

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

Dated 29th December, 1997.

No. 643-651/LD/Leg/97. The following Act of the Assembly received the assent of the President on 25-10-1997 is hereby published for general information:-

(ACT XIV OF 1997)

**AN
ACT**

to provide for the establishment of the Teachers Foundation in Azad Jammu and Kashmir,

WHEREAS it is necessary to improve the financial and moral conditions of teachers of Education Department of Azad Jammu and Kashmir;

It is hereby enacted as follows:-

- 1. Short title, application and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Teachers Foundation Act, 1997.
(2) It applies to all the members of Teachers Foundation.
(3) It shall come into force at once.
- 2. Definition:-** In this Act unless there is anything repugnant in the subject or context:-
 - a) "Beneficiaries" means all the members of the Foundation;
 - b) "Chairman" means the Chairman of the board of Governors of the Foundation/Executive Committee;
 - c) "Board" means the Board of Governors of the Foundation;
 - d) "Committee" means the Executive Committee;

- e) “Dependents” means the wife, dependent parents, sons and un-married daughters of the beneficiaries;
- f) “Foundation” means the Teachers Foundation Azad Jammu and Kashmir;
- g) “Member” means a person who regularly contributes towards the Teachers Foundation Fund;
- h) “Teachers Foundation fund” means the capital received through various sources for undertaking, activities of the Foundation;
- i) “Government” means the Azad Government of the State of Jammu and Kashmir;

3. Eligibility for Membership etc:- (1) All the Teachers of Education Department in Azad Jammu and Kashmir shall be eligible to become member of Foundation on payment of the prescribed contribution of fee.

(2) Membership shall cease on the death or dismissal or retirement from service or on joining some other line of career.

(3) The retired teachers of the Education Department in Azad Jammu and Kashmir can also become member of the Foundation, subject to the prescribed conditions.

(4) The membership or interest in the Foundation shall not be transferable.

4. Aims and objectives of the Foundation:- The aims and objectives of the foundation are,-

- i) To provide low cost accommodation to the members;
- ii) To extend and improve medical facilities for the members and their dependents;
- iii) To award scholarship to the dependents of the beneficiaries studying in recognized educational institutions;

- iv) To provide grants, in case of death of any of the beneficiary;
- v) To provide grants, in case of marriage of the daughters and sons of the deserving members;
- vi) To provide jobs to the retired beneficiaries; and
- vii) To do all such other things as are incidental or conducive to carry out the purposes and objectives of the Foundation.

5. Teachers Foundation Fund:- There shall be a Teachers Foundation Fund which shall constitute the Capital of the Foundation raised from the following:-

- i) Grant in aid provided by the Government;
- ii) Monthly contribution of the members towards the Foundation;
- iii) Benevolent Fund (Gazetted or Non-Gazetted) of the Teachers;
- iv) Donations received from the philanthropists; and
- v) Profits from the Projects and deposits of the Foundation.

6. Administration of the Foundation:- (1) The Foundation shall be administered by a Board of Governors hereinafter referred to as the “Board” consisting of the following members by virtue of their office, namely:-

- a) Minister of Education Azad Government of the State of Jammu and Kashmir; Patron/Chairman
- b) Secretary Azad Government of the State of Jammu and Kashmir Education Department; Member
- c) Secretary Azad Government of the State of Jammu and Member

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| | Kashmir
Department
nominee; | Finance
or his
nominee; | |
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- d) Secretary Azad Government of the State of Jammu and Kashmir Industries Department or his nominee; //
- e) Director Public Instructions (Colleges); //
- f) Director Public Instructions (Secondary Schools); //
- g) Director Public Instructions (Elementary Schools); //
- h) President, Azad Jammu and Kashmir College Teachers Association; //
- i) President, Azad Kashmir Headmaster Secondary School Officers Association; //
- j) President, Azad Jammu and Kashmir Teacher Organization; //
- k) Managing Director teachers Foundation. Member/Secretary
- 2) The Board shall have the powers and discretion to utilize, apply and invest the corpus of the Foundation and its income in such manner as it may consider proper, without prejudice to the generality of these powers; the Board may:-
- a) Purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Azad Government of the State of Jammu and Kashmir

or the Government of Pakistan and any other securities of any description;

- b) Raise loans for its various enterprises and undertaking and may for this purpose pledge, hypothecate or otherwise charge the corpus and the properties of the Foundation;
- c) Enter into contracts, agreements, arrangements and execute necessary documents;
- d) Open current fixed overdraft, loan, cash, credit and other accounts with any bank as may be necessary and to pay into and draw money from such accounts;
- e) subject to law, make, draw, endorse, sing accept, negotiate and give all cheques, bill, orders, bills of exchange, Government securities, promissory notes and other negotiable instruments;
- f) The Board may appoint Committees or sub-committees to transact business and may delegate any of its functions to any such committee or any officer of such committee;
- g) The Board shall have powers to create posts, appoint, remove or suspend such officers and servants for permanent, temporary or special service to work for remuneration or gratuity, as the Board may from time to time think fit and may determine their powers and duties in its discretion;
- h) The Board shall at all times conform to and abide by rules framed under Section 13 of the Charitable Endowment Act, 1890.

7. Managing Director:- (1) The Government shall appoint a Managing Director of the Foundation whose qualification and terms and conditions of service shall be such as may be determined by the Government.

(2) Subject to sub-section (3), the term of office of the Managing Director shall be three years, but the

Government may extend the same for a period not exceeding one year at a time.

(3) The Government may remove the Managing Director on the Ground of inefficiency, unsuitability or misconduct after giving him an opportunity of being heard.

(4) The Managing Director shall be the Chief Executive of the Foundation and shall perform such functions as may be prescribed or assigned to him by the Board.

8. Powers and duties of the Chairman:- The Chairman Board of Governors shall have the following powers and functions,-

- a) He shall exercise the powers vested in him under the scheme of Administration i.e. to act as Chairman of the Board of Governors;
- b) He shall act as Chairman of the executive Committee of the Teachers Foundation;
- c) Preside the meetings of the Board of Governors or Executive Committee and shall exercise a casting vote in the event of tie among other members;
- d) He shall ensure through the Managing Director that all policies and decisions of the Board of Governors are implemented;
- e) He shall keep apprised the members of the Board of Governors of the progress and important development of any of the Teachers Foundation and its industrial, commercial and welfare schemes;
- f) The Chairman may issue letters, orders or instructions on behalf of the Board of Governors or exercise any powers on behalf of the Board of Governors and it shall be presumed that he had issued and exercised the same after full consultation with members of the Board of

Governors and the same shall not be called in question.

9. Composition of the Executive Committee:- (1) The Executive Committee shall consist of the following:-

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| a) | Minister of Education Azad Govt. of the State of Jammu and Kashmir. | Chairman |
| b) | Secretary Education, Azad Government of the State of Jammu and Kashmir. | Member |
| c) | Director Public Instructions (Colleges) | // |
| d) | Director Public Instructions (Secondary Schools) | // |
| e) | Director Public Instructions (Elementary Schools) | // |
| f) | President Azad Jammu and Kashmir College Teachers Association. | // |
| g) | President Azad Jammu and Kashmir Headmasters Secondary School Officers Association. | // |
| h) | President Azad Jammu and Kashmir Teachers Organization. | // |
| i) | Accountant General Azad Kashmir or his nominee. | // |
| j) | Managing Director Teachers Foundation. | Member/
Secretary |

(2) The Presidents of all three Associations shall continue as members of the Board/Executive Committee for at least three years even if they cease to become the President of the respective Associations.

10. Powers and duties of the Executive Committee:- (1) The Executive Committee shall exercise all the powers of the Board of Governors for effective control, management, supervision and direction of all industrial, commercial and welfare activities of the Teachers Foundation, subject to the limitations given below:-

- a) Approval of annual and revised budget estimates of the Teachers Foundation alongwith performance report pertaining to the industrial, commercial and welfare projects or schemes;
 - b) Approval of audited annual account of the teachers Foundation;
 - c) Approval of investment in any new industrial, commercial or welfare project or scheme;
 - d) Approval of disinvestment in and disposal of any existing industrial, commercial and welfare project or scheme.
- (2) The powers of the executive Committee shall include not only the powers specified below but also all other residual powers which are not expressly conferred on Chairman Board of Governors or Managing Director.
- (3) The Executive Committee shall scrutinize and approve the annual and revised budget estimates of the Teachers Foundation and performance report pertaining to the industrial, commercial or welfare projects or schemes before these are put up to the Board of Governors for final approval.
- (4) The Executive Committee shall scrutinize and approve the audited annual account of the Teachers Foundation before these are put up before the board of Governors for final approval.
- (5) The Executive Committee shall examine, sponsor, initiate and recommend proposal for investments of the surplus funds for approval of the Board of Governors for:-
- (i) Acquiring any industrial, commercial or welfare project or scheme;
 - (ii) Establishment of new industrial, commercial or welfare project or scheme;
 - (iii) Participating by taking or controlling interest or entering into any profit sharing arrangement with

any industrial, commercial or welfare project or scheme.

(6) The Executive Committee shall examine, initiate and recommend proposals for disposal of or disinvestment from any industrial, commercial or welfare scheme to the Board of Governors for approval.

(7) The Executive Committee shall invest available funds of the Teachers foundation in promissory notes, debentures, shares of any non-speculative nature or other securities of Government or fixed deposits in banks, provided that the investment of dealing in shares business and with the approved projects of acquiring/controlling interest or by way of any profit sharing arrangement or for acquiring managing agency for seeking participation in the management of the Company.

(8) The Executive Committee shall vary the investment from time to time and sell, assign, renew, re-invest, transfer or otherwise dispose off or deal with all or any of the said securities.

(9) The Executive Committee shall be the sole competent authority to borrow loans from the Government agencies or other agencies on such terms and conditions as may be beneficial to the Teachers Foundation.

(10) The Executive Committee shall secure the loans in such manner as may be required by the banks which may include the powers to execute, demand promissory notes, letters or hypothecation mortgage documents, memorandum of deposit of title deeds, irrevocable general powers of attorney, letter of undertaking or any other deed documents, the Committee may authorise any member or Secretary Executive Committee or any other officer to execute all or any of the documents.

(11) The Executive Committee may provide guarantee for the purposes specified in sub-section (10) and (11)

on such terms and conditions as may be beneficial to the Teachers Foundation.

(12) The Executive Committee shall enter into all contracts, of business, commercial or of other nature and may authorise any member or Secretary Executive Committee or any other officer to execute such contracts.

(13) The Executive Committee shall create all necessary posts and determine the required establishment in the industrial, commercial and welfare projects and shall fix the scales of pay and allowances for various categories of posts.

(14) The Executive Committee may appoint all officers of industrial, commercial and welfare projects and of the central organization except the members of the Executive Committee and fix terms and conditions of service of all employees and may vary, modify and revise rules, terms and conditions of service of employees.

(15) The Executive Committee may terminate, discharge, remove or dismiss the services of any employee serving in the industrial, commercial and welfare projects.

(16) The Executive Committee may approve and promote any officer or employee serving in the industrial, commercial and welfare projects.

(17) The Executive Committee shall hold meetings at least once in three months. In addition to these informal meetings of the committee may be held at any time when circumstances so demand.

(18) The Executive Committee may, with the approval of the Board, make rules for the purposes of this Act.

(19) The Chairman shall preside at all meetings of the Board and Executive Committee and in the absence of Chairman, the Senior Director of public Instructions may preside. Three members shall constitute a quorum for a meeting of the Executive Committee:

Provided that the presence of Managing Director shall be necessary in the quorum. The Chairman at the meeting shall exercise the casting vote in case of tie.

11. Powers to constitute Board of Management and Delegation of Powers:-

(1) The Executive Committee may constitute separate Board of Management or appoint any officer for all industrial, commercial and welfare projects wholly owned or controlled by the Teachers Foundation. Unless otherwise determined, the members of the Executive Committee shall be ex-officio Directors of the Boards of Management.

(2) The Executive Committee may delegate powers for the control of day to day administration and Management of industrial, commercial and welfare projects to its respective Board of Management. The powers so delegated shall include power,-

- a) to manage and exercise the overall control and supervision of the business;
- b) to keep the operation of the projects under constant review and ensure renovation, balancing and modernization of machineries where-ever necessary;
- c) to check the progress and expansion plans;
- d) to ensure proper maintenance of plant, machinery, building, spare parts and tools;
- e) To prepare the annual and revised budget estimates for the approval of the Executive Committee;
- f) to scrutinize and approve the audited annual account before submission to the Executive Committee;
- g) to sanction expenditure within the financial resources of the project and pay all sum payable to or on behalf of such industrial, commercial and welfare projects within the limits of sanctioned budget;

h) to assign duties and powers to the General Manager or other officers of the project to conduct the business and administration of the project.

(3) In case of urgency, the Managing Director can exercise the powers of Executive Committee and get its approval from the Executive Committee in next meeting.

(4) Whenever the Managing Director is away, abroad on duty or otherwise or is absent on leave due to sickness or any other reason then the senior member will act as the Managing Director in his place in addition to his duties.

12. Procedure:- The Executive Committee may lay down specific responsibilities and duties of the members and officers of the central organization.

13. Functions of the Managing Director:-

(a) The Managing Director shall be the Chief Executive and shall have the powers to control and supervise all the industrial, commercial, welfare or other activities of the Teachers Foundation and shall also co-ordinate with the Government;

(b) The Managing Director may with the approval of the Board deal with the Government of Azad Jammu and Kashmir for the purpose of making any representation and for taking of action to obtain any concession, privilege or right from the Government or any authority;

(c) The Managing Director shall, subject to the control of the Board of Governors, be responsible for running the Foundation and cause the orders and decisions of Chairman and the Board of Governors to be carried out;

(d) The Managing Director shall take all possible steps to ensure that the funds of the Foundation

are spent on the purpose for which they are provided;

- (e) The Managing Director shall prepare and submit to the Board of Governors the audited annual statements of accounts and budget estimates for approval;
- (f) All meetings of the Foundation shall be convened by the Managing Director under the Direction of the Chairman of Executive Committee;
- (g) The Managing Director shall conduct the official correspondence of the Foundation under the authority of the Chairman;
- (h) The Managing Director shall perform such other duties as may be assigned to him by the Executive Committee or the Board of Governors.

- 14. **Contribution:-** The members of the Foundation shall contribute to the Foundation every month according to the prescribed Financial Rules.
- 15. **Head Office:-** The Head Office of the Foundation shall be at Muzaffarabad. The Foundation may establish sub-offices at such other places where necessary.
- 16. **Powers to make rules:-** The Government may make rules to carry out the purposes of this Act.
- 17. **Repeal:-** The Azad Jammu and Kashmir Teachers Foundation Ordinance, 1997 (Ordinance XXXIV of 1997), the Azad Jammu and Kashmir Teachers Foundation (Amendment) Ordinance, 1997 (Ordinance XXXV of 1997) and the Azad Jammu and Kashmir Teachers Foundation Ordinance, 1997 (Ordinance XXXVII of 1997) are hereby repealed.

Sd/-
(Justice Ifthikar Husnain Butt)
Secretary