



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No. Legis:1 (22)70/17134-35 w/18.
Pesh : Dated: The : 02-04-2018

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Elementary and Secondary Education Department.

Subject: The Khyber Pakhtunkhwa Textbook Board Bill, 2018.

Dear Sir,

I am directed to refer to your Department letter No.SO(G)E&SE/1-73/2018, dated: 02-04-2018, on the subject noted above to enclose herewith stamped Notices (in duplicate), alongwith Bill for obtaining signatures of the Minister-In-Charge thereon.

Yours faithfully,

(SALMA SOHAIL)
ASSISTANT LEGAL DRAFTER-IV

Endst: No. & date even:-

Copy is forwarded for information to:

1. PS to Secretary, Government of the Khyber Pakhtunkhwa Law Department.
2. PA to Legal Drafter, Law Department.
3. PA to Deputy Legal Drafter-I, Law Department w/r to Legis No.730, dated:02-04-2018.

ASSISTANT LEGAL DRAFTER- IV



**Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department**

No. SO (G) E&SE/1-73/2018
Dated Peshawar 9th April, 2018

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department,
Civil Secretariat, Peshawar.

Subject: **THE KHYBER PAKTUNKHWA TEXTBOOK BOARD BILL, 2018.**

Dear Sir,

I am directed to refer to your Department letter No. Legis:1(22)70/17134-35/WE dated 02.04.2018 on the subject noted above and to enclose herewith a Notice of Introduction and vetted copy of the Khyber Pakhtunkhwa Textbook Board Bill, 2018 duly signed by the Hon'able Minister for E&SE, for further necessary action in accordance with the Khyber Pakhtunkhwa Government Rules of Business, 1985.

2. An urgent action is requested.


WASIR QAYYUM KHAN
SECTION OFFICER (GENERAL)

Endst: No. & date even.

A copy is forwarded for information and necessary action to the:

1. PS to Secretary, E&SE Department.
2. PS to Special Secretary, E&SE Department.
3. PA to Additional Secretary (Estab), E&SE Department.
4. PA to Deputy Secretary (Admn), E&SE Department.
5. Section Officer (B&T), E&SE Department


SECTION OFFICER (GENERAL)

To

The Secretary,
Provincial Assembly,
Khyber Pakhtunkhwa,
Peshawar.

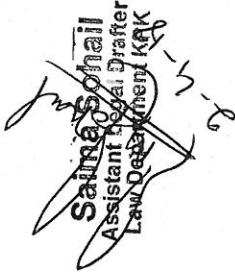
SUBJECT: The Khyber Pakhtunkhwa Textbook Board Bill, 2018.

Dear Sir,

I have the privilege to state that I intend to introduce the Bill cited as subject and consequently I hereby give notice that I will move for leave to introduce the Khyber Pakhtunkhwa Textbook Board Bill, 2018, in coming session of the Provincial Assembly.

2. I further have the privilege to make the following motions at the time of consideration of the Bill by the Assembly:

- (a) that the Bill be taken into consideration at once; and
- (b) that the Bill be passed.


Sana Sohail
Assistant Legal Drafter
Law Department KPK

Peshawar,
dated the: ____/____/2018.


MINISTER-IN-CHARGE.

**A
BILL**

to reconstitute and reorganize the Khyber Pakhtunkhwa Textbook Board.

WHEREAS it is expedient to reconstitute and reorganize the Khyber Pakhtunkhwa Textbook Board to make it more effective and efficient for provision of textbooks and supplementary reading materials for early childhood and school education, material for guidance of school teachers, textbooks for specified professional teaching certificates, textbooks for adult education, research on early childhood and school education, material for training of examiners and reference material on school education, maintenance of a resource center to facilitate development of textbooks and learning materials and to deal with matters connected therewith or ancillary thereto.

It is hereby enacted as follows:

1. Short title, extent and commencement. - (1) This Act may be called the Khyber Pakhtunkhwa Textbook Board Act, 2018.

(2) It extends to the whole Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions. - (1) In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say: -

(a) "Board" means the Khyber Pakhtunkhwa Textbook Board re-constituted under section 3 of this Act;

(b) "Controlling Authority" means the Controlling Authority of the Board;

(c) "Department" means the Elementary and Secondary Education Department of the Government;

(d) "Director" means a Director of the Board;

(e) "Government" means the Government of the Khyber Pakhtunkhwa;

(f) "Managing Director" means the Managing Director of the Board;

(g) "member" means a member of the Board;

(h) "prescribed" means prescribed by rules or regulations made under this Act;

(i) "Province" means the Province of the Khyber Pakhtunkhwa;

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- (j) "repealed Ordinance" means the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 (Khyber Pakhtunkhwa Ordinance No.1 of 1971) as repealed under sub-section (1) of section 29 of this Act;
- (k) "rules" and "regulations" respectively mean the rules and regulations made under this Act;
- (l) "school" means a school imparting education to all or any of the classes from early childhood to class XII and includes an institution for handicapped children, adults and any other institution which the Department may declare to be a school for the purposes of this Act;
- (m) "Search Committee" means the Search Committee constituted under sub-section (2) of section 11 of this Act;
- (n) "Secretary" means Secretary of the Board; and
- (o) "textbook" means a book which is printed, published or sold, digitally or otherwise, by or under the authority or with the permission of the Board.

(2) Words and expressions used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant law.

3. Re-constitution of the Board.- (1) As soon as after the commencement of this Act, the Department shall, by notification in the official Gazette, re-constitute the Board established and constituted under sections 3 and 4 of the repealed Ordinance, to be known as the Khyber Pakhtunkhwa Textbook Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to sue and be sued, by its corporate name.

(3) The Board shall have its principal office at Peshawar.

4. Constitution of the Board. - (1) The Board established and constituted under sections 3 and 4 of the repealed Ordinance shall continue to function under this Act till its re-constitution under this Act.

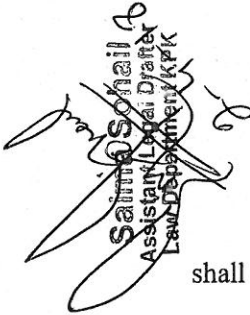
(2) The Board to be constituted under this Act shall consist of:

- (a) Minister for Elementary and Secondary Education, Khyber Pakhtunkhwa; Chairperson
- (b) Secretary to Government, Finance Department of the Government or his nominee not below the rank of Additional Secretary; Member
- (c) Secretary to Government, Elementary and Member

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Assistant Legal Officer
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Secondary Education Department or his nominee not below the rank of Additional Secretary;

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| (d) | Secretary to Government, Higher Education, Archives and Libraries Department, Khyber Pakhtunkhwa or his nominee not below the rank of Additional Secretary; | Member |
| (e) | Director of the Directorate of Curriculum and Teacher Education, Khyber Pakhtunkhwa or his nominee; | Member |
| (f) | Director of the Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa or his nominee; | Member |
| (g) | one Vice Chancellor of a University, to be nominated by the Controlling Authority; | Member |
| (h) | five eminent academicians, at least two of whom shall be females, to be nominated by the Controlling Authority; and | Member |
| (i) | two printers or publishers to be nominated by the Controlling Authority. | Member |


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(3) Term of office of members at clauses (g) to (i) of sub-section (2) shall be two years.

(4) The Board may invite persons, who are not members of the Board to attend any meeting thereof, for the purpose of assisting the Board in determination of any matter before the Board, but no such person shall not be entitled to vote on any matter.

(5) When a person ceases to be a member of the Board, he shall cease to be a member of any of its committee or sub-committee.

(6) If a member at clauses (g) to (i) of sub-section (2) absents himself, without the permission of the Chairperson, from three consecutive meetings of the Board, his office shall be declared by the Chairperson to be vacant.

(7) No act or proceeding of the Board shall be invalid merely by reason of vacancy in or defect in membership of a member or an irregularity in procedure.

(8) A member shall be entitled to such honoraria, daily allowance, travelling allowance and reimbursement of expenses reasonably incurred by him in connection with business of the Board as may be determined by the Board.

(9) Members at clauses (g) to (i) of sub-section (2) may tender their written resignation to the Chairperson and shall cease to be member upon their acceptance.

(10) Whenever there occurs a vacancy in the membership of the Board due to death, resignation or removal of a member, or for any other reason, it shall be filled in accordance with this Act.

(11) The person who fills the vacancy, referred to in sub-section (10), shall be a member for the unexpired period of a term of two years.

(12) Members at clauses (g) to (i) of sub-section (2) shall be liable to be removed on such grounds and in such manner as may be prescribed.

5. Meetings of the Board. - (1) The Board shall meet at least four times during a calendar year.

(2) Meetings of the Board shall be presided over by the Chairperson.

(3) An ordinary meeting of the Board may be convened on proposal of the Secretary as approved by the Chairperson.

(4) A special meeting of the Board may be called by the Chairperson at such place as the Chairperson may determine.

(5) An emergency meeting of the Board may be called on a twenty four (24) hours' notice by the Chairperson at such place as the Chairperson may determine. Agenda in such case shall not be circulated.

(6) The Chairperson may convene a meeting of the Board on a requisition from not less than half of the total membership of the Board, within seven working days of receipt of the requisition.

(7) Each member shall have one vote and in case of tie, the Chairperson shall have the casting vote.

(8) Any member may record his note of dissent.

(9) The quorum for meetings of a Board shall be two thirds of its membership.

(10) The Secretary and Managing Director shall attend meetings of Board. The Secretary shall record the minutes of the meetings of the Board and communicate it to the members.

6. Powers and functions of the Board.- (1) The Board shall ensure preparation and provision of textbooks and supplementary reading materials for early childhood and school education, teaching aids for school teachers, textbooks for specified training for professional certificates in teaching, textbooks for adult education, research on early childhood and school education, material for training of examiners and reference material relating, inter alia, to

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textbooks and cause a library to be maintained and shall perform all the functions for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the sub-section (1), the Board shall-

- (a) approve policies for production, printing, storage and distribution of textbooks, supplementary reading materials, teaching aids, textbooks for specified training for professional certificates in teaching and on all matters connected therewith or ancillary thereto;
- (b) approve annual, revised and supplementary budgets of the Board;
- (c) approve regulations for furtherance of objects and purposes of this Act and the rules made thereunder;
- (d) approve annual report of the Board for submission to Government;
- (e) undertake review of execution of the approved budget;
- (f) examine accounting statements and audit reports thereon and issue necessary directions relating thereto;
- (g) approve formula for pricing textbooks as well as period and rates of royalties etc;
- (h) approve reply to the audit paras for submission in the Public Accounts Committee of the Provincial Assembly;
- (i) approve sale or lease of immovable property of the Board;
- (j) create, upgrade or re-designate a post in BPS. 1 to 16;
- (k) approve remuneration rates to be paid to writers and others in connection with development of textbooks and other materials;
- (l) constitute committee or sub-committees;
- (m) approve or cancel contract and memorandum of understanding of the Board valuing Rs. 100 million or more:

Provided that contract and memorandum of understanding of the Board valuing less than 100 million shall be approved by an officer in the manner as may be prescribed;

- (n) accord administrative approval to development schemes of the Board;
- (o) review the decisions regarding award of contracts for the procurement of textbooks;

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Saima Sultana
Assistant Secretary
Law & Public Order
Government of Punjab

- (p) approve annual management plan of the Board;
- (q) approve pension and provident fund schemes;
- (r) cause preparation of an electronic library to make available electronic books readable through electronic devices and develop, produce, and distribute such audio-visual materials which may help students to learn academic content better;
- (s) order site inspections and inquiries;
- (t) approve fund raising plans; and
- (u) perform such other functions as may be referred or assigned by the Controlling Authority or the Department.

7. Controlling Authority of the Board. – The Chief Executive of the Province shall be the Controlling Authority of the Board.

8. Functions and powers of the Controlling Authority. – (1) The Controlling Authority shall have the powers to-

- (a) call for information and record of the Board from the Chairperson;
- (b) order inquiry in respect of any matter relating to the Board;
- (c) require inspection or audit of the Board;
- (d) create, upgrade or re-designate a post in BS. 17 or above in connection with affairs of the Board; and
- (e) on receipt of information or record relating to affairs of the Board, issue such orders as may be deemed appropriate for furtherance of objects and purposes of this Act:

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 Assistant Secretary
 Law & Government
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Provided that if a decision of the Board or a Committee thereof is intended to be annulled or an adverse action is proposed to be taken against a person, the Board or the Committee or the concerned person shall be required to show cause, within reasonable time, against the proposed action before issuance of any order.

(2) Subject to this Act, the Managing Director shall implement the orders of the Controlling Authority mentioned at clause (e) of sub-section (1).

9. Managing Director of the Board. - There shall be Managing Director of the Board who shall be posted by the Chief Minister of the Khyber Pakhtunkhwa from amongst the Government officers in BPS-20 and above.

10. Powers and functions of the Managing Director. - (1) The Managing Director shall be the chief executive officer of the Board and shall be responsible

for transaction of business of the Board in accordance with laws, rules, regulations and instructions with economy, efficiency and effectiveness and shall perform all functions and exercise all powers necessary therefor.

(2) Without prejudice to generality of sub-section (1), the Managing Director shall-

- (a) assist the Board through causing preparation and submission of reports, drafts, working papers, data analysis and policies, standing operating procedures etc. so that the Board may efficiently discharge its duties and to require any person holding a post in connection with affairs of the Board to render such assistance as he may require;
- (b) cause the preparation and submission of the annual, revised and supplementary budget estimates of the Board;
- (c) submit annual, revised and supplementary budgets of the Board for approval of the Board;
- (d) prepare annual management plan for approval of the Board;
- (e) recommend constitution of committees to the Board;
- (f) prepare Annual Report of the Board for approval of the Board;
- (g) submit contracts valuing Rs. 100 million or more for approval of the Board;
- (h) monitor execution of annual management plan and the budget and issue directions necessary therefor;
- (i) interact and coordinate with other Governments in Pakistan and other entities to achieve objects and purposes of this Act;
- (j) cause submission of audited accounts of the Board and audit reports thereon to the concerned authorities and take necessary measures in respect of all matters relating to audit and accounts;
- (k) seek a review of a decision of the Board, as he deems necessary;
- (l) recommend to the Board disciplinary action against an officer employee, advisor or consultant; and
- (m) perform such functions as may be assigned by the Controlling Authority or the Department or the Board.

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Assistant Legal Drafter
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11. **Secretary and Directors.** - (1) The Secretary and Directors shall be appointed by the Controlling Authority on the recommendation of a Search Committee on such terms and conditions as may be prescribed by rules.

(2) A Search Committee shall consist of:

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|-------|--|-------------|
| (i) | Minister for Elementary and Secondary Education, Khyber Pakhtunkhwa; | Chairperson |
| (ii) | Secretary to Government, Elementary and Secondary Education Department; | Member |
| (iii) | Secretary to Government, Establishment Department; and | Member |
| (iv) | two academicians to be nominated by the Controlling Authority for the term of two years. | Members |

(3) The Secretary to Government, Elementary and Secondary Education Department shall act as Secretary of the Search Committee.

(4) The members at (iv) of sub-section (2) may resign addressed to the Chairperson of the Search Committee.

(5) The Secretary and Directors shall be appointed for a period of three years, extendable to one more term.

(6) The Secretary and Directors shall exercise and perform such powers and functions as may be prescribed.

12. **Executive Committee of the Board.** - (1) There shall be an Executive Committee of the Board headed by the Managing Director and comprising of such members as may be prescribed.

(2) No draft textbook or learning material shall be submitted to the authority authorized by Government in this behalf except with the certificate of the Executive Committee, to the effect that the textbooks and learning materials:

- (i) are in accordance with the applicable curriculum;
- (ii) contain no errors;
- (iii) are compliant to the applicable curriculum implementation framework; and
- (iv) conform to international best practices on textbooks and learning materials.

(3) The Executive Committee shall determine the number of textbooks on a subject for a class or grade:

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Saima Toor
Assistant Legal Officer
Law Department KPK

Provided that the number of textbooks on a subject for a class or grade shall not be less than two in five years and four in ten years of coming into force of this Act.

(4) The Executive Committee may perform such other functions as may be prescribed.

13. Officers, advisers, consultants and other employees of the Board.-The Board may employ such officers, advisers, consultants and other employees as may be necessary for efficient performance of its functions on such terms and conditions as may be prescribed.

14. Annual Report. - (1) The Board shall prepare an annual report covering all aspects of policies and practices concerning textbooks and learning materials and working of the Board and all other issues and subjects reasonably related to functions of the Board.

(2) The report referred to in sub-section (1) shall be submitted to the Department for onward transmission to Government.

(3) The Board may call for any information or record from any public or private entity for the purpose of preparation of the report.

15. Board to maintain website. - (1) The Board shall maintain a website, inter alia, for proactive display of information and documents.

(2) The Controlling Authority or the Department may direct the Board to display on or remove from its website a particular information or document.

16. Provident or pension fund of employees of the Board.- (1) The Board may establish for the benefit of its employees such pension or provident fund or prepare pension or provident fund schemes as it may deem fit in such manner and subject to such conditions as may be prescribed.

(2) The provisions of Provident Fund Act, 1925 (XIX of 1925) shall apply to a provident fund established by the Board as if the Board was Government and the said fund was the Government Provident Fund.

17. Protection of acts and orders. - No suit for damages or other legal proceedings shall be instituted against the Government, the Controlling Authority, the Department, the Board, the committee, member of a committee or sub-committee or an employee of the Board in respect of anything done or purported to have been done in good faith in pursuance of the provisions of this Act, and the rules and regulations made thereunder.

18. Fund of the Board. - (1) There shall be a fund to be known as the Khyber Pakhtunkhwa Textbook Board Fund which shall vest in the Board and to which shall be credited all moneys received by the Board.

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Assistant Legal Drafter,
Law Department KUK

(2) The Fund shall be kept in such custody and shall be utilized to achieve objects and purposes of this Act and shall be regulated in such manner as may be prescribed.

(3) Subject to the approval of the Board, the Secretary may open and operate accounts in commercial banks and may invest in Government securities and saving schemes of the Directorate of National Savings such surplus amounts or amounts not immediately required for disbursement as he may determine.

(4) If Government requires the Board to place its cash into an account maintained at a Government Treasury, Government shall pay a mark-up at the rate not less than the rate of return on the highest-yielding Federal Government's security. Determination of the rate of return for this purpose by the State Bank of Pakistan shall be final.

(5) An officer shall be posted by transfer by the Finance Department of Government in the Board for pre-audit.

(6) The Board shall provide necessary facilities including office space, equipment and furniture to the officer posted under sub-section (5).

19. Borrowing authority of the Board.- (1) The Board shall be deemed to be a local authority for the purpose of borrowing money and any scheme or project prepared or undertaken by the Board shall be deemed to be "work", as defined in section 2 of the Local Authorities Loans Act, 1914 (IX of 1914):

Provided that no loan shall be obtained by the Board without prior sanction of the Controlling Authority.

(2) The Board may, with prior approval of the Controlling Authority, borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out purposes of this Act.

20. Lending authority of the Board. - (1) The Board may lend its surplus funds to Government on such rates of return which may not be less than the rate of return on highest-yielding security of the Government of Pakistan for the corresponding period.

(2) Subject to prior written approval of the Secretary to the Government, Finance Department, the Board may lend its surplus funds to any other entity.

21. Budget of the Board. - (1) The Managing Director shall cause to be prepared annual, revised and supplementary budget estimates of the Board for approval of the Board.

(2) Annual budget estimates shall contain duly reconciled actuals of receipts and expenditures of two years, estimated actuals of one year immediately prior to the year to which a budget relates, budget estimates of the year to which the budget pertains and the budget estimates for two years after the budget year in hand.

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Assistant Legal Officer
Law Department
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(3) No other business shall be taken up by the Board during budget session.

(4) The budget may be revised at any time during the financial year to which it pertains.

(5) No expenditure shall be made from the Board Fund except in accordance with the approved budget.

(6) If the Managing Director fails to prepare or the Board fails to approve the budget within fifteen days of start of a new fiscal year, the Controlling Authority may cause the budget to be prepared by the Department and may approve the same.

22. Accounts of the Board.- (1) The Board shall cause to be kept all proper books of accounts, and other records relating thereto, in respect of all its funds, property and transactions, and shall prepare such accounts in such form as may be prescribed.

(2) The records of the accounts of the Board shall be preserved for such period and shall be made available for audit or inspection to such persons or agencies, and in such manner, as may be prescribed.

23. Audit of accounts.- (1) The accounts of the Board may be audited by Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1961 (Ordinance X of 1961) and appointed by the Board on such remuneration as it may deem fit.

(2) Notwithstanding the provision of sub-section (1), the Auditor General of Pakistan shall audit the accounts of the Board.

(3) The Board and all others acting on its behalf shall render maximum facilitation to the auditors. The auditors shall have the right of access, at all reasonable hours, to all records of the Board and are entitled to require from the members and employees of the Board any information and explanation that, in their opinion, may be necessary to enable them to carry out their duties.

(4) The audited accounts and audit report thereon shall be submitted to the Board.

(5) The Board's response on the audit report shall be approved, not later than thirty days from the date of receipt of the audited accounts and audit report thereon, in a special meeting of the Board for submission to a Committee to be called the Board's Audit Committee.

(6) There shall be a Board's Audit Committee comprising representative of the Finance Department of the Government, the Managing Director, a representative of the Auditor General and headed by the Secretary of the Department.

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Government of Punjab

(7) The Committee referred to in sub-section (6) may settle an item of an audit report or issue appropriate directions relating thereto.

(8) Audited accounts, audit reports thereon, Board's response thereto and any proceedings and decisions in respect thereof shall be made public by the Chairperson of the concerned Board through website of the Board.

24. Public servant.- Every person acting or purporting to act under this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

25. Bar against membership. - (1) No person who has any personal business interest in any transaction of the Board shall be eligible to become a member of the Board, or a committee or sub-committee thereof.

(2) A member shall disclose a potential, real or perceived conflict of interest as soon as he becomes aware of the potential conflict.

(3) A member shall not take part in any proceedings in which any business relating to his interest is on the agenda.

26. Power to make rules. - Government may, by notification in the official Gazette, make rules for carrying out purposes of this Act.

27. Power to make regulations. - Subject to provision of this Act and rules, the Board may make regulations for carrying out purposes of this Act.

28. Succession.- All assets, property, rights and interests of whatever kind used, enjoyed, possessed, owned by, vested in, or held in trust by or for the Board established under the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 (Ordinance No. I of 1971) and all liabilities legally subsisting against the said Board, shall be transferred to the Board.

29. Repeal and Savings. - (1) The Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 (Ordinance No. I of 1971) is hereby repealed.

(2) Anything done, action taken, jurisdiction or power conferred, recognition granted and order issued under any provision of the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 (Ordinance No. I of 1971), and the rules, regulations and executive instructions, if any, made thereunder, shall, if not inconsistent with provisions of this Act and the rules and regulations made thereunder, be continued and, so far as may be, be deemed to have respectively been done, taken, conferred, granted and issued under this Act and the rules, regulations and executive instructions made thereunder.

STATEMENT OF OBJECTS AND REASONS

To re-constitute and reorganize the Khyber Pakhtunkhwa Textbook Board, created under the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 (1 of 1971), in order to make it more effective and efficient for provision of

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Assistant Secretary
Law & Order
Khyber Pakhtunkhwa

textbooks and supplementary reading materials for early childhood and school education, material for guidance of school teachers, textbooks for specified professional teaching certificates, textbooks for adult education, research, material for training of examiners and reference material on school education, maintenance of a resource center to facilitate development of textbooks and learning materials and to deal with matters connected therewith or ancillary thereto. Hence, this Bill.


Saifullah
Asstt. Secy. Drafter
Law Deptt. Govt. KPK

Peshawar

Dated: ____/____/2018



MINISTER-IN-CHARGE