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SIND ORDINANCE NO.XVI OF 1970

THE SIND BOARD OF TECHNICAL EDUCATION ORDINANCE, 1970

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SIND ORDINANCE NO.XVI OF 1970

THE SIND BOARD OF TECHNICAL EDUCATION ORDINANCE, 1970

[30th December, 1970]

An Ordinance to constitute and establish the Sind Board of Technical Education.

Preamble

WHEREAS it is expedient to constitute and establish a Board of Technical Education for the Province of Sind, in the manner hereinafter appearing;

Short title and commencement.

NOW, THEREFORE, is pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Sind Board of Technical Education Ordinance, 1970

(2) It shall come into force on such date as Government may, by notification in the official Gazette, appoint in this behalf.

[1]["(3) It shall not apply to a person undergoing training through a system of apprenticeship under any law for the time being in force".]

Definitions.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say--

(a) "Board" means the Sind Board of Technical Education constituted under this Ordinance;

(b) "centre" means an institution imparting certificate level training in technical subjects;

(c) "Chairman" means the Chairman of the Board;

(d) "Committee" means a committee constituted under section 19;

(e) "Controller of Examinations" means the Controller of Examinations of the Board;

1. Sub-Section (3) Added in Section 1, by Sind Act of XVIII of 1975, Dated: 1-12-1975

THE SIND BOARD OF TECHNICAL EDUCATION ORDINANCE, 1970

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

(g) "Government" means the Government of Sind;

(h) "Institute" means an institution recognized by the Board for imparting technical or commercial education below degree level, and includes a polytechnic institute, a technical institute, a commercial institute, a vocational institute and any other institution or college imparting diploma or certificate level training in technical, commercial or vocational subject;

(i) "institution" means an institute or centre;

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

(k) "prescribed" means prescribed by regulations or rules;

(l) "Principal" means the head of an institute;

(m) "recognised" means recognised by the Board;

(n) "regulations and rules" mean respectively the regulations and rules made under this Ordinance; and

(o) "Secretary" means the Secretary of the Board;

Establishment and incorporation.

3. (1) As soon as may be after the coming into force of this Ordinance, there shall be constituted and established by Government in accordance with the provisions of this Ordinance a Board to be called the Sind Board of Technical Education.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire and hold property and to transfer the same and may sue or be sued by its corporate name.

4. (1) the Board shall consist of the following members, namely:--

(i) the Chairman;

(ii) the Principle, N.E.D. Engineering College, Karachi;

(iii) the Principle, [1]["Sindh University Engineering College"] Jamshoro;

(iv) the Director of Technical Education, Sind;

[2][(v) the Chairman, Board of Intermediate and Secondary Education, Karachi]; and Chairman, Board of Secondary Education, Karachi.

[(vi) the Chairman, Board of Intermediate and Secondary Education, Hyderabad;

[3]["(vi-a) The chairman, Board of Intermediate and Secondary Education, Sukkur,".]

(vii) the Director, [4]["Bureau of Curriculum, Education Extension and Specialized Services, Sindh".]

(viii) the Chairman, Sindh Textbook Board;

(ix) one Principle of a polytechnic institute, to be nominated by [5][Controlling Authority;]

(x) one head of a commercial institute, to be nominated by [6][Controlling Authority;]

(xi) one head of vocational institute or technical training centre, nominated by [7][Controlling Authority;

[8][(xii) "one Industrialist to be nominated by the Controlling Authority;"

[9][(xiii) one member of Central Council, Institute of Engineers Pakistan, belonging to any local centre of the Institute in Sind, to be nominated by the Controlling Authority; and

(xiv) the Deputy Directors of Vocational Institutes for Girls, Directorate of Technical Education, Sind.".]

1. In sub-section (1) of section 4 in clause (iii) for the words, substituted by Act II of 1974 dated March 16, 1974
2. Clause (v) substituted, by ibid.
3. Clause (vi-a) added by Sind Act No.XV 1982 dated November, 6, 1982.
4. "words and comma" substituted in clause (viii) by ibid.
5. Word "Government" substituted in clause (ix) by ibid.
6. Word "Government" substituted in clause (x) by ibid.
7. Word "Government" substituted in clause (xi) by ibid.
8. Clause (xii) substituted by ibid.
9. Clause (xiii) and (xiv) added by ibid.

(2) The names of the members shall be notified in the official Gazette.

(3) The term of office of the members, other than the *ex-officio* members, shall be two years.

(4) No member appointed by virtue of his office shall continue to be a member if he ceases to hold that office.

(5) When a person ceases to be a member of the Board, he shall cease to be a member of any committee of which he may be a member.

Resignation of members.

5. A member, other than an *ex-officio* member, may resign his membership by a letter addressed to the Chairman.

Removal of members.

6. A member shall be liable to be removed by the Controlling Authority, if—

(i) he has become of unsound mind;

(ii) he has been declared insolvent by a competent court;

(iii) he has been convicted by criminal court of an offence involving moral turpitude.

The decision of the Controlling Authority in this behalf shall be final [:]

"Provided that no member shall be removed unless he is given an opportunity of being heard".

Casual vacancies.

7. (1) Whenever there occurs a vacancy in the membership of the Board due to death, resignation or removal, it shall be filled in accordance with the provision of Section [1][4].

1. In section 7, figure "5" substituted by Sind Act of II of 1974, Dated: 16-3-1974

(2) The person who fills the vacancy shall be a member of the Board for the remaining term of office of the member in whose place he is appointed.

Meetings of the Board.

8. (1) The Chairman may, when he considers necessary, and shall, on a requisition from at least five members, call a meeting of the Board.

(2) The quorum for a meeting of the Board shall be seven.

Jurisdiction of the Board.

9. The Board shall have jurisdiction over all institutions and centres in the Province of Sind; provided that Government may, by notification in the official Gazette, exclude the jurisdiction of the Board in respect of any institution or class of institutions.

Controlling Authority.

10. The Education [1][The Minister for Education Sind or in his absence the Education Secretary] Government of Sind, shall be the Controlling Authority of the Board.

Powers of Controlling Authority.

11. (1) The Controlling Authority shall have the power to cause an inspection to be made by such person or persons as the Controlling Authority may direct, of the offices, activities and funds of and the examination conducted by the Board and to cause an enquiry to be made in like manner in respect of any matter concerning the Board.

(2) The Controlling Authority shall communicate to the Board the result of such inspection or enquiry and may advise the Board to take such action within such period as may be specified.

(3) The Board shall report to the Controlling Authority the action as it proposes to take or has taken on such communication.

(4) Whereas the Board does not, within a reasonable time, take action to the satisfaction of the Controlling Authority, the Controlling Authority may, after considering any explanation made by the Board, issue such directions as the Controlling Authority thinks fit, and the Chairman shall comply with such direction.

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1. Section 10 substituted by Sind Ordinance No. XXXVI of 2002, Dated: 12th October,2002.

(5) If the Controlling Authority is satisfied that any proceeding of the Board or a committee is not in conformity with this Ordinance, or the regulations and rules, the Controlling Authority may, without prejudice to the foregoing provisions of this section, by order in writing, annul such proceedings:

Provided that before making any such order, the Controlling Authority shall, through the Chairman, call upon the Board or the committee, as the case may be, to show cause why such an order should not be made.

Powers of the Board.

12. (1) Subject to the provisions of this Ordinance, the Board shall have power to organize, regulate, develop and control technical, vocation, industrial and commercial education in Sind.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Board shall have the power—

(i) to hold and conduct examinations pertaining to technical, vocational, industrial and commercial education below degree level and such other examination as may be determined by Government, [1]["and also to regulate the development of technical, vocational, industrial and commercial education below degree level by compulsory registration thereof".]

(ii) to prescribe courses of study for its examinations;

(iii) to lay down conditions for recognition and affiliation of institutions;

(iv) to accord, refuse or withdraw recognition, wholly or partly, after considering inspection reports received from an Inspection Committee appointed by the Board in this behalf

(v) to inspect and arrange for inspection of recognised institution and call for inspection reports;

1. words added and omit semi colon in clause (i) of sub-section (2) of section 12 by Act II of 1974, Dated: 16-3-1974.

(vi) to lay down conditions for admission to its examinations, to determine the eligibility of candidates and to admit them to its examination;

(vii) to grant certificates and diplomas to persons who have passed its examinations;

(viii) to fix, demand and receive such fees as may be prescribed;

(ix) to supervise the residence, health and discipline of students of recognised institutions with a view to promoting their general welfare;

(x) to organise and promote extra-mural activities in and for recognised institutions;

(xi) to institute and award scholarships, medals and prizes in accordance with the regulations and rules;

(xii) to hold, control and administer its property and funds;

(xiii) to enter into and carry out contracts in exercise of its duties under this Ordinance and regulations;

(xiv) to pass the annual budget;

(xv) to transfer any movable and immovable property;

(xvi) to hold and manage endowments;

(xvii) to regulate and decide all administrative matters, including the creation and abolition of posts;

(xviii) to appoint the staff and define their duties and conditions of service;

(xix) to make provision for buildings, premises, furnitures, apparatus, books and other means required for carrying out the purposes of this Ordinance;

(xx) to sanction such expenditure and to appoint such

officers and staff as may be necessary to carry out the purposes of this Ordinance; and

(xxi) to do all other acts necessary for carrying out the purposes of this Ordinance.

(3) The Board may delegate any of its powers to the Chairman, or any officer of the Board, or to a committee, or a sub-committee appointed by it, subject to such conditions as it may deem fit to impose.

Powers of the Board to make regulations.

13. (1) The Board shall have the power to make regulations, consistent with this Ordinance on all or any of the following matters, namely:--

(a) the constitution, powers and duties of the committees;

(b) powers and duties of the officers of the Board mentioned in Section 15;

(c) terms and conditions of service of the employees of the Board, including taking of disciplinary action, grant of leave and their retirement;

(d) constitution of Pension or Provident Fund or both for the benefit of the employees of the Board;

(e) such other matters as are required to be prescribed by regulations or may appear necessary for giving effect to the provisions of this Ordinance.

(2) The regulation approved by the Board shall be submitted to Government and shall not take effect until they are approved by Government. Government may approve or disallow or remit them to the Board with its recommendations for further consideration.

Powers of the Board to make rules.

14. The Board may make rules consistent with this Ordinance and the regulations to provide for--

(i) admission of institutions to the privilege of recognition and withdrawal of recognition;
(ii) general scheme of studies, including the total number of subjects to be taught and duration of courses;

(iii) inspection of institutions and the reports, returns and other information to be furnished by them;

(iv) conditions of admission of candidates to its examinations and eligibility for diplomas, certificates and titles;

(v) such other matters as under the regulations are required to be prescribed by rules;

Restrictions on issuance of diplomas and certificates.

[1]["14-A. No person shall, unless authorised by Board, issue any diploma or certificate in vocational, technical or commercial subjects included in the general scheme of studies made by the Board under section 14.

Explanation.---"Person" in this section shall include any body corporate or other body, organization or institution.

Punishment and cognizance of offence

14-B. (1) Whoever contravenes any provision of this Ordinance, or regulations or rules thereunder, shall be punished with imprisonment of either description which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

(2) If the contravention of this Ordinance or regulations or rules thereunder is made by—

(a) a body corporate, every director, manager, secretary or other officer or agent thereof; or

(b) other body, organization or institution, every member or partner thereof, or the manner or the principal officer running such body, organization or institution.

shall, unless he proves that the contravention took place without, his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(3) No Court shall take cognizance of an offence under this Ordinance except on a report in writing of the facts constituting such offence made by the Chairman or any person authorised by him in that behalf".]

1. Section 14-A and 14-B inserted, after section 14 by Sind Act XVIII of 1975, Dated: 1-12-1975

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Officers of the Board.

15. The following shall be the officers of the Board:--

(i) the Chairman;

(ii) the Secretary;

(iii) the Controller of Examinations;

(iv) such other officers as may be prescribed by regulations.

Chairman.

16. (1) The Chairman shall be appointed by [1][Controlling Authority] on such terms and conditions as may be determined by it.

(2) The Chairman shall hold office for a term of four years from the date of notification of his appointment and on the expiry of his term of office shall be eligible for re-appointment.

(3) When the office of the Chairman is vacant temporarily or otherwise, by reason of leave, illness or other cause for a period not exceeding one year, the Controlling Authority shall make such arrangements for carrying on the duties of the office of the Chairman as it may think fit.

(4) The Chairman shall be the principal executive and academic officer of the Board and shall, when present, preside at the meetings of---

(i) the Board;

(ii) the committees constituted under section 15.

(5) It shall be the duty of the Chairman to ensure that the provisions of this Ordinance and the regulations and rules are faithfully observed and carried out and he shall exercise all powers necessary for this purpose.

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1. Words Government substituted, by Sind Act II of 19 74. Dated: 16-03-1974.

(6) In any emergency arising out of the administrative business of the Board and requiring, in the opinion of the Chairman, immediate action, the Chairman may take such action as he may deem necessary and shall report the action so taken to the Board at its next meeting for approval.

(7) In case of emergency, the Chairman may appoint, for a period not exceeding six months, any officer or employee of the Board, other than the Secretary or the Controller of Examinations:

Provided that every appointment so made shall be reported to the Board at its next meeting for approval, and if the Board shall either disapprove of such appointment, or if within six months of the said appointment the Board fails to approve the same, the appointment shall forthwith stand terminated.

(8) The Chairman shall exercise such other powers as may be prescribed by regulations or as may be delegated to him by the Board.

Secretary and Controller of Examination.

17. (1) The Secretary and the Controller of Examination shall be appointed by [1][Controlling Authority] and shall be whole-time salaried officers.

(2) The terms and conditions of service of the Secretary and the Controller of Examination and their powers and duties shall be such as may be prescribed by regulations.

Other Officers.

18. Subject to the provisions of this Ordinance, the powers and duties of other officers of the Board shall be such as may be determined by the Board.

Committee of the Board.

19. (1) The Board shall have the following committees, namely:---

(i) the Academic Committee;

(ii) the Finance Committee;

1. Words Government substituted, by Sind Act II of 19 74. Dated: 16-03-1974.

(iii) the Appointment Committee;

(iv) Committee for appointment of Paper-setters and Head examiners;

(v) Committee of courses; and

(vi) Such other committee as may be prescribed by regulations.

(2) The Board or a committee may appoint such sub-committees as it may deem necessary.

Constitution powers and duties of the committees.

20. The constitution, functions and duties of the committees shall be such as may be prescribed by regulations.

21. The Board shall have a fund to which shall be credited all its income, including income from fees, endowments, grants and contributions.

Accounts and Audits.

22. (1) The accounts of the Board shall be maintained in such manner as may be prescribed by rules.

(2) The statement of accounts of the Board shall be submitted to Government once a year in such manner as may be prescribed by regulations.

Provident Fund and Pension.

23. (1) The Board shall establish for the benefit of its employees such Pension or Provident Fund or both, as it may deem fit, in such manner subject to such conditions as may be prescribed by regulations.

(2) Government may, by notification, declare that the provisions of the Provident Funds Act, 1925 (Act XIX of 1925), shall apply to the Provident Fund established under sub-section (1), and on the making of such declaration, that Act shall apply accordingly as if the Board were Government and the said fund were the Government Provident Fund.

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Members prohibited from deriving monetary benefits.

24. No member of the Board shall draw any fee or other remuneration in any capacity whatever from the funds of the Board or enter into any contract with the Board directly or through any other person in connection with the affairs of the Board:

Provided that the emoluments of the Chairman shall under the terms and conditions of his appointment be paid from the funds of the Board.

Bar against membership.

25. No person who has any financial interest in any book prescribed by the Board as a course of study for any examination conducted by the Board or has a financial interest as a partner or otherwise in any firm which publisher, procures or supplies any such book, shall be eligible to become a member of the Board or a committee or continue as such after having acquired any such interest.

Validation .

26. No act or proceedings of the Board or any committee shall be invalid merely by reason of any vacancy in its membership or any irregularity in the appointment of any member of the Board or the committee.

Bar to suits.

27. All acts done, orders passed or proceedings taken by the Board shall be final and shall not be called in question in any court by a suit or otherwise.

Members and employees to be public servants.

28. Members of the Board and committees, the officers and other employees of the Board, and other persons appointed for carrying out the purpose of this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

Legal protection for acts and orders.

29. No suit for damages or other legal proceedings shall be instituted against Government, the Controlling Authority, the Board, any committee, any member of the Board or committee, or officers or employees of the Board in respect of anything done or purported to have been done to good faith in pursuance of this Ordinance and the regulations and rules made thereunder:-

Repeal.

30. The West Pakistan Board of Technical Education Ordinance 1962 (W.P. Ordinance XXXIX of 1962), is hereby repealed.

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Saving Addition of section 31 of Sind Ordinance XVI of 1970.

[1][31. Anything done, proceeding or action taken, rights or assets acquired, obligation or liability incurred, persons appointed or authorised, jurisdiction or power conferred, endowment, bequest or fund created, donation or grant made, scholarship or award instituted, recognition granted, order issued and Regulations or Rules made by the West Pakistan Board of Technical Education or any other Board in this behalf on or after 1st July, 1970 in relation to institutions in the Province of Sind shall be deemed to have been respectively done, taken, acquired, incurred, appointed or authorised, conferred, created, made, instituted, granted, issued and made by the Board constituted under this Ordinance.".]

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1. Added section 31, by Sind Act II of 1974, Dated: 16-03-1974.