

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD**

Dated the 16th March, 1993.

No. 332-36/LD/Leg/93. The following Act of the Assembly received the assent of the President on 13th March, 1993 is hereby published for general information:-

(ACT XIII of 1993)

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ACT

to establish Boards of Governors for Government Educational and Training Institutions in Azad Jammu and Kashmir

WHEREAS it is expedient to establish Boards of Governors for some Government Educational and Training Institutions in Azad Jammu and Kashmir for the efficient management and control thereof;

It is hereby enacted as follows:-

1. **Short title and Commencement.-** (1) This Act may be called the Azad Jammu and Kashmir Government Educational and Training Institutions Act, 1993.
 - (2) It shall apply to such institutions as may be notified by the Government.
 - (3) It shall come into force at once.
2. **Definition.-** 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) "Board" means the Board of Governors of an Institution;
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "Institution" means an educational or training institution notified by Government under sub-section (2) of Section 1 and includes an establishment or organization attached thereto;
 - (d) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (e) "Member" means a member of the Board;
 - (f) "Prescribed" means prescribed by rules or regulations made under this Act;

- (g) "Principal" means the Principal Officer incharge of an institution;
3. **Incorporation.**- (1) For the efficient management and control of an institution there shall be established a Board of Governors.
- (2) The Board shall be a body corporate, shall have perpetual succession and a common seal, with power to enter into contracts and to acquire and hold property, movable and immovable, and shall in its corporate name sue and be sued.
4. **Constitution of the Board.**- (1) The Board shall consist of not more than seven members to be appointed by the Government.
- (2) One of the members shall be appointed by the Government to be the Chairman of the Board.
- (3) Official Members, if any, shall be appointed by designation.
- (4) Non-official Members, if any shall hold office for a period of three years and shall be eligible for reappointment.
5. **Removal of a Member.**- The Government may remove any member before the expiry of his term without assigning any person therefore.
6. **Secretary.**- The Principal shall be the Secretary of the Board.
7. **Meetings of the Board.**- The Meetings of the Board shall be held at such times and at such places and in accordance with such procedure as may be prescribed.
8. **General powers of the Board.**- Subject to the other provisions of this Act, the Board shall have full powers to administer and manage an institution and in particular in respect of the following matters:-
- (a) to acquire and dispose of property and generally to enter into contracts, in conformity with the purposes of this Act;
- (b) recruitment and determination, of the terms and conditions of service of the Principal and other members of the staff of the institution and of other officers and servants of the Board;
- (c) to formulate the budget of the institution for approval of Government;

- (d) to set up an Executive Committee and other Standing Committees as may be required for carrying out the purposes of this Act;
- (e) to delegate powers to the Chairman, the Executive Committee, Standing Committee, the Principal, the staff of the institution and other officers and servants of the Board; and
- (f) to frame, with the approval of Government, regulations for the conduct of business of the Board.

9. **Transactional Provisions regarding Staff.**- Any person serving, in connection with the affairs of the Azad Jammu and Kashmir, in an institution in any capacity immediately before the day notified under sub-section (2) of Section 1, hereinafter referred to as the "said day", may be transferred by Government for service under the Board on such terms and conditions as Government may determine provided that such terms and conditions shall not be less favourable than these admissible to him under Government:

Provided further that no such person shall be dismissed, removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

10. All property, movable or immovable, vesting in Government Property in connection with the affairs of the institution immediately before the said day shall vest in the Board. In the event of Government rescinding the notification made under sub-section (2) of Section 1, the property vesting in the Board shall stand transferred to Government.

11. **Board Fund.**- (1) There shall be a fund to be known as "Board Fund" vested in the Board;

- (2) The Board fund shall consist of,-
- (a) grants-in-aid made by Government;
 - (b) loans obtained from Government;
 - (c) loans raised by the Board with the special or general sanction of Government;
 - (d) foreign aid and loans obtained by the Board with the sanction of and on terms and conditions approved by Government;
 - (e) fees and other sums received by the Board.

- (3) All moneys at the credit of the Board shall be kept in such custody as may be prescribed.
- (4) The Board Fund shall be utilized by the Board in connection with its functions under this Act, including the payment of salaries and other remunerations of the Principal and the staff of the institution and of officers and servants appointed under this Act.
12. **Maintenance of Accounts.**- The Board shall maintain complete and accurate books of accounts in such form as may be prescribed.
13. **Annual Financial Statements.**- The Board shall submit a statement of estimated receipts and expenditure in respect of the next financial year to Government for approval, at such time and in such manner as may be prescribed and shall give effect to any modifications made therein by Government.
14. **Returns and Statements.**- (1) As soon as may be after the close of every financial year but not later than the last day of September next following, the Board shall submit to Government for approval a report on the conduct of the affairs of the Board for that year.
- (2) Government may require the Board to furnish Government with-
- (a) any return, statement, estimate, statistics or other information or report regarding any matter under control of the Board, or
- (b) a copy of any documents in the charge of the Board, and the Board shall comply with every such requisition.
15. **Audit.**- (1) The accounts of the Board shall be audited in such manner as may be prescribed.
- (2) Copies of the audit report shall be sent to the Board and with the comments of the Board to Government;
- (3) The Board shall carry out any directive issued by Government for rectification of an audit objection.
16. **Chairman, Members and employees to be public servants.**- The Chairman and the Members of the Board, the members of the Executive Committee and the Standing Committee constituted under this Act, the officers and the servants of the institution and other officers and servants appointed under the Act shall be deemed to be public servants within the meanings of Section 21 of Pakistan Penal Code 1860 (Act XLV of 1860).

17. **Power to make rules.**- (1) The Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provided for-
- (a) the terms and conditions on which Government servants may be transferred to the Board;
 - (b) the frequency of meetings of the Board and the procedure that shall be followed at such meetings;
 - (c) the forms and registers for keeping the accounts;
 - (d) the manner in which and the time at which the annual financial statement shall be submitted to Government for approval;
 - (e) the returns, statements, estimates, statistics, information or reports which may be submitted to Government;
 - (f) the manner in which the accounts of the Board shall be audited;
 - (g) the custody in which the Board Fund shall be kept;
 - (h) any other matter required under the provisions of this Act to be prescribed.
18. **Regulations.**- (1) The Board may, subject to the approval of Government, frame regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for-
- (a) the notice on which an ordinary or special meeting may be held;
 - (b) the time and place at which meetings of the Board may be held;
 - (c) the manner in which the minutes shall be circulated and confirmed;
 - (d) the manner in which an Executive Committee or a Standing Committee shall be constituted and the powers and functions that may be exercised and performed by the Committee;

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- (e) the recruitment, tenure of office, terms and conditions of service of the officers and servants appointed by the Board;
- (f) the delegation of administrative and financial powers to the Executive Committee, Standing Committee, or other officers and servants of the Board;
- (g) the manner in which the funds shall be disbursed;
- (h) any other matter required under any of the provisions of this Act to be prescribed.

19. **Repeal.**- The Azad Jammu and Kashmir Government Educational and Training Institutions Ordinance, (Ordinance of CIV of 1 992) is hereby repealed.

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law

AJK LAW Department (Library)