

THE PUNJAB EXAMINATION COMMISSION ACT 2010

(XI of 2010)

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TEXT

¹THE PUNJAB EXAMINATION COMMISSION ACT 2010

(XI of 2010)

[20th July, 2010]

An

Act

to establish a Commission for improving the examination system of elementary education.

Preamble.— Whereas it is expedient to establish a Commission for the improvement of the examination system and for conducting examinations of elementary education and to provide for ancillary matters;

It is enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Examination Commission Act 2010.

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

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) "Chairperson" means the Chairperson of the Commission;

(b) "Chief Executive Officer" means the Chief Executive Officer of the Commission;

(c) "Commission" means the Punjab Examination Commission;

(d) "elementary education" means education from class I to class VIII;

(e) "Fund" means the Punjab Examination Commission Fund;

(f) "Government" means the Government of the Punjab;

(g) "local government" means the local government as defined in the Punjab Local Government Ordinance 2001 (XIII of 2001) or any other law for the time being in force;

(h) "Member" means a Member of the Commission;

(i) "prescribed" means prescribed by the rules or the regulations;

(j) "regulations" means the regulations framed under the Act; and

(k) "rules" means the rules made under the Act.

3. Establishment of the Commission.— (1) The Government may, by notification, establish a Commission to be known as the Punjab Examination Commission.

¹This Act was passed by the Punjab Assembly on 14 July 2010; assented to by the Governor of the Punjab on 19 July 2010; and, was published in the Punjab Gazette (Extraordinary), dated 20 July 2010, pages 217-221.

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

4. Composition of the Commission.— (1) The Commission shall consist of the following members:—

- (a) Three members of the Provincial Assembly of the Punjab ²[including at least one female member of the Assembly];
- (b) Secretary to the Government, Education Department;
- (c) Secretary to the Government, Finance Department;
- (d) Vice Chancellor, University of Education, Lahore;
- (e) Programme Director, Punjab Education Sector Reforms Programme;
- (f) Director Public Instruction (Elementary Education), Punjab;
- (g) Programme Director, Directorate of Staff Development;
- (h) Chairman, Punjab Text Book Board;
- (i) Managing Director, Punjab Education Foundation;
- (j) two renowned educationists ³[including at least one female educationist];
- (k) two persons from the private schools ⁴[including at least one woman];
- (l) a person from banking sector;
- (m) a person from information technology sector; and
- (n) Chief Executive Officer.

(2) The Government shall nominate the members mentioned in clauses (a), (j), (k), (l) and (m) of sub-section (1), and the Chairperson from amongst the nominated members, for a term of three years.

(3) A nominated member may resign from his office by a notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation.

(4) The Government may, on the recommendation of the Commission, remove a member nominated under sub-section (2).

(5) The Chairperson may, with the prior approval of the Government, co-opt any other person as member either for a particular meeting or purpose, or for a specified period.

(6) The existence of a vacancy or any defect in the composition of the Commission shall not invalidate an act or proceedings of the Commission.

²Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014), w.e.f. 12.3.2014, s.2 and the Schedule; and published in the Punjab Gazette (Extraordinary), pages 2733-2744.

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(7) The Chairperson and the members shall serve on honorary basis and shall not be entitled to any financial benefits except such travelling and daily allowance for performing official duties as may be prescribed.

(8) The Chief Executive Officer shall be the Secretary of the Commission.

5. Vacancy.— The Government may fill a vacancy, caused owing to any cause, by nominating a person from the same category and the said member shall hold office for the unexpired period of the term of his predecessor.

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

- (a) design, develop, implement, maintain, monitor and evaluate a system of examination for elementary education;
- (b) formulate policy and programme for the conduct of examinations relating to elementary education;
- (c) collect data for research to improve curricula and teaching methodology;
- (d) recommend measures for capacity building of the teachers and educationists for improving the system of assessment of students;
- (e) identify the areas where improvement in training of the teachers or educationists is required;
- (f) promote public discussions on issues pertaining to elementary education;
- (g) advise the Government on all policy matters relating to the objectives of the Commission;
- (h) approve annual research programme and annual budget of the Commission; and
- (i) perform such other functions as may be ancillary to its functions, or as may be prescribed or as may be assigned by the Government.

(2) The Commission may—

- (a) issue instructions or guidelines to a local government for data collection and conduct of an examination of elementary education;
- (b) register students for the purpose of examination of elementary education and maintain their data; and
- (c) conduct and outsource research in the sphere of an examination of elementary education.

7. Committees.— The Commission may constitute committees of its members and entrust them such functions and powers as it may deem fit.

8. Meetings of the Commission.— (1) The Commission shall meet at least each quarter in a calendar year.

(2) The Chief Executive Officer shall convene a meeting of the Commission on the direction of the Chairperson or a written request from not less than seven members.

(3) The Chairperson or, in his absence, a Member nominated by the Chairperson, shall preside a meeting of the Commission.

(4) An ex-officio Member may nominate an officer in BS-19 or above to represent him at a meeting of the Commission.

(5) Seven Members, including at least two nominated members, shall constitute the quorum at a meeting.

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

(7) The decisions of the Commission shall be recorded in writing and signed by the Chairperson.

(8) The Commission shall cause minutes to be kept of proceedings of every meeting of the Commission and of every meeting of a committee.

(9) The Chief Executive Officer shall maintain a complete record of the minutes and the decisions of the Commission in the prescribed manner.

9. Delegation.— The Commission may, subject to such conditions and limitations as it may deem fit to impose, delegate any of its powers or functions to the Chairperson, Chief Executive Officer, a committee, or one or more members, except the power to—

- (a) frame, amend or repeal regulations;
- (b) approve major policy decisions and procedures for the operation of the Fund;
- (c) constitute a committee or fill a vacancy in a committee;
- (d) approve the annual budget, audited accounts and the annual reports; and
- (e) consider audit reports.

10. Secretariat.— (1) The Commission shall have a Secretariat at Lahore.

(2) The Secretariat shall comprise the Chief Executive Officer and such number of officers and staff as may be determined by the Commission.

11. Staff.— (1) The Government shall appoint a person as the Chief Executive Officer of the Commission for a term not exceeding four years.

(2) The Chief Executive Officer shall exercise such powers as may be prescribed or as may be delegated by the Commission.

(3) The Commission may employ persons who shall be paid such remuneration and allowances and shall hold their employment on such terms and conditions as may be prescribed and until so prescribed, as may be determined by the Commission.

12. Public servants.— (1) The Chairperson, Chief Executive Officer, members, officers, employees and other persons authorized to perform or exercise any function or power under this Act shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

13. Fund.— (1) There shall be a Fund of the Commission to be known as the Punjab Examination Commission Fund.

(2) The Fund shall consist of—

- (a) grants made by the Federal Government, the Government or a local government;
- (b) donations, endowments or grants from any individual, organization or agency, whether national or international;
- (c) sale proceeds of the property of the Commission; and
- (d) any other money received by the Commission.

(3) The Fund shall be kept in such custody, and shall be regulated and utilized in such manner as may be prescribed.

14. Budget and accounts.— (1) The Chief Executive Officer shall prepare the budget of the Commission for each financial year and submit it before the Commission for approval.

(2) The Chief Executive Officer shall not incur any expenditure from the Fund without the approval of the Commission.

(3) The Commission 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.

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

(2) The Government, in addition to the Audit under sub-section (1), shall cause the accounts of the Commission annually audited by a Chartered Accountant.

(3) The Chief Executive Officer, with the approval of the Commission, shall submit to the Government the annual statement of accounts of the Commission and audit report, within six months of the close of a financial year.

16. Annual report.— (1) The Commission shall submit an annual report to the Government which shall include—

- (a) a comprehensive statement of the work and activities of the Commission during the preceding financial year, including the details of the examinations and the research work conducted during the year;
- (b) recommendations about the strategy to improve the curricula, teaching methodology and inputs required for the quality elementary education;
- (c) statement of accounts and audit report; and
- (d) such other matters as may be prescribed and as the Commission may consider appropriate.

(2) The Government shall, within thirty days of receiving the report from the Commission, give notice for laying the report in the Provincial Assembly of the Punjab, and shall lay the report in the Assembly in its first available session thereafter.

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

18. Regulations.— Subject to the provisions of this Act and the rules, the Commission may, by notification, frame regulations for giving effect to the provisions of this Act.