

THE PUNJAB CURRICULUM AUTHORITY ACT 2012

(XLIX OF 2012)

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TEXT

¹THE PUNJAB CURRICULUM AUTHORITY ACT 2012

(XLIX of 2012)

[30th July, 2012]

An

Act

to make provisions for the supervision of curricula, textbooks and maintenance of standards of education in the Punjab.

Preamble.— Whereas it is necessary to establish the Curriculum Authority, to make provisions for the supervision of curricula, textbooks and maintenance of standards of education in the Punjab, to regulate the supplementary material and to deal with ancillary matters;

It is enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Curriculum Authority Act 2012.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) “agency” means any department or organization or directorate of the Government and includes a corporation or other autonomous or semi-autonomous body set up by the Government;

(b) “Authority” means the Curriculum Authority established under the Act;

(c) “book” includes every volume, part or division of a volume and pamphlet in any language and every sheet of music, map, chart or plan, separately printed or lithographed and its translation in any language;

(d) “Chairperson” means the Chairperson of the Authority;

(e) “committee” means a committee of the Authority;

(f) “Fund” means the Curriculum Authority Fund;

(g) “Government” means Government of the Punjab;

(h) “institution” means a school, college, university, special education centre for any kind of disability or a non-formal education centre and

¹ This Act was originally passed by the Provincial Assembly of the Punjab on 21st June 2012 and sent to the Governor of the Punjab for assent but it was returned for reconsideration. The Provincial Assembly after reconsideration again passed the Bill on 18th July 2012 and sent to the Governor for his assent on 19th July 2012. Since, the Governor has not assented to the Bill within the stipulated period of ten days, the same is deemed to have been assented to in terms of clause (3) of Article 116 of the Constitution; and published in the Punjab Gazette Extraordinary dated 30th July, 2012, pages 419-424.

includes any other educational establishment or organization in public or private sector as the Government may, by notification, declare as an institution;

- (i) “member” means a member of the Authority;
- (j) “prescribed” means prescribed by the rules or regulations;
- (k) “secretary” means the Secretary of the Authority;
- (l) “standards of education” includes standards of school, college, university, non formal or special education;
- (m) “supplementary material” includes guides, guess papers, get through guides or any other reading material ancillary to a textbook; and
- (n) “textbook” means a book or work developed in accordance with the curricula, and which is printed, published or sold by any person or agency with the permission of the Authority.

3. Curriculum Authority.– (1) The Government shall, by notification, establish the Curriculum Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with power to enter into agreements, acquire, hold, manage, and dispose of property, and to sue and be sued in its name.

(3) The Authority shall consist of the following:-

- (a) the Chairperson;
- (b) Secretary to the Government, School Education Department or his nominee not below the rank of Additional Secretary;
- (c) Secretary to the Government, Higher Education Department, or his nominee not below the rank of Additional Secretary;
- (d) Secretary to the Government, Special Education Department, or his nominee not below the rank of Additional Secretary;
- (e) Secretary to the Government, Literacy and Non-Formal Basic Education Department, or his nominee not below the rank of Additional Secretary;
- (f) five Vice Chancellors with diverse representation from general, education, agriculture, engineering, science, health from public or private sector universities, or their nominees not below the rank of professor;
- (g) five persons, including at least two women, from private sector from amongst the academicians, professionals and technocrats relevant to curriculum and textbook development;
- (h) one Chairman of a Board of Intermediate and Secondary Education;
- (i) three teachers of schools, at least one female, one from public sector and one from private sector;
- (j) Programme Director, Directorate of Staff Development;
- (k) Chief Executive, Punjab Examination Commission; and
- (l) the Secretary.

(4) The Government shall nominate the members mentioned in clauses (f), (g), (h) and (i) of sub-section (3).

(5) A nominated member shall hold office for a term of three years and shall be eligible for re-appointment but a retiring member shall continue to perform the functions till the appointment of the successor or six months, whichever is earlier.

(6) A member shall not, directly or indirectly, receive any financial benefit as the member except reasonable expenses incurred by him in the performance of the duties under this Act.

4. Disqualifications.— A person shall not be appointed or continue as the member, if the person—

- (a) is convicted of an offence involving moral turpitude; or
- (b) is found guilty of misconduct; or
- (c) is declared to be of unsound mind by a court; or
- (d) is adjudged as an undischarged insolvent; or
- (e) is incapable of discharging the duties by reason of physical or mental infirmity and has been so declared by a Special Medical Board constituted by the Government; or
- (f) is an employee of the staff of the Authority other than the Chairperson and the Secretary; or
- (g) fails to disclose to the Authority any conflict or interest with the Authority within three days of his knowledge of the conflict of interest; or
- (h) stands disqualified by the order of a court to hold any public office; or
- (i) is dismissed from the service of Pakistan or a body or authority, owned or controlled by any government in Pakistan.

5. Resignation of a member.— A nominated member may submit resignation to the Government and the resignation shall not take effect until it is accepted by the Government.

6. Functions of the Authority.— (1) The Authority shall—

- (a) prepare or cause to be prepared schemes of studies, curricula, manuscripts of textbooks, standards of education and schedules or strategy for their introduction in various classes of an institution in connection with the implementation of the education policy of the Government;
- (b) approve standards of education and manuscript of a textbook produced by any person or agency before the textbook is prescribed for any class of an institution;
- (c) regulate and control printing, publication and sale of textbooks and other supplementary material; and
- (d) be responsible for maintenance of standards of education.

(2) The Authority may—

(a) direct, in writing, any person or agency to delete, amend or withdraw any portion or the whole of the curriculum, textbook or supplementary material prescribed for any class of an institution within a period specified in such direction; and

(b) prohibit any person or agency in writing from producing, printing, publishing or selling any book, textbook or a supplementary material with effect from a specified date.

(3) The Authority shall not approve the publication of any book or supplementary material which is or is likely to be detrimental for examination or assessment purposes, or which contains anything repugnant to the injunctions of Islam, or contrary to the integrity, defence or security of Pakistan or any part of Pakistan, public order, decency or morality.

(4) If the Authority has issued a direction or prohibition under sub-section (2) to a person or agency, the person or agency shall, within the time specified by the Authority, submit an implementation report to the Authority.

7. Policy directions of the Government.— (1) The Government may, in the prescribed manner, issue policy guidelines and directions to the Authority.

(2) Subject to this Act, in the performance of its functions, the Authority shall implement the education policy of the Government and the guidelines and directions given to it under sub-section (1).

8. Chairperson.— (1) The Government shall appoint the Chairperson for a term of three years on such terms and conditions as the Government may determine.

(2) A person shall not be appointed as the Chairperson unless he holds a master's degree and has experience in curriculum or textbook development.

(3) The Chairperson shall hold office during the pleasure of the Government but shall not be removed without notice and opportunity of hearing.

(4) The Chairperson may resign his office subject to one month prior notice in writing to the Government or on payment on one month's pay in lieu of the notice.

(5) The Chairperson shall be the chief executive of the Authority and shall be responsible for the management, administration and day to day affairs of the Authority.

(6) The Chairperson shall exercise such powers as are delegated by the Authority or as may be prescribed.

(7) The Chairperson may delegate any of his powers to an officer of the Authority, except the powers delegated to him by the Authority.

9. Secretary.— (1) The Government shall appoint a Secretary of the Authority for a period not exceeding three years on such terms and conditions as the Government may determine.

(2) The secretary shall hold office during the pleasure of the Government but shall not be removed without notice and opportunity of hearing.

(3) Notwithstanding the expiration of the term, the Secretary shall continue to hold office on the same terms and conditions for a period of three months or till his successor enters upon office, whichever is earlier.

(4) The Secretary may resign his office subject to one month's prior notice in writing to the Government or on payment of one month's pay in lieu of the notice.

(5) The Secretary shall perform such functions as are delegated by the Authority or as may be prescribed.

10. Meetings.– (1) The Authority shall regulate the procedure for its meetings.

(2) The Secretary shall, on direction of the Chairperson or the majority of members, summon a meeting of the Authority.

(3) The Secretary shall ensure that the members have reasonable prior notice of the time, place and agenda of the meeting.

(4) The Chairperson shall preside over a meeting of the Authority, and, in the absence of the Chairperson, the members present in the meeting may select any private member to chair the meeting.

(5) Eleven members shall constitute the quorum for a meeting of the Authority.

(6) The Authority shall take decisions by the majority of its members present and voting, and in case of the tie, the person presiding the meeting shall have a casting vote.

(7) The Secretary shall, in the prescribed manner, record minutes of a meeting of the Authority and record or cause to be recorded minutes of a meeting of a committee.

(8) The Secretary shall maintain a complete record of the minutes and the decisions of the Authority in the prescribed manner.

(9) The proceeding of a meeting of the Authority shall not be invalid merely on account of any vacancy or defect in the constitution of the Authority.

11. Committees of Authority.– The Authority–

(a) may constitute administrative and financial committees of its members and entrust them such functions and powers as it may deem fit; and

(b) shall constitute committees of technical experts and stakeholders for development of scheme of studies, subject-wise curricula, and subject wise manuscripts.

12. Delegation.–The Authority may, subject to such conditions and limitations as it may deem fit to impose, delegate any of its powers or functions to the Chairperson, Secretary, a committee, or one or more members, except the power to–

(a) frame, amend or repeal regulations;

(b) constitute a committee or fill a vacancy in a committee;

(c) take policy decisions; and

(d) approve the annual budget, audit accounts and the annual reports.

13. Technical experts.– The Authority or a committee may invite any technical expert or other person possessing specialized knowledge of any subject or the representative of an agency for assistance in the performance of its function.

14. Staff.— (1) The Authority may employ such persons 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 employees of the Authority shall hold office during the pleasure of the Authority and shall, subject to notice and opportunity of hearing, be liable to such disciplinary action as may be prescribed.

(3) The Authority may, in the manner prescribed, absorb in its service an employee who is on deputation with the Authority, subject to the consent of the employee.

15. Fund.— (1) There shall be established a Fund to be known as the Curriculum Authority Fund which shall be administered and controlled by the Authority.

(2) The Fund shall consist of—

(a) grants from the Government or the Federal Government;

(b) donations or grants from any person, local, national or international organization or agency;

(c) fees, charges, fines or confiscations under this Act; and

(d) income from any other source.

16. Budget.— The Chairperson shall prepare annual budget comprising the likely income and expenditures for next financial year and submit it to the Authority for approval in the form and manner as may be prescribed.

17. Bank accounts.— The Authority may open and maintain its accounts at such scheduled banks as it may determine.

18. Accounts.— (1) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(2) After the end of each financial year, the Authority, in the manner prescribed, shall cause to be prepared for that financial year statements of account of the Authority which shall include a balance-sheet and an account of income and expenditure.

19. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government, in addition to the audit under sub-section (1), may cause the annual accounts of the Authority audited, in the prescribed manner, by a Chartered Accountant or a firm of Chartered Accountants selected from the list, approved by the State Bank of Pakistan.

20. Penalties.— (1) If the person to whom or the person responsible for the conduct of the affairs of an agency to which, a direction or prohibition has been issued under sub-section (2) of section 6, fails to carry out the direction or prohibition, he shall be liable to punishment of imprisonment for a term which may extend to two years or fine or both.

(2) Notwithstanding anything contrary contained in any other law and in addition to prosecution of the person under sub-section (1), the Authority may impose or

recommend to the concerned authority any one or more of the following actions against such person:-

- (a) initiation of disciplinary action for gross misconduct;
- (b) revocation of license or permit or cancellation of any registration pertaining to printing, publication or sale of any book, newspaper or any other reading material under any law; and
- (c) for a maximum period of five years, disqualify the person or the agency for registration or grant of any license or permission under any law relating to printing, publication or sale of any book, newspaper or any other reading material.

21. Jurisdiction to try offences.— No court shall take cognizance of an offence punishable under this Act, except on a complaint in writing from the Authority.

22. Appeal.— Any person, aggrieved by a direction or order of the Authority, may, within thirty days of communication of the direction or order, prefer an appeal to the Government.

23. Annual report.— (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

- (2) The report shall consist of—
 - (a) the statement of accounts under section 14 of this Act;
 - (b) a comprehensive statement of the work and activities of the Authority during the preceding financial year; and
 - (c) such other matters as may be prescribed or as the Authority may consider appropriate.

(3) The Government shall, as soon as possible after the receipt of the report from the Authority, lay the report in the Provincial Assembly of the Punjab.

24. Public servants.— All persons including the Chairperson, Secretary, a member or an employee of the Authority acting or purporting to act in pursuance of any provision of this Act, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

25. Act to have overriding effect.— The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

26. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

27. Regulations.— Subject to the Act and the rules, the Authority may, with the prior approval of the Government, frame regulations for giving effect to the provisions of the Act and the rules.

28. Repeal.— The Federal Supervision of Curricula, Text-Books and Maintenance of Standards of Education Act, 1976 (*X of 1976*) is hereby repealed.