

CHAPTER I

THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION ACT, 1976

PUNJAB ACT NO. XIII OF 1976

As amended by

THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION (AMENDMENT) ORDINANCE, 1985

PUNJAB ORDINANCE NO. XXXIII OF 1985

As amended by

THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION (AMENDMENT) ORDINANCE, 1992

PUNJAB ORDINANCE NO. XXIII OF 1992

As amended by

THE PUNJAB BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION (AMENDMENT) ORDINANCE, 2001*

PUNJAB ORDINANCE NO. XLVII OF 2001

AN ACT

to re-constitute and establish Boards of Intermediate and Secondary Education in the Punjab and to amend and consolidate the Law relating thereto:

PREAMBLE

WHEREAS it is expedient to re-constitute and establish Boards of Intermediate and Secondary Education in the Punjab and to amend and consolidate the Law relating thereto:

1. **Short Title and Commencement**

It is hereby enacted as follows:

- (i) This Act may be called the Punjab Boards of Intermediate and Secondary Education Act, 1976.
- (ii) It shall come into force on such date as may be notified by Government in the Official Gazette.

* The Ordinance No. XLVII of 2001 published 26 November, 2001.

2. **Definitions**

In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) ‘**Board**’ means a Board of Intermediate and Secondary Education constituted or reconstituted under Section 3;
- (b) ‘**Chairman**’ means the Chairman of the Board;
- (c) ‘**College**’ means an institution within the jurisdiction of a Board and recognized by it for Intermediate education, and includes a college having Intermediate and Degree Classes and affiliated to the University for the Degree classes;
- (d) ‘**Committee**’ means a committee constituted under this Act;
- (e) ‘**Controller of Examinations**’ means the Controller of Examinations of a Board;
- (f) ‘**Controlling Authority**’ means the Controlling Authority specified in Section 11;
- (g) ‘**Government**’ means the Government of the Punjab;
- (h) ‘**Head of an Institution**’ means the Principal of a college or the Headmaster or Headmistress of a school;
- (i) ‘**Institution**’ means a College or a School;
- (j) ‘**Intermediate College**’ means an institution recognized for imparting instruction to Class XI and Class XII and includes an institution having classes for Intermediate and Secondary Education;
- (k) ‘**Intermediate Education**’ means education pertaining to Class XI and Class XII;
- (l) ‘**Member**’ means a member of a Board;
- (m) ‘**Prescribed**’ means prescribed by regulations or rules;
- (n) ‘**Principal**’ means the head of a College;
- (o) ‘**Recognized**’ means recognized by a Board;
- (p) ‘**Regulations**’ and ‘**Rules**’ mean respectively the regulations and rules made or deemed to have been made under this Act;
- (q) ‘**School**’ means an institution within the jurisdiction of a Board and recognized by it only for Secondary Education;
- (r) ‘**Secondary Education**’ means education pertaining to Class IX and Class X and such other classes as may be declared by Government to be classes of Secondary Education;
- (s) ‘**Secretary**’ means the Secretary of a Board; and
- (t) ‘**University**’ means the University having jurisdiction within an area in which a Board functions under Section 4.

3. **Constitution and Reconstitution of the Boards**

- (1) Government may establish one or more Boards in respect of such institutions or such areas as it may deem necessary; provided that Boards of Intermediate and Secondary Education Bahawalpur, Gujranwala, and Rawalpindi shall be constituted; and provided further that as soon as may be, the Board of Intermediate and Secondary Education, Lahore, reconstituted under the West Pakistan (Boards of Intermediate and Secondary Education, Lahore) Ordinance, 1961 (Ordinance No VXIII of 1961) and the Boards of Intermediate and Secondary Education (Multan and Sargodha) constituted in accordance with the provisions of the West Pakistan Boards of Intermediate and Secondary Education (Multan and Sargodha) Ordinance, 1968 (Ordinance No.VII of 1968) shall be re-constituted by the Government.
- (2) A Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire, hold and transfer property and may sue or be sued by its corporate name.

4. **Jurisdiction of the Board***

A Board shall exercise its powers in respect of such institutions and within such area as may be determined by the Government from time to time.

5. **Constitution of a Board**

- (1) A Board shall consist of the following members, namely:
 - (i) The Chairman;
 - (ii) The Vice-Chancellor of the University, or a University Professor nominated by him;
 - (iii) All Executive District Officers (Education)** related to the area within the jurisdiction of the Board;
 - (iv) The Director of Technical Education, Punjab, Lahore or his nominee;
 - (v) One representative each of the Finance and Education Departments not below the rank of a Deputy Secretary;
 - (vi) One Principal of a Degree College situated within the jurisdiction of the Board to be nominated by the Controlling Authority;
 - (vii) One Principal of an Intermediate College situated within the jurisdiction of the Board to be nominated by the Controlling Authority;
 - (viii) Two Headmasters and one Headmistress of Schools situated within the jurisdiction of the Board to be nominated by the Controlling Authority; and
 - (ix) Two persons nominated by the Controlling Authority from amongst scholars and retired educationists.

* The jurisdiction of Lahore Board vide Notification No. SO(Boards)I-123/81 dated 23rd October 1982 consists of Civil Division of Lahore including Okara District.

** The words Executive District Officer (Education) substituted by Punjab Ordinance No. XLVII of 2001.

- (2) The names of the nominated members shall be notified in the official Gazette.
 - (3) The term of office of members, other than ex-officio members, shall be three 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 a Board, he shall cease to be a member of any committee of which he may be a member.
6. **Resignation of a Member**
A member may resign his membership by a letter addressed to the Chairman.
7. **Removal of a Member**
- (1) A member shall be liable to be removed by the Controlling Authority if he:
 - (i) becomes of unsound mind;
 - (ii) is declared insolvent by a competent Court; or
 - (iii) is convicted by a Criminal Court of an offence involving moral turpitude;
 - (iv) is found negligent in the discharge of his functions.
 - (2) The decision of the Controlling Authority removing a member from his office under sub-section (1) shall be final and shall not be questioned by or before any court or other authority.
8. **Casual Vacancies**
- (1) Whenever there occurs a vacancy in the membership of a Board due to death, resignation or removal, it shall be filled in accordance with provisions of this Act.
 - (2) The person who fills the vacancy referred to in sub-section (1) shall be a member for the full term of three years.
9. **Meetings of the Board**
- (1) The Chairman may, whenever he considers necessary, and shall, on a requisition from at least seven members, call a meeting of the Board.
 - (2) The quorum for meetings of a Board shall be seven.
10. **Powers of a Board**
- (1) Subject to the provisions of this Act, a Board shall have power to organize, regulate, develop and control Intermediate Education and Secondary Education.

THE PUNJAB GAZETTE (EXTRAORDINARY), JULY 21, 1976

- (2) In particular and without prejudice to the generality of the powers conferred by the preceding sub-section, a Board shall have the power:
- (i) to hold and conduct all examinations pertaining to Intermediate Education, Secondary Education, Pakistani and Classical Languages and such other examinations as may be determined by Government;
 - (ii) to prescribe courses of study for its examinations;
 - (iii) to lay down conditions for recognition of institutions;
 - (iv) to accord, refuse or withdraw recognition, wholly or partly:
 - (a) in the case of schools maintained by the Government of Pakistan, after considering inspection reports from the Officer on Special Duty, Ministry of Education, Government of Pakistan or any other authority appointed for the purpose by the said Ministry;
 - (b) in the case of other schools, after considering inspection reports from the Executive District Officer (Education)* concerned; and
 - (c) in the case of Intermediate Colleges and institutions preparing candidates for languages examinations, after considering reports from an Inspection Committee appointed by a Board in this behalf;
 - (v) to inspect and arrange for inspection of a recognized institution and call for inspection reports in respect of such institutions, other than the institutions run by the Government of Pakistan;
 - (vi) to lay down conditions for admission to its examinations, to determine the eligibility of candidates and to admit them to such examinations;
 - (vii) to grant certificates and diplomas to persons who have passed its examinations and to withdraw such certificates and diplomas;
 - (viii) to fix, demand and receive such fees as may be prescribed;
 - (ix) to supervise the residence, health and discipline of the students of recognized institutions with a view to promoting their general welfare;
 - (x) to institute and award scholarships, medals and prizes in the prescribed manner;
 - (xi) to organize and promote extra-mural activities for recognized institutions;
 - (xii) to hold control and administer its property and funds;
 - (xiii) to enter into and carry out contract in exercise of its powers and in the performance of its duties under this Act and the Regulations;
 - (xiv) to pass its annual budget;
 - (xv) to transfer any movable and immovable property belonging to it;
 - (xvi) to hold and manage endowments;

* As amended by the Punjab Ordinance No. XLVII of 2001.

- (xvii) to regulate and decide all administrative matters including the creation and abolition of posts under the Board except matters relating to the appointments, suspension and removal and matters relating to the conditions of service of the officers of the Board; provided that a post carrying an initial pay equal to Basic Scale 17 or more, per mensem, shall not be created without the prior approval of the Controlling Authority;
 - (xviii) to appoint such staff as it may consider necessary for the performance of its functions and define their duties and conditions of service;
 - (xix) to make provision for buildings, premises, furniture, apparatus, books and other means required for carrying out the purposes of this Act;
 - (xx) to sanction or incur such expenditure as may be necessary for carrying out the purposes of this Act; and
 - (xxi) to do all other acts necessary for carrying out the purposes of this Act.
- (3) A Board may delegate any of its powers to its Chairman or any officer of the Board or to a committee or sub-committee appointed by it, as it may deem fit.
 - (4) Except where the Controlling Authority directs otherwise*, a Board shall not make any rules or allow any concession, benefit, privilege or allowance to any person which is not in conformity with the rules enforced by the Government on similar matters.

11. **Controlling Authority**

Government shall be the Controlling Authority of a Board.

12. **Powers of the Controlling Authority**

- (1) The Controlling Authority shall have the power to inspect and cause an inspection to be made by such person or persons, as it may direct, of the offices, activities and funds of and the conduct of examinations by a Board, and to cause an enquiry to be made in respect of any matter concerning a Board, or the discharge of functions by the members, officers and employees of the Board.
- (1-A) The Controlling Authority may at any time suspend a member, an officer or an employee of the Board.
- (2) The Controlling Authority may communicate to a Board the result of such inspection or enquiry and may advise a Board to take such action and within such period as may be specified.
- (3) The Board shall report to the Controlling Authority the action taken on such communication.
- (4) Where a Board does not, within a specified time, take action to the satisfaction of the Controlling Authority, the Controlling Authority may, after considering any explanation made by a Board, issue such directions as it thinks fit, and the Chairman shall comply with such directions.

* As amended on 17-05-1992 by the Punjab Ordinance No. XXIII of 1992.

- (5) If the Controlling Authority is satisfied that any proceeding of a Board or a Committee is not in conformity with the provisions of this Act, or Regulations or Rules framed thereunder or in public interest, the Controlling Authority may without prejudice to the foregoing provisions of this section, by order in writing, annul such proceeding;
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.
- (6) The Controlling Authority may, from time to time, direct a Board to conduct its affairs and to perform its functions in such a manner as may be specified.
- (7) The Controlling Authority may require a Board to furnish it with:
- (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board; or
 - (ii) a report on any such matter; or
 - (iii) a copy of any document in the charge of the Board; and the Chairman shall comply with every such requisition.
- (8) Notwithstanding anything to the contrary contained in this Act, the Controlling Authority may:
- (i) place the services of any of the officers or other employees of any Board at the disposal of the Government or any other Board or institution for such period and on such terms and conditions as may be determined by him provided that such terms and conditions shall not be less favourable than those admissible to him immediately before his transfer;
 - (ii) make appointment to any post in the Board in any capacity from persons in the service of Pakistan or from officers or other employees of any other Board;
 - (iii) make regulations concerning efficiency and discipline of officers and other employees of the Board; and
 - (iv) the Controlling Authority may remove from service any employee of a Board; provided that no such employee shall be removed from service without being given an opportunity of being heard; provided further that where the Controlling Authority has initiated any such proceedings against any such employee, no other person including the Board shall have power to initiate any proceedings or take any steps in the matter.
13. **Officers of the Board**
The following shall be the officers of a Board:
- (i) the **Chairman**;
 - (ii) the **Secretary**;
 - (iii) the **Controller of Examinations**; and
 - (iv) such other officers as may be appointed by the Controlling Authority.

14. (1) The officers of the Board shall be whole-time officers and shall be appointed by the Controlling Authority on such terms and conditions as may be determined by the Controlling Authority.
- (2) The officers of the Board shall hold office during the pleasure of the Controlling Authority.*
- (3) Notwithstanding anything contained in sub-section (2), a Civil Servant, if appointed on deputation as an officer of the Board, shall cease to hold office in the Board on the date of his retirement from Civil Service.**

15. **Chairman**

- (1) The Chairman shall be the principal executive and academic officer of the Board and shall, when present, preside at the meeting of:
- (i) the Board; and
- (ii) the Committees of the Board constituted under section 18.
- (2) It shall be the duty of the Chairman to ensure that the provisions of this Act and the regulations and rules and directions of the Controlling Authority are faithfully observed and carried out, and he shall exercise all powers necessary for this purpose.
- (3) If at any time 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) Subject to clause (xvii) of sub-section (2) of Section 10 of this Act, the Chairman may, in case of urgency, create a temporary post in the Board and may appoint a person against that post for a period not exceeding six months; provided that every appointment so made shall be reported within sixty days of such appointment to the Board for confirmation.
- (5) 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 taken to the Board at its next meeting for approval but not later than sixty days.
- (6) The Chairman shall exercise such other powers as may be prescribed by regulations.

16. **Other Officers**

Subject to the provisions of this Act, the powers and duties of other officers of a Board shall be such as may be determined by the Controlling Authority.

* Sub-section 2 as amended by the Punjab Ordinance No. XXIII of 1992.

** Section 3 has been added vide the Punjab Ordinance No. XXIII of 1992.

17. **Retirement from Service**

An officer or other employee of a Board shall retire from service:

- (i) on such date after he has completed 10* years of service qualifying for pension or other retirement benefits as the competent authority or Controlling Authority may in the public interest direct; or/and
- (ii) where no direction is given under clause (i)**, on the completion of 60th year of his age provided that no order under clause (i) shall be made in respect of an officer or an employee of a Board unless the competent authority or the Controlling Authority, as the case may be, has informed him in writing of the grounds on which it is proposed to be made and has given him an opportunity of showing cause against it.

Explanation:

In this section 'Competent Authority' means the Appointing Authority or a person duly authorized by the appointing authority in that behalf, not being a person lower in rank to the officer, teacher or other employee concerned.

18. **Committees of Boards**

- (1) The Boards shall have a Joint Academic Committee which shall serve all the Boards constituted or re-constituted under this Act.
- (2) A Board shall have the following Committees, namely:
 - (i) The Finance Committee;
 - (ii) The Appointments Committee;
 - (iii) The Committee for Appointment of Paper Setters and Head-Examiners; and
 - (iv) The Committees of Courses.
- (3) In addition to the Committees mentioned in sub-section (2) of this Section, a Board may appoint such Committees or Sub-Committees as it may deem necessary.
- (4) A committee may appoint such sub-committees as it may consider necessary.

19. **Constitution, Functions and Duties of Committees**

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

20. **Powers of a Board to make Regulations**

- (1) A Board may, subject to the approval of the Government, frame regulations, not inconsistent with the provisions of this Act, to carry out the purposes of this Act provided that:
 - (i) a Board shall not propose draft of regulations affecting the constitution or power of any authority of the Board until such authority has been given an opportunity of expressing an opinion in writing upon the proposals;

* As substituted by the Punjab Ordinance No. XXIII of 1992.

** As substituted by the Punjab Ordinance No. XXIII of 1992.

- (ii) the draft of Regulations shall be forwarded to the Controlling Authority and shall not be effective until it has been approved by the Controlling Authority; and
 - (iii) a Board shall not have the power to frame any regulation or adopt any rules or regulations concerning efficiency and discipline of the officers/officials and other employees which is not in conformity with rules made by the Government.
- (2) In particular and without prejudice to the generality of the foregoing powers, such Regulations may provide for:
- (a) the terms and conditions of service of the employees of a Board, including matters relating to grant of leave and retirement of such employees;
- Explanation:**
The terms and conditions should be in conformity with rules applicable to Government servants carrying equivalent pay scales and other benefits.
- (b) the constitution of Pension or Provident Fund or both for the benefit of the officers and other employees of a Board;
 - (c) the admission of institutions to the privilege of recognition and withdrawal of recognition;
 - (d) a general scheme of studies, including the total number of subjects to be taught and the duration of courses; and
 - (e) all other matters required under any of the provisions of this Act to be prescribed by regulations.

21. **Powers of a Board to make Rules**

A Board may make rules consistent with this Act and the regulations to provide for:

- (i) the inspection of institutions and the reports, returns and other information to be furnished by them;
- (ii) the conditions of admission of candidates to the examinations held by it and their eligibility for diplomas, certificates and titles;
- (iii) the manner and the form in which accounts of a Board shall be maintained; and
- (iv) such other matters as may be required under the regulations to be provided in the rules.

22. **Funds**

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

23. **Accounts and Audit**

- (1) The accounts of a Board shall be maintained in such form and in such manner as may be prescribed by rules.

- (2) The accounts of the Board shall be audited in such manner as may be prescribed by regulations.
- (3) A Board shall, as soon as possible after the end of every financial year, submit to Government the annual statement of the accounts of the Board duly audited together with the report of the auditor.

24. **Provident Fund or Pension**

- (1) A Board shall establish for the benefit of its employees such Pension or Provident Fund or both as it may deem fit in such manner and subject to such conditions as may be prescribed by regulations.
- (2) Government may, by notification in the Official Gazette, declare that the provisions of the Provident Fund Act, 1925 (Act XI of 1925) shall apply to a Provident Fund established by a Board and on the making of such declaration that Act shall apply as if such Board were Government and the said fund were the Government Provident Fund.

25. **Submission of Yearly Reports and Returns**

A Board shall submit to the Controlling Authority, as soon as possible after the end of every financial year but not later than the 30th September, a report on the conduct of its affairs for that year.

26. **Members of the Board Prohibited from Deriving Monetary Gains**

No member 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:

- (1) Provided that the emoluments of the Chairman shall be paid from the funds of the Board in accordance with the terms and conditions of his appointment.
- (2) Nothing in this Section shall be deemed to prohibit a member of a committee from receiving from the Board remuneration in lump sum for writing, compiling or editing a book intended to be prescribed for an examination of the Board.

27. **Bar Against Membership**

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

28. **Validations**

No act or proceedings of a Board or any Committee shall be invalid merely by reason of the existence of a vacancy on the Board or the committee, as the case may be, or by reason of any irregularity in the appointment of any member of the Board or the Committee.

29. **Bar of Suit**
No act done, order issued or proceeding taken by a Board in pursuance of the provisions of this Act shall be called in question in any Court.
30. **Members and Employees of Boards Deemed to be Public Servants**
Members of a Board and its Committees, the officers of the Board, the employees of a Board and other persons appointed for carrying out the purposes of this Act, shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLI of 1860).
31. **Protection of Acts and Orders under the Act**
No suit for damages or other legal proceedings shall be instituted against the Government, the Controlling Authority, a Board, a Committee, a member of a Committee or an officer or employee of a 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 Regulations and Rules made thereunder.
32. **First Regulations**
Notwithstanding anything to the contrary contained in this Act, the regulations set out in the Schedule shall be deemed to be the First Regulations framed by the Board under Section 20 of this Act.
33. **Transitional Provisions**
(1) Till such time as the constitution of a Board under Section 5 is completed, the Chairman and the ex-officio members shall exercise all the powers and perform all the duties of a Board and its Committees.
(2) A Board shall exercise all powers and perform all duties of the Committees of a Board till such time as the committees are constituted.
(3) If any difficulty arises in giving effect to the provisions of this Act, the Controlling Authority may take such action to remove the difficulty as, in the circumstances of the case, it may deem necessary.
34. **Savings**
Notwithstanding anything to the contrary contained in this Act, everything done, action taken, jurisdiction or power conferred, recognition granted and order issued under any of the provisions of the West Pakistan (Board of Intermediate and Secondary Education, Lahore) Ordinance 1961 (West Pakistan Ordinance No. XVII of 1961) / West Pakistan Boards of Intermediate and Secondary Education (Multan and Sargodha) Ordinance, 1968 (West Pakistan Ordinance No. VII of 1968), as the case may be, and the regulations and rules made thereunder, shall, if not inconsistent with the provisions of this Act and the Regulations and Rules made thereunder, be continued and, so far as may be, deemed to have respectively been done, taken, conferred, granted and issued under this Act and the Regulations and Rules made thereunder.
35. **Repeal and Savings**
The following enactments are hereby repealed:
(a) the West Pakistan (Board of Intermediate and Secondary Education, Lahore) Ordinance 1961;

and

(b) the West Pakistan Boards of Intermediate and Secondary Education (Multan and Sargodha) Ordinance 1968.

SCHEDULE

THE FIRST REGULATIONS OF THE BOARD

(See Section 32)

Powers and Duties of the Chairman

1. The Chairman shall exercise control over the office of the Board as its principal executive and academic officer and shall do all acts to ensure that the officers and the staff properly perform the duties entrusted to them. In particular he shall:
 - (i) write confidential reports on the work of officers and employees of the rank of Superintendent and above;
 - (ii) make appointment of supervisory, evaluative and other academic staff or Committees concerned with the conduct of examinations.

Powers and Duties of the Secretary

2.
 - (1) The Secretary shall, subject to the control of the Chairman, be incharge of the academic and administrative sector of a Board's office and cause the orders and decisions of a Board and the Chairman to be carried out.
 - (2) The Secretary shall take all possible steps to ensure that the funds of a Board are spent on the purpose for which they are provided.
 - (3) The Secretary shall cause to be prepared and submit to a Board for approval the annual statement of accounts and budget estimates.
 - (4) All meetings of a Board and the committees shall be convened by the Secretary under the direction of the Chairman. While preparing the agenda for a meeting of a Board or a Committee, the Secretary shall carry out the directions of the Chairman given in this respect and no item shall be placed on such agenda or be considered in the meeting without the previous permission of the Chairman.
 - (5) The Secretary shall record the minutes and maintain the records of the proceedings of a Board and the committees.
 - (6) The Secretary shall conduct the official correspondence of the Board under the authority of the Chairman except the correspondence relating to the conduct of examinations.
 - (7) All fees and dues payable to the Board, and all sums received by the Secretary, shall be credited without delay to the account of the Board in a Government Treasury or a bank approved by the Board.

REGULATIONS
THE PUNJAB GAZETTE (EXTRAORDINARY), JULY 21, 1976

- (8) The Secretary shall issue to successful candidates on behalf of the Board, in the prescribed form, certificates of having passed the examinations held by the Board.
- (9) The Secretary shall perform such other duties as may be assigned to him by the Chairman.
- (10) Notwithstanding anything to the contrary contained in these regulations, the Board may assign to any other officer or officers such duties of the Secretary as it may deem necessary.

Duties and Powers of the Controller of Examinations

- 3. The Controller of Examinations shall, subject to the control of the Chairman, be incharge of the examination sector of the Board, and shall:
 - (i) make arrangements for the conduct of all examinations of the Board;
 - (ii) conduct official correspondence of the Board relating to the examinations; and
 - (iii) perform such other duties as may be assigned to him by the Chairman from time to time.

Appointments Committee

- 4. (1) The Appointments Committee shall consist of:
 - (i) the Chairman of the Board;
 - (ii) the Vice-Chancellor of the University or his nominee;
 - (iii) one Executive District Officer (Education)* by rotation from amongst Executive District Officers (Education); and
 - (iv) two nominees of the Controlling Authority.
- (2) The Appointments Committee shall recommend the appointment, confirmation and scale of officers and employees of the Board in BS-16 and above**.
- (3) The members of the Appointments Committee, other than the ex-officio members, shall hold office for two years.
- (4) The quorum for a meeting of the Appointments Committee shall be three.

Constitution and Functions of the Finance Committee

- 5. (1) The Finance Committee shall consist of:
 - (i) The Chairman of the Board;
 - (ii) One Executive District Officer (Education)* by rotation from amongst Executive District Officers (Education);

* The words 'Director of Education' substituted by 'Executive District Officer (Education)' vide The Punjab Ordinance No. XLVII of 2001.

** As amended by the Punjab Ordinance No. XXIII of 1992.

REGULATIONS
THE PUNJAB GAZETTE (EXTRAORDINARY), JULY 21, 1976

- (iii) The representative of the Finance Department, Government of the Punjab; and
 - (iv) Two nominees of the Controlling Authority.
- (2) The functions of the Finance Committee shall be:
- (i) to examine the annual budget and advise the Board thereon; and
 - (ii) to review the financial position of the Board periodically and make recommendations to the Board for improving its finances.
- (3) The members of the Finance Committee, other than ex-officio members, shall hold office for two years.
- (4) The quorum for the meetings of the Finance Committee shall be three.

Constitution and Functions of the Committee for Appointment of Paper Setters and Head Examiners

6. (1) There shall be a Committee for the appointment of Paper Setters and Head Examiners which shall consist of:
- (i) the Chairman of the Board;
 - (ii) the Vice-Chancellor of the University or his nominee who should be a professor in one of the Science subjects; and
 - (iii) the Executive District Officer (Education)* concerned.
- (2) The functions of the Committee for the Appointment of Paper Setters and Head Examiners shall be to appoint Paper Setters and Head Examiners for all examinations conducted by the Board, after considering the recommendations of the Committee of Courses in this behalf; provided that where a Committee of Courses does not make its recommendations within the time specified by the Committee for Appointment of Paper Setters and Head Examiners, the Committee will make these appointments without the recommendations of the Committee of Courses.

Committee of Courses

7. (1) There shall be a Committee of Courses for each subject or a group of allied subjects included in the courses of studies organized by the Board. Each Committee shall consist of the following namely:

* As amended vide the Punjab Ordinance No. XLVII of 2001.

REGULATIONS
THE PUNJAB GAZETTE (EXTRAORDINARY), JULY 21, 1976

- (i) two teachers of the subject or subjects from among the teachers of Intermediate Colleges, nominated by the Board*;
 - (ii) two teachers of the subject or subjects from among the teachers of Secondary Schools, nominated by the Board;
 - (iii) two persons having experience of Intermediate education, or Secondary education, nominated by the Board; and
 - (iv) one expert in the subject or subjects nominated by the Chairman; provided that if in any subject the required number of teachers is not available, the Chairman may decide that the number of members of the Committee of Courses for that subject may be less than seven or may permit the nomination of suitable persons who are not teachers as members of a particular Committee of Courses.
- (2) The term of office of the members of the Committee of Courses shall be two years; provided that if a vacancy occurs in the Committee during the course of two years, the member appointed to fill the vacancy shall hold office for the remaining term only.
 - (3) Each Committee of Courses shall consider academic matters relating to the subject or subjects with which it is concerned and shall recommend to the Board the courses of study and text books to be prescribed as well as the conditions to be fulfilled by the candidates for passing the relevant examination in the subject or subjects.
 - (4) Each Committee of Courses shall have a Convener who shall be nominated by the Board.
 - (5) The quorum for a Committee of Courses shall be four.

Person ceasing to be a Member of a Committee would cease to be a Member of Sub-Committee

8. Notwithstanding anything contained in these regulations when a person ceases to be a member of a Committee, he shall cease to be a member of any sub-committee of which he may be a member by virtue of his membership of that committee.

Recognition of Schools

9. (1) The Board shall accord recognition, to the Secondary School Examination, to such schools as are within the jurisdiction of the Board, if it is satisfied, on the basis of the inspection report received in the case of schools maintained by the Government of Pakistan from the Officer on Special Duty, Ministry of Education, Government of Pakistan, or any other authority appointed for the purpose by the said Ministry, and in the case of other schools, from the Executive District Officer (Education)** concerned that the conditions prescribed for recognition have been satisfactorily fulfilled.

* Under Government directive No. SO(Boards)1-38/85 dated 20-11-1985, the nominations of the Members on the Committee of Courses are to be made by the Board instead of the Academic Committee.

** As amended vide the Punjab Ordinance No. XLVII of 2001.

REGULATIONS
THE PUNJAB GAZETTE (EXTRAORDINARY), JULY 21, 1976

- (2) If the Board on the basis of a report received, in the case of a school maintained by the Government of Pakistan, from the Officer on Special Duty, Ministry of Education, Government of Pakistan, or any other authority appointed for the purpose by that Ministry, and in the case of any other school, from the Executive District Officer (Education)*, is satisfied that the conditions of recognition have ceased to be fulfilled by any school recognized by it, the Board may, after giving the management of the School an opportunity of being heard, cancel the recognition.
- (3) The Board may, if it considers necessary, arrange a special inspection of any school by an Inspection Committee appointed by it.

Audit

10. (1) The Board shall appoint wholetime Audit Officer and Auditor for the purpose of auditing the accounts and the bills to be paid from the funds of the Board. No expenditure shall be made from the funds of the Board unless the bill for its payment has been audited by the Auditor in conformity with the regulations and rules.
- (2) The Statement of Accounts of the Board, signed by the Secretary and the Auditor, shall be submitted to Government within six months of the closing of the financial year.
- (3) The accounts of the Board shall be audited once a year, in conformity with the regulations and rules, by Auditors appointed by Government for this purpose.

* As substituted by the Punjab Ordinance No. XLVII of 2001.





No. MD(PPRA)2-1/2010
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT
(PUNJAB PROCUREMENT REGULATORY AUTHORITY)

Tel. 042-99211490

Dated Lahore, the June 01, 2010

To

1. Principal Secretary to Governor Punjab.
2. Secretary to Chief Minister Punjab.
3. All Administrative Secretaries, Govt. of Punjab.
4. Inspector General of Police Punjab.
5. Accountant General Punjab.
6. All Divisional Commissioners in Punjab.
7. All District Coordination Officers in Punjab.
8. All Heads of Attached Departments.
9. Registrar, Lahore High Court, Lahore.
10. Superintendent, Govt. Printing Press (for publishing these rules in annual gazette).

Subject:- **AMENDMENT IN PUNJAB PROCUREMENT RULES 2009**
(PUBLIC PRIVATE PARTNERSHIP)

The Government of Punjab is pleased to amend the Punjab Procurement Rules 2009 by addition of rules for **Public Private Partnership Projects** which are notified herewith.

(IMRAN NASIR KHAN)
Managing Director PPRA

CC:

1. PS to Chief Secretary, Punjab.
2. PS to Chairman P&D Board.
3. PS to Additional Chief Secretary.



GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT

Dated Lahore, the June 01, 2010

Tel. 042-99211490

NOTIFICATION

No. MD(PPRA)2-1/2010. In exercise of the powers conferred by Section 26 of the Punjab Procurement Regulatory Authority Ordinance, 2007 (Pb. Ord. XIX of 2007), the Government of Punjab is pleased to direct that the following amendments shall be made in the Punjab Procurement Rules, 2009 by addition of rules for Public Private Partnership Projects, namely:-

Short title and commencement.– (1) These rules may be cited as the Punjab Procurement Rules, 2009 (Amended).

CHAPTER I GENERAL PROVISIONS

2. (1) “Public Private Partnership” means a contractual arrangement between the public and private sectors, built on the expertise and resources of each partner that best meets clearly defined public needs through appropriate allocation of resources, risks and rewards;
- (a) “bid” means a tender, or an offer, in response to an invitation, by a person, consultant, firm, company or an organization expressing his or its willingness to undertake a specified task at a price;
 - (b) “bidder” means a person who submits a bid;
 - (c) “competitive bidding” means a procedure leading to the award of a contract whereby all the interested persons, firms, companies or organizations may bid for the contract and includes both national competitive bidding and international competitive bidding;
 - (d) “contractor” means a person, consultant, firm, company or an organization who undertakes to supply goods, services or works;
 - (e) “contract” means an agreement enforceable by law;
 - (f) “corrupt and fraudulent practices” includes the offering, giving, receiving, or

soliciting of any thing of value to influence the action of a public official or the supplier or contractor in the procurement process or in contract execution to the detriment of the procuring agencies; or misrepresentation of facts in order to influence a procurement process or the execution of a contract, collusive practices among bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the procuring agencies of the benefits of free and open competition and any request for, or solicitation of anything of value by any public official in the course of the exercise of his duty;

- (g) “emergency” means natural calamities, disasters, accidents, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment;
- (h) “lowest evaluated bid” means,-
 - (i) a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document; and
 - (ii) having lowest evaluated cost;
- (i) “Ordinance” means the Punjab Procurement Regulatory Authority Ordinance, 2007 (XIX of 2007);
- (j) “repeat orders” means procurement of the same commodity from the same source without competition and includes enhancement of contracts;
- (k) “supplier” means a person, consultant, firm, company or an organization who undertakes to supply goods, services or works; and
- (l) “value for money” means best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the combination of whole-life cost and quality to meet the procuring agency’s requirements.
- (m) “Public Private Partnership Board Punjab” means a board established within the Government of Punjab comprising of:
 - 1. Minister for Law & Parliamentary Affairs (Chairman)
 - 2. Chairman P&D
 - 3. Secretary Finance
 - 4. Secretary of the Concerned Department.
 - 5. Chairman Special Initiatives Entity
 - 6. Vice Chairman Punjab Board of Investment & Trade
 - 7. Four private sector individuals (to be nominated subsequently)
- (n) “Public Procurement” means acquisition of goods, services or construction of any works financed wholly or partly out of the public

fund, including projects of Public Private Partnership, unless excluded otherwise by Government;

- (o) "Conflict of Interest" means -
- (i) where a contractor, supplier or consultant provides, or could provide, or could be perceived as providing biased professional advice to a procuring agency to obtain an undue benefit for himself or those affiliated with him;
 - (ii) receiving or giving any remuneration directly or indirectly in connection with the assignment except as provided in the contract;
 - (iii) any engagement in consulting or other procurement activities of a contractor, consultant or service provider that conflicts with his role or relationship with the procuring agency under the contract;
 - (iv) where an official of the procuring agency engaged in the procurement process has a financial or economic interest in the outcome of the process of procurement, in a direct or an indirect manner;

(2) The expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Ordinance.

3. **Scope and applicability.**— Save as otherwise provided, these rules shall apply to all procurements made by all procuring agencies of the Government of the Punjab whether within or outside the Punjab.

4. **Principles of procurements.**— Procuring agencies, while engaging in procurements, shall ensure that the procurements are conducted in a fair and transparent manner, the object of procurement brings value for money to the agency and the procurement process is efficient and economical.

5. **International and inter-governmental commitments of the Government of the Punjab.**— Whenever these rules are in conflict with an obligation or commitment of the Government of the Punjab arising out of an international treaty or an agreement with a State or States, or any international financial institution the provisions of such international treaty or agreement shall prevail to the extent of such conflict.

6. **Language.**— (1) All communications and documentation related to procurements of the Government of the Punjab shall either be in Urdu or English or both. Except where a procuring agency is situated outside the territories of Pakistan and procurements are to be made locally, the procuring agency may use the local language in addition to Urdu or English.

(2) Where the use of local language is found essential, the original documentation shall be in Urdu or English, which shall be retained on record; for all other purposes their translations in local language shall be used:

Provided that such use of local language ensures maximum economy and efficiency in the procurement.

(3) In case of the dispute reference shall be made to the original documentation retained on record.

7. **Integrity pact.**— Procurements exceeding the prescribed limit shall be subject to an integrity pact, as specified by regulation with approval of the Government of the Punjab, between the procuring agency and the suppliers or contractors.

CHAPTER II PROCUREMENT PLANNING

8. **Procurement planning.**— Within one year of commencement of these rules, all procuring agencies shall devise a mechanism, for planning in detail for all proposed procurements with the object of realistically determining the requirements of the procuring agency, within its available resources, delivery time or completion date and benefits that are likely to accrue to the procuring agency in future.

9. **Limitation on splitting or regrouping of proposed procurement.**— Save as otherwise provided and subject to the regulation made by the PPRA, with the prior approval of the Government of the Punjab, a procuring agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so planned. The annual requirements thus determined would be advertised in advance on the PPRA's website as well as on the website of the procuring agency in case the procuring agency has its own website.

10. **Specifications.**— Specifications shall allow the widest possible competition and shall not favour any single contractor or supplier nor put others at a disadvantage. Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications. However if the procuring agency is convinced that the use of or a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words "or equivalent".

Provided that this rule shall not apply to procurement made by public sector commercial concerns on the demand of private sector client specifying, in writing, a particular brand, model or classification of equipment, machinery or other objects.

11. **Approval mechanism.**— All procuring agencies shall provide clear authorization and delegation of powers for different categories of procurement and shall only initiate procurements once approval of the competent authorities concerned has been accorded.

CHAPTER III PROCUREMENT ADVERTISEMENTS

12. **Methods of advertisement.**— (1) Procurements over one hundred thousand rupees and up to the limit of two million rupees shall be advertised on the PPRA's website in the manner and format specified by regulation by the PPRA from time to time. These

procurement opportunities may also be advertised in print media, if deemed necessary by the procuring agency:

Provided that the lower financial limit for advertisement on PPRA's website for open competitive bidding shall be the prescribed financial limit for request for quotations under clause (b) of rule 42.

(2) All procurement opportunities over two million rupees should be advertised on the PPRA's website as well as in other print media or newspapers having wide circulation. The advertisement in the newspapers shall principally appear in at least two national dailies, one in English and the other in Urdu.

(3) In cases where the procuring agency has its own website it may also post all advertisements concerning procurement on that website as well.

(4) A procuring agency utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

13. **Response time.**– (1) The procuring agency may decide the response time for receipt of bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability and urgency. However, under no circumstances the response time shall be less than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice. All advertisements or notices shall expressly mention the response time allowed for that particular procurement along with the information for collection of bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the bid by the closing date:

Provided that no time limit shall be applicable in case of emergency.

(2) The response time shall be calculated from the date of first publication of the advertisement in a newspaper or posting on the web site, as the case may be.

(3) In situations where publication of such advertisements or notices has occurred in both electronic and print media, the response time shall be calculated from the day of its first publication in the newspapers.

14. **Exceptions.**– It shall be mandatory for all procuring agencies to advertise all procurement requirements exceeding prescribed financial limit which is applicable under sub-clause (i) of clause (b) of rule 42. However under following circumstances deviation from the requirement is permissible with the prior approval of the PPRA,-

- (a) the proposed procurement is related to national security and its publication could jeopardize national security objectives; and
- (b) the proposed procurement advertisement or notice or publication of it, in any manner, relates to disclosure of information, which is proprietary in nature or falls within the definition of intellectual property which is available

from a single source.

CHAPTER IV PRE-QUALIFICATION, QUALIFICATION AND DIS-QUALIFICATION OF SUPPLIERS AND CONTRACTORS

15. **Pre-qualification of suppliers and contractors.**— (1) A procuring agency, prior to the floating of tenders, invitation to proposals or offers in procurement proceedings, may engage in pre-qualification of bidders in case of services, civil works, turnkey projects and in case of procurement of expensive and technically complex equipment to ensure that only technically and financially capable firms having adequate managerial capability are invited to submit bids. Such pre-qualification shall solely be based upon the ability of the interested parties to perform that particular work satisfactorily.

(2) A procuring agency while engaging in pre-qualification may take into consideration the following factors, namely:

- (a) relevant experience and past performance;
- (b) capabilities with respect to personnel, equipment, and plant;
- (c) financial position;
- (d) appropriate managerial capability; and
- (e) any other factor that a procuring agency may deem relevant, not inconsistent with these rules.

16. **Pre-qualification process.**— (1) The procuring agency engaging in pre-qualification shall announce, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required by suppliers or contractors to demonstrate their respective qualifications and any other information that the procuring agency deems necessary for pre-qualification.

(2) The procuring agency shall provide a set of pre-qualification documents to any supplier or contractor, on request and subject to payment of price, if any.

Explanation.- For the purposes of this sub-rule price means the cost of printing and providing the documents only.

(3) The procuring agency shall promptly notify each supplier or contractor submitting an application to pre-qualify whether or not it has been pre-qualified and shall make available to any person directly involved in the pre-qualification process, upon request, the names of all suppliers or contractors who have been pre-qualified. Only suppliers or contractors who have been pre-qualified shall be entitled to participate further in the procurement proceedings.

(4) The procuring agency shall communicate to those suppliers or contractors who have not been pre-qualified the reasons for not pre-qualifying them.

17. **Qualification of suppliers and contractors.**— A procuring agency, at any stage of the procurement proceedings, having credible reasons for or prima facie evidence of any defect in supplier's or contractor's capacities, may require the suppliers or contractors to provide information concerning their professional, technical, financial, legal or managerial

competence whether already pre-qualified or not:

Provided that such qualification shall only be laid down after recording reasons thereof in writing. They shall form part of the records of that procurement proceeding.

18. **Disqualification of suppliers and contractors.**– The procuring agency shall disqualify a supplier or contractor if it finds, at any time, that the information submitted by him concerning his qualification as supplier or contractor was false and materially inaccurate or incomplete.

19. **Blacklisting of suppliers and contractors.**– The procuring agencies shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, suppliers and contractors who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices. Such barring action shall be duly publicized and communicated to the PPRA:

Provided that any supplier or contractor who is to be blacklisted shall be accorded adequate opportunity of being heard.

CHAPTER V METHODS OF PROCUREMENT

20. **Principal method of procurement.**– Save as otherwise provided hereinafter, the procuring agencies shall use open competitive bidding as the principal method of procurement for the procurement of goods, services and works.

21. **Open competitive bidding.**– Subject to the provisions of rules 22 to 37 the procuring agencies shall engage in open competitive bidding if the cost of the object to be procured is more than the prescribed financial limit which is applicable under sub-clause (i) of clause (b) of rule 42

22. **Submission of bids.**– (1) The bids shall be submitted in a sealed package or packages in such manner that the contents are fully enclosed and cannot be known until duly opened.

(2) A procuring agency shall specify the manner and method of submission and receipt of bids in an unambiguous and clear manner in the bidding documents.

23. **Bidding documents.**– (1) Procuring agencies shall formulate precise and unambiguous bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid.

(2) For competitive bidding, whether open or limited, the bidding documents shall include the following, namely:-

- (a) invitation to bid;
- (b) instructions to bidders;

- (c) form of bid;
- (d) form of contract;
- (e) general or special conditions of contract;
- (f) specifications and drawings or performance criteria (where applicable);
- (g) list of goods or bill of quantities (where applicable);
- (h) delivery time or completion schedule;
- (i) qualification criteria (where applicable);
- (j) bid evaluation criteria;
- (k) format of all securities required (where applicable);
- (l) details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and
- (m) any other detail not inconsistent with these rules that the procuring agency may deem necessary.

(3) Any information, that becomes necessary for bidding or for bid evaluation, after the invitation to bid or issue of the bidding documents to the prospective bidders, shall be provided in a timely manner and on equal opportunity basis. Where notification of such change, addition, modification or deletion becomes essential, such notification shall be made in a manner similar to the original advertisement.

(4) Procuring agencies shall use standard bidding documents as and when notified by regulation by the PPRA:

Provided that bidding documents already in use of procuring agencies may be retained in their respective usage to the extent they are not inconsistent with these rules, and till such time that the standard bidding documents are specified by regulations.

(5) The procuring agency shall provide a set of bidding documents to any supplier or contractor, on request and subject to payment of price, if any.

Explanation.— For the purpose of this sub-rule price means the cost of printing and providing the documents only.

24. Reservations and preference.— (1) Procuring agencies shall allow all prospective bidders to participate in procuring procedure without regard to nationality, except in cases in which any procuring agency decides to limit such participation to national bidders only or prohibit participation of bidders of some nationalities, in accordance with the policy of Government of the Punjab.

(2) Procuring agencies shall allow for a preference to domestic or national suppliers or contractors in accordance with the policies of the Government of the Punjab. The magnitude of price preference to be accorded shall be clearly mentioned in the bidding documents under the bid evaluation criteria.

25. Bid security.— The procuring agency may require the bidders to furnish a bid security not exceeding five per cent of the bid price.

26. Bid validity.— (1) A procuring agency, keeping in view the nature of the procurement, shall subject the bid to a bid validity period.

(2) Bids shall be valid for the period of time specified in the bidding document.

(3) The procuring agency shall ordinarily be under an obligation to process and evaluate the bid within the stipulated bid validity period. However under exceptional circumstances and for reason to be recorded in writing, if an extension is considered necessary, all those who have submitted their bids shall be asked to extend their respective bid validity period. Such extension shall be for not more than the period equal to the period of the original bid validity.

(4) Bidders who:

(a) agree to extension of their bid validity period shall also extend the validity of the bid bond or security for the extended period of the bid validity;

(b) agree to the procuring agency's request for extension of bid validity period shall not be permitted to change the substance of their bids; and

(c) do not agree to an extension of the bid validity period shall be allowed to withdraw their bids without forfeiture of their bid bonds or securities.

27. **Extension of time for submission of bids.**— Where a procuring agency has already prescribed a deadline for the submission of bids and due to any reason the procuring agency finds it necessary to extend such deadline, it shall do so only after recording its reasons in writing and in an equal opportunity manner. Advertisement of such extension in time shall be done in a manner similar to the original advertisement.

CHAPTER VI OPENING, EVALUATION AND REJECTION OF BIDS

28. **Opening of bids.**— (1) The date for opening of bids and the last date for the submission of bids shall be the same. Bids shall be opened at the time specified in the bidding documents. The bids shall be opened at least thirty minutes after the deadline for submission of bids.

(2) All bids shall be opened publicly in the presence of the bidders or their representatives who may choose to be present, at the time and place announced prior to the bidding. The procuring agency shall read aloud the unit price as well as the bid amount and shall record the minutes of the bid opening. All bidders in attendance shall sign an attendance sheet. All bids submitted after the time prescribed shall be rejected and returned without being opened.

29. **Evaluation criteria.**— Procuring agencies shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated. Such evaluation criteria shall form an integral part of the bidding documents. Failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.

30. **Evaluation of bids.**– (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding documents. Save as provided for in sub-clause (iv) of clause (c) of rule 36 no evaluation criteria shall be used for evaluation of bids that had not been specified in the bidding documents.

(2) For the purposes of comparison of bids quoted in different currencies, the price shall be converted into a single currency specified in the bidding documents. The rate of exchange shall be the selling rate, prevailing on the date of opening of bids specified in the bidding documents, as notified by the State Bank of Pakistan on that day.

(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issue of notice for invitation of bids.

31. **Clarification of bids.**– (1) No bidder shall be allowed to alter or modify his bid after the bids have been opened. However the procuring agency may seek and accept clarifications to the bid that do not change the substance of the bid.

(2) Any request for clarification in the bid, made by the procuring agency shall invariably be in writing. The response to such request shall also be in writing.

32. **Discriminatory and difficult conditions.**– Save as otherwise provided, no procuring agency shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

33. **Rejection of bids.**– (1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring agency shall upon request communicate to any supplier or contractor who submitted a bid or proposal, the grounds for its rejection of all bids or proposals, but is not required to justify those grounds.

(2) The procuring agency shall incur no liability, solely by virtue of its invoking sub-rule (1) towards suppliers or contractors who have submitted bids or proposals.

(3) Notice of the rejection of all bids or proposals shall be given promptly to all suppliers or contractors that submitted bids or proposals.

34. **Re-bidding.**– (1) If the procuring agency has rejected all bids under rule 33 it may call for a re-bidding.

(2) The procuring agency before invitation for re-bidding shall assess the reasons for rejection and may revise specifications, evaluation criteria or any other condition for bidders as it may deem necessary.

35. **Announcement of evaluation reports.**– Procuring agencies shall announce the results of bid evaluation in the form of a report giving justification for acceptance or

rejection of bids at least ten days prior to the award of procurement contract.

36. **Procedures of open competitive bidding.**– Save as otherwise provided in these rules the following procedures shall be permissible for open competitive bidding, namely:-

- (a) Single stage – one envelope procedure.– Each bid shall comprise one single envelope containing, separately, financial proposal and technical proposal (if any). All bids received shall be opened and evaluated in the manner prescribed in the bidding document.
- (b) Single stage – two envelope procedure.–
 - (i) The bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;
 - (ii) the envelopes shall be marked as “FINANCIAL PROPOSAL” and “TECHNICAL PROPOSAL” in bold and legible letters to avoid confusion;
 - (iii) initially, only the envelope marked “TECHNICAL PROPOSAL” shall be opened;
 - (iv) the envelope marked as “FINANCIAL PROPOSAL” shall be retained in the custody of the procuring agency without being opened;
 - (v) the procuring agency shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specified requirements;
 - (vi) during the technical evaluation no amendments in the technical proposal shall be permitted;
 - (vii) the financial proposals of bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance;
 - (viii) after the evaluation and approval of the technical proposal the procuring agency, shall at a time within the bid validity period, publicly open the financial proposals of the technically accepted bids only. The financial proposal of bids found technically non-responsive shall be returned un-opened to the respective bidders; and
 - (ix) the bid found to be the lowest evaluated bid shall be accepted.

(c) Two stage bidding procedure.-

First stage

- (i) the bidders shall first submit, according to the required specifications, a technical proposal without price;
- (ii) the technical proposal shall be evaluated in accordance with the specified evaluation criteria and may be discussed with the bidders regarding any deficiencies and unsatisfactory technical features;
- (iii) after such discussions, all the bidders shall be permitted to revise their respective technical proposals to meet the requirements of the procuring agency;
- (iv) the procuring agency may revise, delete, modify or add any aspect of the technical requirements or evaluation criteria, or it may add new requirements or criteria not inconsistent with these rules:

Provided that such revisions, deletions, modifications or additions are communicated to all the bidders equally at the time of invitation to submit final bids, and that sufficient time is allowed to the bidders to prepare their revised bids:

Provided further that such allowance of time shall not be less than fifteen days in the case of national competitive bidding and thirty days in the case of international competitive bidding;

- (v) those bidders not willing to conform their respective bids to the procuring agency's technical requirements may be allowed to withdraw from the bidding without forfeiture of their bid security;

Second stage

- (vi) the bidders, whose technical proposals or bids have not been rejected and who are willing to conform their bids to the revised technical requirements of the procuring agency, shall be invited to submit a revised technical proposal along with the financial proposal;
- (vii) the revised technical proposal and the financial proposal shall be opened at a time, date and venue announced and communicated to the bidders in advance; and
- (viii) the revised technical proposal and the financial proposal shall be evaluated in the manner prescribed above. The bid found

to be the lowest evaluated bid shall be accepted:

Provided that in setting the date for the submission of the revised technical proposal and financial proposal a procuring agency shall allow sufficient time to the bidders to incorporate the agreed upon changes in the technical proposal and prepare their financial proposals accordingly.

(d) Two stage - two envelope bidding procedure.—

First stage

- (i) the bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;
- (ii) the envelopes shall be marked as “FINANCIAL PROPOSAL” and “TECHNICAL PROPOSAL” in bold and legible letters to avoid confusion;
- (iii) initially, only the envelope marked “TECHNICAL PROPOSAL” shall be opened;
- (iv) the envelope marked as “FINANCIAL PROPOSAL” shall be retained in the custody of the procuring agency without being opened;
- (v) the technical proposal shall be discussed with the bidders with reference to the procuring agency’s technical requirements;
- (vi) those bidders willing to meet the requirements of the procuring agency shall be allowed to revise their technical proposals following these discussions;
- (vii) bidders not willing to conform their technical proposal to the revised requirements of the procuring agency shall be allowed to withdraw their respective bids without forfeiture of their bid security;

Second stage

- (viii) after agreement between the procuring agency and the bidders on the technical requirements, bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirement;
- (ix) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the procuring agency:

Provided that in setting the date for the submission of the revised technical proposal and supplementary price proposal a procuring

agency shall allow sufficient time to the bidders to incorporate the agreed upon changes in the technical proposal and to prepare the required supplementary financial proposal; and

- (x) the procuring agency shall evaluate the whole proposal in accordance with the evaluation criteria and the bid found to be the lowest evaluated bid shall be accepted.

37. Conditions for use of single stage two envelope, two stage and two stage two envelope bidding procedures.-

Single stage one envelope bidding procedure shall ordinarily be the main open competitive bidding procedure used for most of the procurement. Other appropriate procedures of open competitive bidding shall be selected in the following circumstances, namely:-

- (a) single stage two envelope bidding procedure shall be used where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation;
- (b) two stage bidding procedure shall be adopted in large and complex contracts where technically unequal proposals are likely to be encountered or where the procuring agency is aware of its options in the market but, for a given set of performance requirements, there are two or more equally acceptable technical solutions available to the procuring agency; and
- (c) two stage two envelope bidding method shall be used for procurement where alternative technical proposals are possible, such as certain type of machinery or equipment or manufacturing plant

CHAPTER-VII

ACCEPTANCE OF BIDS AND AWARD OF PROCUREMENT CONTRACTS

38. Acceptance of bids.— The bidder with the lowest evaluated bid, if not in conflict with any other law, rules, regulations or policy of the Government of the Punjab, shall be awarded the procurement contract, within the original or extended period of bid validity.

39. Performance guarantee.— Where needed and clearly expressed in the bidding documents, the procuring agency shall require the successful bidder to furnish a performance guarantee which shall not exceed ten per cent of the contract amount.

40. Limitation on negotiations.— Save as otherwise provided there shall be no negotiations with the bidder having submitted the lowest evaluated bid or with any other bidder:

Provided that the extent of negotiation permissible shall be subject to the regulations issued by the PPRA.

41. **Confidentiality.**—The procuring agency shall keep all information regarding the bid evaluation confidential until the time of the announcement of the evaluation report in accordance with the requirements of rule 35.

42. **Alternative methods of procurements.**—A procuring agency may utilize the following alternative methods of procurement of goods, services and works, namely:-

(a) petty purchases.-

Procuring agencies may provide for petty purchases where the object of the procurement is below the financial limit of twenty five thousand rupees. Such procurement shall be exempt from the requirements of bidding or quotation of prices:

Provided that the procuring agencies shall ensure that procurement of petty purchases is in conformity with the principles of procurement prescribed in rule 4:

Provided further that procuring agencies convinced of the inadequacy of the financial limit prescribed for petty purchases in undertaking their respective operations may approach the Government of the Punjab for enhancement of the same with full and proper justifications.

(b) request for quotations.-

A procuring agency shall engage in this method of procurement only if the following conditions exist, namely:-

(i) the cost of object of procurement is below the prescribed limit of one hundred thousand rupees:

Provided that the respective Boards of Autonomous bodies are authorized to fix an appropriate limit for request for quotations method of procurement subject to a maximum of rupees five hundred thousand which will become financial limit under this sub-rule:

(ii) the object of the procurement has standard specifications;

(iii) minimum of three quotations have been obtained; and

(iv) the object of the procurement is purchased from the supplier offering the lowest price:

Provided that procuring agencies convinced of the inadequacy of the financial limit prescribed for request for quotations in undertaking their respective operations may approach the Government of the Punjab for enhancement of the same with full and proper justifications;

(c) direct contracting.- A procuring agency shall only engage in direct contracting if the following conditions exist, namely:-

(i) the procurement concerns the acquisition of spare parts or

supplementary services from original manufacturer or supplier:

Provided that the same are not available from alternative sources;

(ii) only one manufacturer or supplier exists for the required procurement:

Provided that the procuring agencies shall specify the appropriate fora, which may authorize procurement of proprietary object after due diligence; and

(iii) where a change of supplier would oblige the procuring agency to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance:

Provided that the contract or contracts do not exceed three years in duration;

(iv) repeat orders not exceeding fifteen per cent of the original procurement;

(v) in case of an emergency:

Provided that the procuring agencies shall specify appropriate fora vested with necessary authority to declare an emergency;

(vi) when the price of goods, services or works is fixed by the government or

any other authority, agency or body duly authorized by the Government, on its behalf, and

(vii) for purchase of motor vehicle from local original manufacturers or their authorized agents at manufacturer's price.

(d) negotiated tendering.- A procuring agency may engage in negotiated tendering with one or more suppliers or contractors with or without prior publication of a procurement notification. This procedure shall only be used when,-

(i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

(ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular supplier;

(iii) for reasons of extreme urgency brought about by events unforeseeable by the procuring agency, the time limits laid down for open and limited bidding methods cannot be met. The circumstances invoked to justify extreme urgency must not be attributable to the procuring agency:

Provided that any procuring agency desirous of using negotiated tendering

as a method of procurement shall record its reasons and justifications in writing for resorting to negotiated tendering and shall place the same on record.

43. **On account payments.**– All procuring agencies shall make prompt payments to suppliers and contractors against their invoices or running bills within the time given in the conditions of the contract, which shall not exceed thirty days.

44. **Entry into force of the procurement contract.**– A procurement contract shall come into force,-

- (a) where no formal signing of a contract is required, from the date the notice of the acceptance of the bid or purchase order has been given to the bidder whose bid has been accepted. Such notice of acceptance or purchase order shall be issued within a reasonable time; or
- (b) where the procuring agency requires signing of a written contract, from the date on which the signatures of both the procuring agency and the successful bidder are affixed to the written contract. Such affixing of signatures shall take place within a reasonable time:

Provided that where the coming into force of a contract is contingent upon fulfillment of a certain condition or conditions, the contract shall take effect from the date whereon such fulfillment takes place.

45. **Closing of contract.**– (1) Except for defect liability or maintenance by the supplier or contractor, as specified in the conditions of contract, performance of the contract shall be deemed close on the issue of over all delivery certificate or taking over certificate which shall be issued within thirty days of final taking over of goods or receiving the deliverables or completion of works enabling the supplier or contractor to submit final bill and the auditors to do substantial audit.

(2) In case of defect liability or maintenance period, defect liability certificate shall be issued within thirty days of the expiry of the said period enabling the supplier or contractor to submit the final bill. Except for unsettled claims, which shall be resolved through arbitration, the bill shall be paid within the time given in the conditions of contract, which shall not exceed sixty days to close the contract for final audit.

CHAPTER VIII MAINTENANCE OF RECORD AND FREEDOM OF INFORMATION

46. **Record of procurement proceedings.**– (1) All procuring agencies shall maintain a record of their respective procurement proceedings along with all associated documentation for a minimum period of five years.

(2) Such maintenance of record shall be subject to the regulations framed in this regard from time to time.

47. **Public access and transparency.**– As soon as a contract has been awarded the

procuring agency shall make all documents related to the evaluation of the bid and award of contract public:

Provided that where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring agency is convinced that such disclosure shall be against the public interest, it can withhold only such information from public disclosure subject to the prior approval of the PPRA.

CHAPTER IX REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

48. **Redressal of grievances by the procuring agency.**– (1) The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract.

(2) Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances not later than fifteen days after the announcement of the bid evaluation report under rule 35.

(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

(4) Mere fact of lodging of a complaint shall not warrant suspension of the procurement process.

(5) Any bidder not satisfied with the decision of the committee of the procuring agency may lodge an appeal in the relevant court of jurisdiction.

49. **Arbitration.**– (1) After coming into force of the procurement contracts, disputes between the parties to the contract shall be settled by arbitration.

(2) The procuring agencies shall provide for a method of arbitration in the procurement contract, not inconsistent with the laws of Pakistan.

50. **Mis-procurement.**– Any unauthorized breach of these rules shall amount to mis-procurement.

51. **Overriding effect.**– The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any other rules concerning public procurements:

Provided that the prevailing rules and procedures will remain applicable only for the procurement of goods, services and works for which notice for invitation of bids had been issued prior to the commencement of these rules unless the procuring agency deems it appropriate to re-issue the notice for the said procurement after commencement of these rules.

52. Public Private Partnership Projects.- (1) The rules under this part shall be applicable for procurement of goods, works and services through Public Private Partnership;

(2) The rules for procurement of goods, works and services in shall *mutatis mutandis* apply to the projects in which the design, financing and operations and maintenance will be undertaken under any of the following mode of procurement;

- (a) Service Contract
- (b) Management Contract
- (c) Lease Contract
- (d) Build, Operate and Transfer
- (e) Build, Own and Operate
- (f) Design, Build, Finance and Operate and Transfer
- (g) Build, Own, Operate, Transfer
- (h) Build, Lease and Transfer
- (i) Build and Transfer
- (j) Rehabilitate, Operate and Transfer
- (k) any combination or variation of the above modes or any other arrangement under PPP mode approved by the Public Private Partnership Board.

(3) The competent authority to approve PPP Projects and related processes for all sectors shall rest with the Public Private Partnership Board

(4) In case of any conflict in provisions or their interpretation within the rules, for PPP projects rules under this part shall take precedence over rules in other parts.

53. Procurement Process under Public Private Partnership.- (1) Some or all the functions and responsibilities of procurement planning and execution may be performed by the professional transaction advisers and consultants subject to approval by the Public Private Partnership Policy Board

(2) The Government shall appoint a committee for each Public Private Partnership project for technical and financial evaluation of the project. The terms of reference of each such committee shall be approved by the Government;

(3) Except otherwise provided in these rules all the Public Private Partnership contracts and concessions shall be granted through national or international open competitive bidding, as the case may be;

(4) The procuring agency may levy a reasonable fee for submitting requests for proposals. Such fee shall not exceed Rs. 100,000/-;

(5) Bidding documents shall be prepared according to Rule 23 and shall also include the following;

- (a) minimum design and performance standards and specifications, land and economic parameters;
- (b) draft concession or management contract;

- (c) other documents as may be deemed necessary by the procuring agency concerned;

(6) The instructions to bidders shall be unambiguous, comprehensive and fair to all bidders and shall, as far as necessary and practicable, include but not be limited to the following information;

- (a) general description and objectives of the project;
- (b) bid submission procedures and requirements, which shall include information on the manner of bid submission, the number of copies of bid proposal to be submitted, where the bids are to be submitted, the deadline for the submission of bids and permissible mode of transmission of bid proposals;
- (c) Government undertaking such incentives to be provided, subsidies debt financing, if any, and equity by government or other government guarantees;
- (d) bid security and bid validity period;
- (e) milestone bonding;
- (f) method and criteria, including the minimum amount and form of equity, for the evaluation of the bids;
- (g) formulas and indices to be used in the adjustments of tolls, fees, rentals, royalties and charges, where applicable;
- (h) requirements of concerned regulatory bodies, if any;
- (i) monetary rules and regulation governing foreign exchange remittances;
- (j) revenue sharing arrangements;
- (k) expected commissioning date.

(7) Minimum design and performance standards or specifications, including applicable environmental standards shall be clearly defined and shall refer more to the desired quantity and quality of the outputs of the facility and shall state that non-conformity with any of these minimum requirements shall render the bids as non-responsive. Likewise, the following economic and financial parameters, among others, shall be prescribed:

- (a) discount rate and foreign exchange rate as prescribed by the government, where applicable;
- (b) maximum period of project construction;
- (c) fixed term or variable term for project operation and collection of tolls, fees, rentals and charges authorized or approved by the government;
- (d) formula and price indices to be used for adjustments in tolls, fees, rentals and charges, in the case of Build Operate Transfer, Build Operate Own and other variations thereof authorized or approved by the government;
- (e) other financial features embedded in the Public Private Partnership project to enhance Value for Money.

54. Negotiations.- (1) Notwithstanding the provisions of Rule 40, negotiations may be permissible after the financial bids have been opened. In case the procuring agency has valid reasons, which

must be recorded in writing, that the financial offers are not providing best value for money or need changes, the procuring agency may invite sealed revised financial bids from all qualified bidders or through open bidding. The procuring agency shall keep complete minutes of the negotiation process;

(2) Direct negotiations shall be resorted to when there is only one complying bidder left as defined hereunder:

- (a) If, in response to advertisement, only one interested bidder responds for prequalification, and it meets the pre-qualification criteria;
- (b) If after advertisement, more than one interested bidders respond for pre-qualification, if any but only one of them meets the prequalification criteria;
- (c) After pre-qualification, if any, more than one interested bidders respond, and only one of them submits a bid, which is found by procuring agency to be complying;
- (d) After pre-qualification, if any, more than one interested bidders submits the bid, but only one is found by the procuring agency to be complying.

55. **Bid Evaluation.** - The best evaluated bid shall be determined on the basis of the following criteria;

- (1) Lowest bid in terms of user fees if the concession period is fixed.
- (2) Highest return or profit for the government if the concession period is fixed and the user fees is the same or lower than other bidder.
- (3) Shortest concession period if the user fee is fixed.
- (4) Lowest Net Present Value of return to the bidder if user fee, concession period and subsidy element is same as those of other bidders, if government equity is not involved.
- (5) Lowest amount of subsidy if the other considerations are almost same.
- (6) Any other factor deemed relevant to the particular project by the procuring agency.

56. **Award of Contract.**- Notwithstanding anything contained in these rules, award of contract under Public Private Partnership shall be based on the criteria of evaluation prepared by the procuring agency, and published along with the Request for Proposal. Subsequently, if procuring agency deems it necessary to change the evaluation criteria after the Request for Proposal has been issued, it shall issue fresh Request for Proposal to afford equal opportunity to all the interested bidders;

(2) In so far as applicable, the same rules provided for the evaluation of the technical and financial aspects of bid proposals in Part II shall be applied in the evaluation of single bid;

(3) The procuring agency concerned shall have the right to cancel bidding process, as provided in rules.

57. **Unsolicited Proposal.**- (1) To promote and invigorate innovation the government may

receive unsolicited proposals for Public Private Partnership investment from any source;

(2) The concerned procuring agency shall get the proposal reviewed by their respective technical committee to determine whether the project for which the proposal has been submitted is an appropriate project for implementation under Public Private Partnership mode. Such proposal, if found feasible for Public Private Partnership mode, shall be submitted to the Public Private Partnership Board, Government of Punjab for approval of concept. The concerned procuring agency shall carry out further process in collaboration with the Public Private Partnership Board, Government of Punjab.

(3) A prequalification process is not required in this case.

(4) Procuring agencies shall ensure competitiveness through advertising the proposed project for open bidding without disclosing the name of the initiator of unsolicited proposal. The initiator will be given five percent additional weightage on the combined secured score, technical and financial, in evaluation. If there is no other bid submitted in response to the competitive bidding, the procuring agency may award the contract to the initiator under these rules.

58. **Power to Frame Procedures.-** Public Private Partnership Board, Government of Punjab shall be empowered to devise guidelines and procedures for effective, efficient and transparent procurement process for Public Private Partnership projects, subject to concurrence by the Authority.

59. **Removal of Difficulties.-** To remove the difficulties with respect to any procurement related issues, not expressly covered in these rules, the procuring agencies or the Public Private Partnership Board shall refer the matter to the Authority for resolution. The Authority shall co-opt a representative of Public Private Partnership Board in a committee, formed to resolve such issues.

**CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB**

CHAPTER III

GENERAL REGULATIONS

1. In these Regulations, unless there is anything repugnant in the subject or context:
- (1) 'Academic Year' means the total period during which instruction is required for the purpose of any examination between the commencement of one examination and the commencement of the next examination 12 months later;
 - (2) 'Act', 'Regulations' and 'Rules' mean respectively the Act, the Regulations and the Rules of the Board;
 - (3) 'Board' means the Board of Intermediate and Secondary Education, Lahore, as constituted under sub-section (1) of section 5 and the Committees and Officers of the Board mentioned under section 18 and 13 respectively of the Punjab Boards of Intermediate and Secondary Education Act, 1976, severally or collectively, as the case may be, with reference to the context;
 - (4) 'Chairman', 'Secretary' and 'Controller' mean respectively the Chairman, the Secretary and the Controller of Examinations of the Board;
 - (5) 'Examination' means an examination conducted by the Board and includes an examination recognized as equivalent;
 - (6) 'Institution' means a school or college, or both or any other institution recognized as such by the Board;
 - (7) 'Modern' or 'Classical' or 'Cognate' Languages shall include such languages as may be determined by the Board;
 - (8) 'Prescribed' means prescribed in the regulations or prescribed by the Board, in any form, as the case may be;
 - (9) 'Recognized' means recognized by the Board;
 - (10) 'School' and 'College' mean respectively a school or a college recognized by the Board;
 - (11) 'Student' means a regular student on the rolls of a recognized institution;
 - (12) 'Teacher' means a person engaged in teaching work in a recognized institution or in an institution affiliated to a University or any other person recognized as such by the Board;
 - (13) The word importing the masculine gender shall be taken to include females and words in singular shall include the plural and vice-versa;

REGULATIONS
GENERAL REGULATIONS

- (14) Terms not expressly defined in the regulations shall bear an interpretation that may be determined by the Board.
2.
 - (1) Regulations or Rules may be made, repealed or amended in the following manner:
 - (i) Every draft of a regulation or a rule shall be considered in a meeting of the Board after it has been placed on the agenda.
 - (ii) The Board may approve such draft and pass the regulation or the rule with or without any amendment or may reject it, or refer it to any of the Committees for opinion.
 - (iii) When any regulation has been passed by the Board, it shall be submitted to Government for approval under section 20(1) of the Act.
 - (iv) The Board shall not consider a draft of any regulation affecting the status, power or constitution of any Committee until such Committee has been given an opportunity of expressing its opinion on the draft.
 - (v) The Board shall not consider a draft of any regulation or rule affecting matters that are to be considered by the Academic Committee until the Academic Committee has been given an opportunity of expressing its opinion on the draft.
 - (2) Regulations or rules shall take effect from the date of their approval unless any other date is specified therein as the date from which they are to come into force; provided that a regulation or a rule shall take retrospective effect only if it is not to the detriment of the interest of an employee, or a student, or a candidate for an examination of the Board, or a recognized institution.
3. The Board shall have the power to make regulations consistent with the Act on all or any of the following matters in addition to those given under section 20(2) of the Act:
 - (1) Admission of students to institutions;
 - (2) Procedure to be observed and enforced by institutions in respect of the transfer of students;
 - (3) Registration of students by the Board;
 - (4) Acceptance of endowment;
 - (5) Changes in dates of birth;
 - (6) Procedure to be observed at the meeting of the Board and its committees;
 - (7) All matters not provided for in the Act but decided by the Board to be included under regulations.

REGULATIONS

GENERAL REGULATIONS

4. The Board shall have the power to make rules consistent with the Act and the regulations, on all or any of the following matters in addition to those given under section 21 of the Act:
 - (1) Fixation and refund of fees;
 - (2) Appointment of examiners, their duties and powers;
 - (3) Conduct of examinations;
 - (4) Residence, discipline and welfare of students;
 - (5) General instruction to be observed by institutions;
 - (6) Instruction to institutions in respect of inspection;
 - (7) Remuneration to persons for any work connected with examinations conducted by the Board;
 - (8) Appointment, duties, powers, rates of payment etc. to persons appointed in connection with the examinations of the Board;
 - (9) Physical training in the institutions;
 - (10) Travelling and other allowances to be paid to persons engaged in any work connected with the Board;
 - (11) Changes in names of registered students;
 - (12) Equivalence of examinations;
 - (13) Withdrawal of admission forms;
 - (14) Condonation of deficiency in lectures;
 - (15) Constitution of examination centres;
 - (16) Award of scholarships, medals and prizes;
 - (17) Changes in subjects offered for an examination;
 - (18) Rustication and expulsion of students;
 - (19) Appointment of amanuensis;
 - (20) Changes of examination centres;
 - (21) Qualifications and mode of appointment of the employees of the Board;
 - (22) House building advances;
 - (23) Payment of insurance premia out of Provident Fund Account;
 - (24) Medical assistance for the employees of the Board;
 - (25) Advance from Provident Fund;
 - (26) All matters not provided for in the Act or regulations but decided by the Board to be included under rules.

REGULATIONS
GENERAL REGULATIONS

5. The date of birth of a candidate who has either applied for appearing in the Secondary School Examination or has already passed the examination, may be corrected; provided that:

- (1) The application is made within 2 years from the declaration of the result of Secondary School Examination on payment of Rs.1,000/-; or from 2 to 5 years on payment of Rs.2,000/-; or within ten years on payment of Rs.3,000/-; or after ten years on payment of Rs.4,000/- as a special fee; provided further that the fee once received shall not be refunded.
- (2) The Board is satisfied after enquiry and inspection of School records pertaining to the first admission of a particular candidate in a recognized school that the mistake was due to a clerical error in transferring the date of birth from one record, register or document to another record, register or document.

OR

If the entry of the date of birth on first joining a recognized school is not available or is reported to be incorrect, then the birth certificate containing all entries pertaining to his name in the Municipal Birth Register be supplied; provided that the name of the candidate and the name of the father of the candidate are clearly mentioned in these entries;

Provided further that the Board shall consider only that entry of date in Municipal Birth Register which is made within one year after birth.

OR

If the entry of the date of birth of son/daughter of a military personnel on first joining a recognized school is available but reported to be incorrect, then the Casualty Report (Birth Certificate) containing all entries pertaining to the name in the Central Officer's Record Office (GHQ) Rawalpindi, and in the relevant regimental centres for other ranks be supplied provided that the name of the candidate and the name of the father of the candidate are clearly mentioned in these entries;

OR

If the entry of the date of birth of son/daughter of Air Force/Naval personnel on first joining a recognized school is available but reported to be incorrect, then the Casualty Report (Birth Certificate) containing all entries pertaining to the name in the P.A.F. Record Office, Mauripur, Karachi and the Naval Headquarters, Karachi be supplied provided that the name of the candidate and the name of the father of the candidate are clearly mentioned in these entries.

- (3) The School records are corrected in the same manner as the records in the office of the Board.
- (4) Notwithstanding anything contained in this regulation, the Chairman may accept a certificate of a School duly attested by the foreign mission of Pakistan in a foreign country.

REGULATIONS
GENERAL REGULATIONS

6. (1) Offers relating to medals, prizes, scholarships and other rewards of a recurring nature shall be accepted only when permanent endowments are made.
- (2) The following shall be the minimum value for endowments:
- | | | |
|-----|--------------------|------------|
| (a) | For a Gold Medal | Rs.3,000/- |
| (b) | For a Silver Medal | Rs.1,000/- |
| (c) | For a Prize | Rs.2,000/- |
| (d) | For a Scholarship | Rs.8,000/- |
- (3) Before determining the conditions, subject to which an endowment is accepted, the Board shall consult the donor and give effect to his wishes as far as possible.
- (4) Money received in cash shall be invested in Government securities.
- (5) When an endowment is earmarked by the donor for a candidate of particular institution or sex, a minimum standard of efficiency shall be laid down for the award.
- (6) When the conditions of an award become impracticable, the Board shall have power to alter the conditions of the endowment in conformity with the original wishes of the donor, in as near a way as possible.
- (7) The Finance Committee shall satisfy itself in the case of every endowment that the conditions laid down by the Board are satisfied.
- (8) A separate account shall be maintained for each endowment and surplus, if any, shall be added to the endowment.
7. Notwithstanding anything to the contrary in the regulations, the Board shall have the power to extend the last date for the receipt of admission forms and fee on such conditions as it may prescribe.
8. Notwithstanding anything to the contrary in the regulations, the Committee of Courses shall follow the following schedule of dates for recommending the syllabuses, courses of study, text-books and appointment of examiners:
- (1) Syllabuses, Courses of Study, Textbooks and Appointment of Paper Setters before the 15th of May each year;
 - (2) Appointment of Sub-Examiners and co-Head Examiners for Secondary School Examination before the end of December each year;
 - (3) Appointment of Sub-Examiners and co-Head Examiners for other examinations before the end of January each year;

Provided that in the absence of the recommendations of Committees of Courses, the Courses of Study for the previous year may be prescribed for the next year and the appointments of examiners may be made more or less on the basis of the previous year's list.

REGULATIONS
GENERAL REGULATIONS

9. Notwithstanding anything to the contrary in the regulations, the Board or a Committee may, at its discretion, delegate any of its powers to a Committee, a sub-Committee, or the Chairman, or any other officer of the Board. The Board or a Committee or the Chairman may set up sub-Committees for specific purposes and delegate to the sub-Committee such powers as may be deemed necessary by them for that purpose.

10. Notwithstanding anything to the contrary in the regulations and rules, if, in the opinion of the Chairman, there is a case of real hardship due to causes beyond the control of a student or a candidate for an examination of the Board, the Chairman may pass such orders as he may deem necessary to relieve that hardship. The orders of the Chairman, passed under this regulation, shall be reported to the Board for information;

Provided that such orders of the Chairman shall not alter the award of marks, obtained by a candidate or his result, determined on the basis of that award.



CHAPTER IV

RECOGNITION OF INSTITUTIONS

Section I

Definitions and General

1. (i) 'High School' means an institution preparing students for the Secondary School Examination of the Board.
(ii) 'Institutions other than High Schools' include:
 - (a) Intermediate Colleges;
 - (b) Intermediate classes of colleges affiliated to the University of the Punjab;
 - (c) Institutions preparing candidates for Languages Examinations;
 - (d) Such other institutions or classes as may be determined by the Board.
2. No person, except as otherwise provided for in the Regulations, shall be admitted as a candidate at any examination conducted by the Board unless he produces a certificate from an institution to the effect that he has completed the prescribed Course of Instruction.
3. Every institution other than a Government and Semi-Government shall have either a regular guaranteed income from immovable property or a separate endowment fund.
4. No application for recognition of a new institution, other than a Government institution, shall be entertained unless full facts regarding Endowment Fund or the guaranteed income are available. The Endowment Fund shall be deposited in a bank to be approved by the Board or placed in Government approved Securities in the joint name of the Board and the institution. This fund shall not be used for current expenses. Annual guaranteed income shall be deposited annually in a bank to be approved by the Board in the joint name of the Board and the institution. When the amount in this fund is equal to the amount of Endowment Fund required under regulations or rules, the additional income may be utilized for the current expenses of the institution. No institution shall be allowed to transfer any portion of its immovable property without permission of the Board so long as the requisite amount of Endowment Fund is not deposited in the joint name of the Board and the institution.
5. Each year immediately after the publication of examination results, the Secretary shall prepare a list of recognized institutions which have failed to obtain an average of 33 percent of passes in the three preceding examinations, including the examination which has ended. The Board may then arrange for a special inspection of any such institution with a view to ascertaining the competence of the staff, the nature of the teaching, and the mode in which class promotions are given.
6. All the recognized institutions within the jurisdiction of the Board shall make available to the Board accommodation and furniture for holding the various Boards' examinations and shall also make available the required supervisory staff duly selected by the Board.

REGULATIONS
RECOGNITION OF INSTITUTIONS

Section II

Recognition of High Schools

7. High Schools shall be recognized for the purpose of Secondary School Examination when the Board is satisfied that the following conditions are fulfilled:
- (1) that financial stability is reasonably assured;
 - (2) that in the case of privately-managed schools, the Managing Committee is properly constituted, registered and regularly functioning;
 - (3) that it teaches proper subjects upto the proper standard and that due provision is made for the instruction, health, recreation and discipline of pupils;
 - (4) that no books are taught which are disapproved by the Board or the Education Department;
 - (5) that admission to any class or section of a class shall be limited to a maximum of 45 in a class or section of a class;
 - (6) that the school is housed in a building which is suitable as regards accommodation, sanitary arrangements and location and conforms to the prescribed standards;
 - (7) that due provision will, so far as circumstances may permit, be made for the residence of the head of the institution in or near the institution or the place provided for the residence of the students;
 - (8) that provision has been or shall be made in conformity with the rules and regulations laid down by the Board for the residence in the hostels or in lodgings approved by the institution, of students not residing with their parents or guardians, and for the supervision and physical and general welfare of students;
 - (9) that the school is provided with suitable equipment and furniture, including apparatus and equipment for science subjects and other subjects in which practical work is conducted, in accordance with the lists prescribed by the Board;
 - (10) that the school maintains a library containing minimum number of books prescribed by the Board. If not, the institution shall undertake to incur an expenditure of Rs.10,000/- in the first year and Rs.2,500/- per annum in the subsequent years or such amount as may be prescribed by the Board from time to time for the purchase of library books.
 - (11) that teachers are suitable as regards character, number and qualifications;
 - (12) that the teachers engaged are whole-time employees;
 - (13) that the minimum salary paid to the teachers in the school is such as may be prescribed by the Board or Government;

REGULATIONS
RECOGNITION OF INSTITUTIONS

- (14) that in the case of privately-managed schools, all teachers, whether temporary or permanent, shall be employed on a written agreement stating clearly the terms on which they are engaged;
 - (15) that the school maintains Provident Fund Account or Pension or both for its teachers;
 - (16) that inter-school rules are observed;
 - (17) that the candidates shall not be prepared and sent up for examinations conducted by any other University or Board when the examination of the same nature is held by the Board;
 - (18) that the school maintains such registers and records as may be prescribed by the Board or the Education Department;
 - (19) that the Middle Department of the school is recognized by the Education Department of the Division in which the school is situated;
 - (20) that the school undertakes to observe any rules that may be framed by the Board from time to time and to supply such reports, returns and other information as the Board may require to judge the efficiency of the school.
8. Recognition of schools within the jurisdiction of the Board may be granted if such schools have fulfilled conditions of recognition and are inspected by an Inspection Committee appointed by the Board.
9. The Board may recognize an institution as Special Type for the purposes of admitting its candidates to the Secondary School Examination as regular students; provided that the school fulfils:
- (1) the conditions laid down for the recognition of a High School;
 - (2) such other conditions as may be laid down by the Board from time to time.

Section III

Recognition of Institutions other than High Schools

10. An institution other than a high school shall be recognized when the Board is satisfied that the following conditions are fulfilled:
- (1) that the institution is under the management of a regularly constituted governing body which is registered and regularly functioning;
 - (2) that the financial resources are such as to make due provision for the continued maintenance and efficient working of the institution;
 - (3) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction and teaching or training to be undertaken by the institution;
 - (4) that admission to any class or section of a class shall be limited to maximum of 75 or as may be laid down by the Board from time to time;

REGULATIONS
RECOGNITION OF INSTITUTIONS

- (5) that the buildings in which the institution is located are suitable and that provision will be made in conformity with the rules and regulations laid down by the Board for the residence in the hostels or in lodgings approved by the institutions, of students not residing with their parents or guardians and for the supervision and physical and general welfare of students;
- (6) that proper grounds are available, suitable provision is made for regular games and sports and a suitably qualified Director of Physical Education is engaged by the institution;
- (7) that due provision has been or will, so far as circumstances may permit, be made for the residence of the Head of the institution and some members of the teaching staff in or near the institution or the place provided for the residence of the students;
- (8) that where recognition is sought in any branch of experimental science, arrangements have been or shall be made for imparting instruction in that branch of science in a properly equipped laboratory;
- (9) that due provision has been or will be made for a library and that the institution shall undertake to incur an expenditure of Rs.15,000/ in the first year and Rs.5,000/ per annum in the subsequent years or such amount as may be prescribed by the Board from time to time for the purchase of library books;
- (10) that any specific fee charged from the students is spent in full for the purpose for which it is charged;
- (11) that the teachers employed are suitable as regards character, number and qualifications;
- (12) that teachers engaged are whole-time employees and that if part-time teachers are engaged, prior permission of the Board shall be taken;
- (13) that the minimum salary paid to the teachers shall be such as may be prescribed by the Board;
- (14) that all teachers, whether temporary or permanent, shall be employed on a written agreement stating clearly the terms on which they are engaged;
- (15) that the institution maintains Provident Fund Account or Pension or both for the teachers;
- (16) that inter-institutional rules are observed;
- (17) that candidates shall not be prepared and sent up for any examination conducted by another University or Board, when the examination of the same nature is held by the Board;
- (18) that the institution maintains such registers and records as may be prescribed by the Board;
- (19) that the institution undertakes to observe any Rules that may be framed by the Board from time to time and to supply such reports and returns and other information as the Board may require to judge the efficiency of the institution.

REGULATIONS
RECOGNITION OF INSTITUTIONS

11. Unless specifically permitted by the Board, no institution desiring recognition shall admit students until the recognition is finally granted.
12. The institution desiring recognition shall make an application on a form prescribed by the Board before 31st January of the year in which it is desired to start classes;
- Provided (i) the last date for submission of applications for recognition in the case of an institution maintained by the Government shall be 15th July of the year;
- Provided (ii) the delay in submitting an application may be condoned by the Board in special circumstances.
13. (1) On receipt of an application, the Board shall:
- (i) direct a local enquiry to be made by a competent person or persons authorized by the Board in this behalf in respect of the matters referred to in regulation 10, and such other matters as may be considered necessary and relevant;
 - (ii) make such further enquiry as may be necessary;
 - (iii) report to the Board on the question whether the application should be granted or refused, either in whole or in part, on a permanent basis or provisionally for a specified period subject to such conditions as may be necessary in respect of the matters mentioned in regulation 10, embodying in such report the result of any enquiry under sub-section (i) and (ii) above.
- (2) On receipt of the report under sub-section (iii) above, the Board shall, after such further enquiry, if any, as may appear to them to be necessary, decide whether the recognition shall be refused or granted, in whole or in part, on a permanent basis or provisionally for a specified period subject to such conditions as may be necessary in respect of matter mentioned in regulation 10.
- (3) Recognition granted provisionally for a specified period, if not extended or made permanent, shall lapse automatically at the end of the period for which it was granted.

The regulations, as amended above, shall be deemed to have come into force from 1st January, 1957.

Transitory Regulations

14. When an institution desires to add to the courses of instruction in respect of its recognition, the procedure prescribed for recognition, so far as may be, shall be followed.
15. The Board shall cause the recognized institution to be inspected from time to time by one or more competent persons.
16. The Board may call upon any institution so inspected to take, within a specified period, such action as may appear to the Board to be necessary in respect of any matters.

REGULATIONS
RECOGNITION OF INSTITUTIONS

17. The rights conferred on an institution by recognition may be withdrawn in whole or in part or modified if such an institution fails to continue to satisfy the condition of its recognition or if the institution is conducted in a manner which is prejudicial to the interests of education.
18. A motion for the withdrawal or modification of such rights may be moved in the Board by any member thereof. The member of the Board who intends to move that the rights conferred on any institution be withdrawn in whole or in part or modified, shall give notice of his motion and shall state the grounds on which the motion is made.
19. Before taking such a motion into consideration, the Board shall send a copy of the notice and of the written statement submitted by the member of the Board to the Head of the institution concerned together with an intimation that any reference in writing submitted on behalf of the institution within a period specified in such an intimation may be considered by the Board; provided that the period so specified may, if necessary, be extended by the Board.
20. On receipt of the report or on the expiry of the specified period, the Board, after considering the notice of motion, statement, and report, if any, and after such inspection by any competent person or persons authorized by the Board in this behalf and such further enquiry as may appear to the Board to be necessary, shall make such orders as the circumstances may require.

Section IV

Approval of Staff and Teaching Hours in Institutions other than High Schools

21. (1) The following shall be the minimum qualifications of teachers appointed in the institutions:
 - (i) Lecturers for 11th and 12th Classes Master's Degree in the subject in the Second Division.
 - (ii) Demonstrator for 11th and 12th Classes Bachelor's Degree in the subject.
 - (iii) Director of Physical Education A Graduate with a diploma in Physical Education from a recognized institution.
 - (iv) Librarian A Graduate with a diploma in Library Science from a recognized institution.

Provided that the minimum qualifications of teachers of classes 9th & 10th in composite institutions, having Secondary and Intermediate classes (classes nine to twelve) together, shall be the same as are mentioned above except in the case of special subjects like Drawing; provided further that if, in any case, a person holding lesser qualification is proposed to be appointed, his appointment shall be subject to the approval of the Chairman.

REGULATIONS
RECOGNITION OF INSTITUTIONS

- (2) Persons with Second Class Master's Degree in subjects other than English are permitted to teach English Composition; provided that the subjects in which they hold the Second Class Master's Degree are taught by persons properly qualified to do so.
22. All appointments and all changes in the staff of an institution shall be reported to the Board as soon as they are made.
23. In Science subjects, institutions shall provide at least one teacher for every 20 or fraction of 20 students doing laboratory work at the same time.
24. The maximum number of teaching periods including tutorials and seminars prescribed for different categories of teachers in the institutions shall, in the case of teachers for Intermediate classes, be 24 periods of 45 minutes each per week including the periods devoted by such teachers to the teaching of Degree classes, where these classes are held in the same institution.
25. In Intermediate classes, three periods of science practical shall be counted as equal to two lectures.

Section V

Admission of Students to Institutions other than High Schools

26. The admission to the 11th class shall begin on the tenth day after the publication of the Secondary School Result or on such other date as may be fixed by the Board and shall continue for ten days.

Note:

A candidate whose success in the Secondary School Examination was declared late or who qualified in the Secondary School Supplementary Examination may be admitted to the 11th Class within 10 working days after the declaration of his result; provided that an institution may admit such a student upto 20th working day after the declaration of the result or upto 30th November whichever is later by charging a late fee of Rs.400/- payable to the Board. The amount of fee may be revised by the Board from time to time.

27. A student who has completed the course but does not appear in the Annual Examination or having appeared has failed in the examination, shall be eligible to join the 12th class not later than 10 days after re-opening of the institution after summer vacation or of the declaration of the examination result. A student who has appeared in the Supplementary Examination shall be eligible to join the 12th class not later than 10 days after the declaration of his examination result.
28. After the normal dates of admission prescribed in regulations 26 and 27 above, the Head of an institution may admit a student upto the 15th day from the closing date by charging a late fee of Rs.200/- and upto one calendar month from the closing date by charging a late fee of Rs.300/-. No credit shall be given for any holidays either at the end of the month or in the intervening period except that when the summer vacation begins before the expiry of one calendar month, the institution concerned may permit admission for the un-expired portion of the month from the date of the re-opening of the institution after the summer vacation;

REGULATIONS

RECOGNITION OF INSTITUTIONS

Provided that the Chairman may, in order to avoid real hardship, permit late admission to the 11th class uptill 30th November, on payment of Rs.400/- to the Board. The amount of fee may be revised by the Board from time to time.

Notwithstanding anything contained in this regulation, the Chairman may, in the case of a student who had been awarded scholarship by the Board or Government, permit late admission to the 11th class within ten days of the receipt of intimation of the award of scholarship by the student.

29. Admission to the Adib, Alim and Fazil classes shall begin on 15th September or on earlier date to be fixed by the Head of the institution and shall continue for ten days. The Head of the institution may admit a student upto the 15th day from the closing date by charging a late fee of Rs.200/-, and upto one calendar month from the closing date by charging a late fee of Rs.300/-. The Chairman may, in order to avoid real hardship, permit late admission to these classes upto the 15th December of the year preceding the examination.

Section VI

Inter-Transfer of Students in Recognized Institutions other than High Schools

30. No student who has joined one institution, shall be admitted to any other institution during the same course unless:
- (1) he applies to the Board on a prescribed form through the Principal of the institution to which he belongs;
 - (2) the Head of the institution to which he wishes to migrate gives his consent;
 - (3) he obtains a Leaving Certificate from the Head of the institution to which he belongs after his migration has been sanctioned by the Board;
 - (4) one or other of the following conditions is satisfied:
 - (i) that a change of residence of his father or guardian has made it necessary for a student to change his institution;
 - (ii) that the father or guardian of the student objects within three months to the admission of the student to that institution;
 - (iii) that a student wishes to take up another subject which is not taught in the institution (the letter sanctioning the migration shall specify this fact and the students shall offer the new subject for the examination);
 - (iv) that a student seeks migration owing to change of financial circumstances (such cases should be supported by a certificate from the Head of the institution);
 - (v) that in the interest of discipline of an institution, Heads of the institutions agree.
31. No application for transfer shall be entertained unless the student's statement is supported by his Principal who, in the case of migration of students who are provisionally promoted or detained, shall state all the relevant facts on the application.

REGULATIONS
RECOGNITION OF INSTITUTIONS

32. If a student's name is struck off the rolls of an institution, such student may be re-admitted at any time during the same academic year to the same institution from which his name was struck off. Such a student may, at the commencement of the next academic year, be admitted to the same class in the same or in any other institution on production of Leaving Certificate from the institution he last attended not later than the date prescribed for late admission; provided it does not involve any infringement of the rules laid down (a) defining two academic years preceding the examination; and (b) regarding rustication and expulsion of students.
33. In institutions where fees are charged, students shall be charged fees from the 1st of May. Students of the Intermediate classes shall pay tuition fee for 24 months. A second tuition fee for the same month shall not be charged from a student migrating from one institution to another.

Explanation:

An institution is entitled to the tuition fees for the month in which the student leaves the institution; the other institution to which he migrates is not entitled to the fee for the fraction of a month.

34. As far as possible, local migration shall not be permitted.
35. In cases of special hardship, the Chairman shall have the power to authorize transfer from one institution to another, not covered in the regulations.

