officers (Education)]]; and
 - (iv) — two nominees of the Controlling Authority.
- “(2) The appointments Committee shall recommend the appointment, confirmation and scale of officers and employees of the Board in BS-16 and above.]
- (3) | The members of the Appointment 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.

6. Constitution and functions of the Finance Committee.— (1) The Finance Committee shall consist of—

- (i) | The Chairman of the Board;
- “(ii) one “[Executive District Officer (Education)] by rotation from amongst [Executive District Officers (Education)];

“Omitted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985); and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

“Substituted *ibid*.

“Substituted for the words “Director of Education” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.4, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

4° Substituted *ibid*, for the words “Directors of Education”.

*” Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Act, 1992 (X of 1992); and published in the Punjab Gazette (Extraordinary), dated 2.11.1992, s.5.

"8 Substituted by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance, 1985 (XXxXIII of 1985) and published in the Punjab Gazette (Extraordinary), dated 27.2.1985, pages 753-M 758-S, s.2.

"Substituted for the words "Director of Education" by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.4, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4,

(ii) | The representative of the Finance Department, Government of the Punjab; and

(iv) | Two nominees of the Controlling Authority.

(2) The functions of the Finance Committee shall be:—

(i) to examine the annual budget and advise the Board thereon; and

(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 ex-officio members, shall hold office for two years.

(4) | The quorum for the meetings of the Finance Committee shall be three.

7. Constitution and functions of the Committee for Appointment of paper setters and Head Examiners.— (1) There shall be a committee for the appointment of Paper Setters and Head Examiners which shall consist of:—

(i) the Chairman of the Board;

(ii) the Vice-Chancellor of the Punjab University or his nominee who should be a Professor in one of the Science subjects; and

(iii) the “[Executive District Officer (Education)] concerned.

(2) The functions of the committee for the Appointment of Paper Setters and Head Examiners shall be to Appoint Paper Setters and Head Examiners for all examinations conducted by the Board, after considering the recommendations of the Committee of Courses in this behalf; provided that where a Committee of Courses does not make its recommendation within the time specified by the Committee for Appointment of Paper Setters and Head Examiners the committee will make these appointments without the recommendations of the Committee of Courses.

8. Committee of courses.— (1) There shall be a Committee of courses for each subject or a group of allied subjects included in the courses of studies organised by the Board. Each Committee shall consist of the following namely:—

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

(ii) two teachers of the subject or subjects from among the teachers of Secondary schools 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 or subjects nominated by the Chairman:

notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

5° Substituted *ibid.*, for the words “Directors of Education”.

®Substituted for the words “Director of Education” by the Punjab Boards of Intermediate and Secondary Education

(Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.4, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

Provided that if in any subject the required number of teachers is not available, the Chairman may decide that the number of members of the Committee of Courses for that subject 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 in the Committee during the course of two years, the member appointed to fill the vacancy shall hold office 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 courses of study and text books to be prescribed as well as the conditions to be fulfilled by the candidates for passing the relevant examination in the subject or subjects.

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

(5) | The quorum for a Committee of Courses shall be four.

9. Person ceasing to be a member of a Committee would cease to be a member of sub-Committee.— Notwithstanding anything contained in these regulations, when a person ceases to be a member of a Committee, he shall cease to be a member of any sub-committee of which he may be a member by virtue of his membership of that Committee.

10. Recognition of Schools.— (1) The Board shall accord recognition, to the secondary School Examination, to such schools as are within the jurisdiction of the Board, if it is satisfied, on the basis of the inspection report received in the case of schools maintained by the Government of Pakistan from the Officer on Special Duty, Ministry of Education, Government of Pakistan, or any other authority appointed for the purpose by the said Ministry and in the case of other schools, from the [Executive District Officer (Education)] concerned that the conditions prescribed for recognition have been satisfactorily fulfilled.

(2) If the Board on the basis of a report received in the case of a school maintained by the Government of Pakistan, from the Officer on Special Duty, Ministry of Education, Government of Pakistan, or any other authority appointed for the purpose by that Ministry, and in the case of any other school, from the “Executive District Officer (Education)”, is satisfied that the conditions of recognition have ceased to be fulfilled by any school recognised by it, the Board may, after

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Substituted for the words “Director of Education” by the Punjab Boards of Intermediate and Secondary Education (Amendment) Ordinance 2001 (XLVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 26.11.2001, pages 1849-1850, s.4, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4,

notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

giving the management of the school an opportunity of being heard, cancel the recognition.

(3) | The Board may if it considers necessary, arrange a special inspection of any school by an Inspection Committee appointed by it.

11. | Audit.— (1) The Board shall appoint whole-time Audit Officer and 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 the regulations and rules, by Auditors appointed by Government for this purpose.