

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

Dated the 5th September, 1988.

No. 148-152/LD/Leg (O)/88, The following Ordinance made by the President on the 5th day of September, 1988, is hereby published for general information:-

(ORDINANCE XVIII OF 1988)

AN

ORDINANCE

to amend the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Act, 1986.

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Act, 1986 (Act XXXIX of 1986) in the manner hereinafter appearing:-

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that the circumstance exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment) Ordinance, 1988.
(2) It shall come into force at once.
2. **Amendment of Section 4, Act XXXIX of 1986.**- In the Azad Jammu and Kashmir Board of Intermediate and Secondary Education Act, 1986. (Act XXXIX of 1986), hereinafter referred to as the said Act, in Section 4, in sub-section (1) for clause (iii), (iv), (vii) and (viii) the following shall respectively be substituted, namely:-
 - “(iii) Director Public Instructions (Colleges).
 - (iv) “Director Public Instructions (Schools);
 - (vii) Two Headmasters and one Headmistress of a school to be nominated by the controlling Authority;
 - (viii) Tow persons nominated by the Controlling Authority form amongst Scholars and retired Educationists.”
3. **Amendment of Section 6, Act XXXIX of 1986.**- In the said Act in sub-section (1) of Section 6 after clause (iii) full stop shall be

substituted by a semi colon and thereafter the following new clause (iv) shall be added,-

“(iv) is found negligent in the discharge of his functions.”

4. **Amendment of Section 10, Act XXXIX of 1986.**- In the said Act in Section 10.-

(a) clause (xvii) to sub-section (2) shall be substituted as follows:-

“(xvii) 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:

Provided that a post carrying an initial pay equal to B.P.S. 17 or more, per amensem, shall not be created without the prior approval of the Controlling Authority.”

(b) after sub-section (3) the following new sub-section (4) shall be added;-

“(4) The 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 matter.”

5. **Amendment of Section 11, Act XXXIX of 1986.**- In the said Act, Section 11 shall be substituted as follows:-

“11. **Controlling Authority.**- Government shall be the Controlling Authority of the Board.”

6. **Amendment of Section 12, (Act XXXIX of 1986).**- In the said Act, in Section 12,-

(a) for sub-section (1), the following shall be substituted:-

“(1) The Controlling Authority shall have the power to inspect of 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 the Board and to cause an enquiry to be made in respect of nay matter concerning the Board, or the discharge of functions by the members, orders and employees of the Board.

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

(b) in sub-section (4) for the word “reasonable” the word “Specified” shall be substituted.

(c) in sub-section (5), between the word and comma “Act” and “the” the words “or regulations or rules framed thereunder or in public interest” shall be inserted.

(d) in sub-section (8),-

(i) in clause (i), the full stop at the end shall be omitted and thereafter the word “to him immediately before his transfer” shall be added;

(ii) after clause (iii), the following new clause shall be added:-

“(iv) the Controlling Authority may remove from service any employee of the 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 proceeding against any such employee no other person including the Board shall have power to initiate any proceedings or take any steps in the matter.”

7. **Amendment of Section 13, Act XXXIX of 1986.**- In the Act, in Section 13, in clause (iv) for the word “Board” the word “Controlling Authority” shall be substituted.

8. **Addition of new Section, 13-A Act XXXIX of 1986.**- In the said Act, after Section 13 the following new Section 13-A shall be added:-

“13-A. 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 for a term of three years from the date of notification of their appointments and shall be eligible for re-appointment for such further period not exceeding three years, or as may be specified in the order of re-appointment.:

Provided that the Controlling Authority may, at any time, review the work of the officers of the Board and if on such review it is satisfied that in the interest of the Board, or for any other sufficient cause, it is necessary to do so, it may, after giving an officer an opportunity of showing cause against the proposed action, dismiss or remove him from service or reduce the term of office of any such officer by

such period as it may determine.

9. **Amendment of Section 14, Act XXXIX of 1986.**- In the said Act in Section 14.-

- (a) In sub-section (4), between the words “Rules” and “are” the words “and directions of the Controlling Authority” shall be inserted.
- (b) At the end of sub-section (6) full stop shall be omitted and thereafter the words “but not later than sixty days,” shall be inserted.

10. **Addition of new Section 14-A Act XXXIX of 1986.**- In the said Act after Section 14 the following new Section 14-A shall be added:-

“14-A. **Retirement form Service.**- An officer of other employee of the Board shall retire from service:-

- (i) On such date after he has completed 25 years of service qualifying for pension or other retirement benefits as the competent authority or Controlling Authority may in the public interest direct; and
- (ii) Where no direction is given under clause (i), on the completion of sixtieth year of his age or maximum of thirty years of service.

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.”

11. **Amendment of Section 16, Act XXXIX of 1986.**- In the said Act in Section 16, for the word “Board” at the end, the word “Controlling Authority” shall be substituted.

12. **Amendment of Section 19, Act XXIX of 1986.**- In the said Act, in Section 19,-

- (a) in sub-section (1) after clause (ii) the following shall be added:-

“(iii) the Board shall 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.”

- (b) in sub-section (2), after clause (a) the following explanation shall be added:-

Explanation: The terms and conditions should be in conformity with rules applicable to Government Servants carrying equivalent pay scales and other benefits.”

13. **Amend of Section 31 Act XXXIX of 1986.**- In the said Act, in Section 31 after the word “shall” the commas and words, “on the commencement of this Act, “shall be omitted.
14. **Amendment of Schedule of the Act XXXIX of 1986.**- (1) In the said Act, in the schedule,-
- (a) in item I, clause (ii) shall be substituted as follows:-
- “(ii) Appointment of Supervisory, evaluative and other academic staff or committees, concerned with the conduct of examinations.”
- (b) clause (iii) shall be omitted.
- (2) In item 4, clause (vi) shall be substituted as follows:-
- “(vi) “Director Public Instructions Colleges and Schools or their nominee or nominee of the Government.”
- (3) In item 9, in sub-item (1) clause (ii) shall be substituted as follows:-
- “(ii) One Director Public Instructions by rotation.”
- (4) In item 10, in sub-item (1), for clauses (ii) the following clauses shall be substituted respectively:-
- “(ii) the Vice chancellor of University of Azad Jammu and Kashmir or this nominee who should be a Professor of one of the Science subsets;
- (iii) the Director Public Instruction Schools and colleges.”
15. **Repeal.**- The Azad Jammu and Kashmir Board of Intermediate and Secondary Education (Amendment Ordinance, 1987 Ordinance IV of 1987 is hereby repealed.

Sd/-
(Sardar Muhammad Abdul Qayyum Khan)

President.
Azad Jammu & Kashmir

Sd/-
(Syed shaker Shah)
Deputy Secretary, Law