

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD**

Dated: 17.02.2007

No. LD/ Legis/552-64/2007. The following Act of Assembly received the assent of the President on 12th day of February, 2007, is hereby published for general information.

(ACT III OF 2007)

**AN
ACT**

to establish Azad Jammu & Kashmir Technical Education and Vocational Training Authority

WHEREAS, it is necessary to address rising unemployment in the state by providing technical knowledge and vocational training to Azad Jammu and Kashmir Subjects and to establish an autonomous Authority for this purpose;

It is hereby enacted as follows:-

1. **Short title and Commencement :-** (1) The Act may be called the Azad Jammu & Kashmir Technical Education and Vocational Training Authority Act, 2007.
 - (2) It shall extend to the whole of Azad Jammu & Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.-** Unless the context otherwise requires, following expressions shall have the meaning as hereby respectively assigned to them;
 - (i) “Government” means Azad Government of the State of Jammu & Kashmir;
 - (ii) “Authority” means Azad Jammu & Kashmir Technical Education and Vocational Training Authority, established under Section 3 of this Act;
 - (iii) “Chairman” means the Chairman of the Authority;
 - (iv) “Member” means member of the Authority;
 - (v) “Secretary” means Secretary of the Authority;
 - (vi) “Institution” means training institution established or acquired by the Authority at different places in Azad Jammu & Kashmir to impart technical knowledge and vocational training;

- (vii) “Prescribed” means prescribed by rules;
(viii) “Rules” means rules mad under this Act.

3. **Establishment of the Authority.-** (I) There shall be established Azad Jammu & Kashmir Technical Education and Vocational Training Authority.

(2) The Authority shall be body corporate having perpetual succession and be competent to hold property and to enter into contract:

Provided that immovable property acquired by the Authority shall not be sold without prior approval of the Government.

(3) The Chairman and the Secretary of the Authority shall be appointed by the Government on such terms and conditions as may be prescribed.

¹“(4) The Authority shall consist of not more than eight members excluding the Chairman, three members shall be appointed by the Government from private sector and live shall be ex-officio members as follows:-

- | | |
|--|----------|
| 1) Secretary Finance | Member |
| 2) Secretary Industries | Member |
| 3) Secretary Education | Member |
| 4) Secretary Law | Member |
| 5) Secretary Social Welfare & Women
Development | Member”] |

²“(5) The Chairman and the Members, except ex-officio

1 Subs. by the AJ&K Technical Education and Vocational Training Authority (Amdt.) Act, 2011 (Act V of 2011) dt. 08.04.2011. The original extract of subsection (4) of Sec. 3 is reproduced as under:-

“(4) The Authority shall consist of not more than seven members excluding the Chairman. Three of the members shall be appointed by the Government from private sector and four of the members shall be ex-officio members as follows:-

- | | |
|--|---------|
| 1) Secretary Industries | Member |
| 2) Secretary Education | Member |
| 3) Secretary Law | Member |
| 4) Secretary Social Welfare & Women
Development | Member” |

2 Subs. by the AJ&K Technical Education and Vocational Training Authority (Amdt.) Act, 2014 (Act XI of 2014) dt. 03.04.2014. The original extract of subsection (5) of Sec. 3 is reproduced as under:-

members shall hold office on discretion of the Government.”]

(6) The Government may at any time remove the Chairman or a member for reasons to be recorded in writing.

(7) The Secretary shall be the Chief Operating Officer of the Authority.

4. **Functions.**- (1) The Authority shall take over polytechnic, commercial training institutes and colleges, technical and vocational training centers, apprentices training centers under the administrative control of the various departments of agencies of the Government and any other institution, office, organization or undertaking as may be notified by the Government.

(2) The Institutions taken over by the Authority under subsection (1) or established by the Authority itself shall be regulated and administered by the Authority.

(3) The Authority shall perform such other functions in the field of technical and commercial education and vocational training as may be prescribed by rules.

5. **Powers & functions of the Chairman.**- (1) The Chairman of the Authority shall be Chief Executive of the Authority and shall be responsible for the management, administration and day to day affairs of the Authority.

(2) The Chairman may establish such committees as may be necessary for efficient performance of functions of the Authority.

6. **Meeting of the Authority.**- (1) Meeting of the Authority shall be held at such time, date and place as the Chairman may determine provided that the Authority shall meet at least once in every four months.

(2) The meeting shall be called by the Secretary with prior approval of the Chairman or on the written request of at least one fourth of the total members.

(3) Agenda of the meeting shall be prepared by the Secretary with Chairman’s approval, taking into consideration the suggestions, if any, received from any member.

(4) The Secretary shall serve notice of meeting along with agenda to the members at least seven days prior to the meeting:

Provided that an emergency meeting of the Authority

“(5) The term of office of the Chairman and the members except ex-officio members, shall be for three years.”

may be called by the Secretary with prior approval of the Chairman with a short notice.

(5) Quorum for a meeting of the Authority shall not be less than five members including Chairman out of whom at least two shall be the official members.

(6) Meeting of the Authority shall be presided over by the Chairman and in his absence by a member elected for the purpose form amongst the member present.

(7) Decision in the meeting of the Authority shall be made by a simple majority through show of hands by the members present in meeting.

(8) Each Member shall have one vote and in the event of tie, the Chairman of the meeting shall have a casting vote.

7. **Delegation of Powers.**- (1) The Authority may delegate any of its powers or assign its duties or functions to the Chairman or to any member or to any officer of the Authority.

(2) The Chairman may delegate any of his powers to any member, officer of the Authority or institution under his control.

8. **Authority fund.**- (1) There shall be a fund to be known as the Technical Education and Vocational Training Authority Fund which shall vest in the Authority and to which shall be credited all money received by the Authority.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such a manner as may be prescribed.

(3) The Government shall provide funds to the Authority to enable it to perform its functions.

(4) In addition to funds received from the Government of the Zakat Fund, the Authority may invite, collect and receive fund from donations, fees and other sources.

9. **Budget Audit and Accounts.**- The Budget of the Authority shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

10. **Functions of the Secretary.**- (1) The Secretary shall, subject to the control of the Chairman, be incharge of the corporate affairs of the Authority and cause orders and decisions of the Authority and the Chairman in respect of the said affairs to be carried into effect.

(2) All meeting of the Authority shall be convened by the Secretary under the directions of Chairman. Agenda for the

meeting of the Authority shall be prepared with the prior approval of the Chairman.

(3) The Secretary shall record minutes and maintain record of the proceedings of the Authority and committee's meeting.

(4) The Secretary shall perform such other duties as may be assigned to him by the Authority or the Chairman.

11. Reappointment and Resignation by the Chairman and Members.- (1) The Chairman and Members shall be eligible for re-appointment.

(2) The Chairman or any member may resign from his office by tendering his resignation in writing to the Government.

12. Employees of the Authority.- (1) The Authority may employ such officers, advisors, consultants, and employees in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

(2) The services of the existing employees of the Institutions or offices taken over by the Authority shall be transferred to the Authority on such terms and conditions as may be prescribed, such terms, however shall not be less favorable than those admissible to them immediately before their transfer to the Authority.

(3) The employees transferred under sub-section (2) shall continue to be employees of the Government liable to be transferred back to the Government unless absorbed in the services of the Authority in such a manner as may be prescribed.

(4) The Authority shall, through adoption of policies of hiring freeze, reassignment, restructuring of institutions, non-replacement of employees retiring upon attainment of age of superannuation and providing incentives for early retirement, bring the number of its employees in conformity with the requirements of the Authority.

(5) The Government shall in accordance with the relevant rules contribute to the pension, gratuity and final payment of provident fund and other similar payments of the employees of the institutions or officers who become the employees of the Authority under sub-section (2) for the period they served the Government.

(6) Notwithstanding anything contained in the terms and conditions of the employees of the Authority, they shall be liable to transfer and serve anywhere throughout Azad Jammu & Kashmir.

13. **Proceedings of the Authority not invalidated by vacancies etc.**- No act, proceedings, resolution or any decision of the Authority shall be invalid by reason only of any vacancy in the Authority or by reason of any want of qualification or defect in the appointment or nomination of any defcto member of the Authority, whether present or absent.
14. **Indemnity.**-All acts done, orders passed or proceedings taken by the Authority in good faith, shall be final and shall not be called in question in any court, by a suit or otherwise.
15. **Employees to be public servant.**- Every employee of the Authority and every person acting under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Penal Code (Act XLV of 1860).
16. **Powers to make rules.**- The Government may make rules for carrying out the purposes of this Act.
17. **Power to make regulations.**- Subject to this Act and the rules, the Authority may make regulations for carrying out the purposes of this Act.
18. **Removal of difficulties.**- If any difficulty arises in giving effect to any provisions of this Act, the Government may make such order as may be necessary for removing the difficulty.
19. **Repeal.**- The Azad Jammu & Kashmir Technical Education and Vocational Training Authority Ordinance, 2006 (Ordinance V of 2006) is hereby repealed.
20. **[Savings.**- Notwithstanding any judgment, decree or order of any court including the High Court and Supreme Court, everything done, all actions taken, notifications issued, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly done, taken, issued, made, passed, initiated, exercised, conferred etc., under this Act.”]

Sd/- (Raja Zulqarnain Khan)
President
Azad Jammu and kahsmir

Sd/- (Raja ZahidMehmood Khan)
Section Officer (legislation)

1 Added byAJ&K Technical Education and Vocational Training Authority (Amdt.) Act, 2014 (Act XI of 2014) dt. 03.04.2014.