

## بلوچستان

## صوبائی

## اسمبلی

## سیکرٹریٹ

بروز ہفتہ مورخہ 24 ستمبر 2022ء بوقت سہ پہر 3:00 بجے منعقد ہونے والے بلوچستان صوبائی اسمبلی کے اجلاس کی

## ترتیب کارروائی

## تلاوت قرآن پاک و ترجمہ

(1)

(2) مورخہ 22 ستمبر 2022ء کی اسمبلی نشست میں پیش کردہ قرارداد نمبر 147 پر باقی ماندہ اراکین اسمبلی کی جانب سے بحث۔

## سرکاری کارروائی برائے قانون سازی

(3)

(i) بلوچستان ایجوکیشن فاؤنڈیشن کا (ترمیمی) مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 31 صدرہ 2022) کا پیش و منظور کیا جائے۔

(i) وزیر برائے محکمہ تعلیم، بلوچستان ایجوکیشن فاؤنڈیشن کا (ترمیمی) مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 31 صدرہ 2022) ایوان میں پیش کریں گے۔

(ii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ایجوکیشن فاؤنڈیشن کا (ترمیمی) مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 31 صدرہ 2022) کو قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ 84 اور (2) 85 کے تقاضوں سے Exempt قرار دیا جائے۔

(iii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ایجوکیشن فاؤنڈیشن کا (ترمیمی) مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 31 صدرہ 2022) کو فی الفور زیر غور لایا جائے۔

(iv) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ایجوکیشن فاؤنڈیشن کا (ترمیمی) مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 31 صدرہ 2022) کو منظور کیا جائے۔

(جاری صفحہ۔۔ 2)



(۲) بلوچستان ڈیولپمنٹ اینڈ سپرویزن آف کریکولہ، ٹیکسٹ بکس اور مینیٹیننس آف سٹینڈرڈز آف ایجوکیشن کا مسودہ قانون  
صدرہ 2022 (مسودہ قانون نمبر 32 صدرہ 2022) کا پیش و منظور کیا جانا

(i) وزیر برائے محکمہ تعلیم، بلوچستان ڈیولپمنٹ اینڈ سپرویزن آف کریکولہ، ٹیکسٹ بکس اور مینیٹیننس آف سٹینڈرڈز آف  
ایجوکیشن کا مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 32 صدرہ 2022) ایوان میں پیش کریں گے۔

(ii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ڈیولپمنٹ اینڈ سپرویزن آف کریکولہ، ٹیکسٹ بکس اور مینیٹیننس  
آف سٹینڈرڈز آف ایجوکیشن کا مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 32 صدرہ 2022) کو قواعد انضباط  
کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ 84 اور (2) 85 کے تقاضوں سے Exempt قرار دیا جائے۔

(iii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ڈیولپمنٹ اینڈ سپرویزن آف کریکولہ، ٹیکسٹ بکس اور مینیٹیننس  
آف سٹینڈرڈز آف ایجوکیشن کا مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 32 صدرہ 2022) کو فی الفور زیر غور  
لایا جائے۔

(iv) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان ڈیولپمنٹ اینڈ سپرویزن آف کریکولہ، ٹیکسٹ بکس اور مینیٹیننس  
آف سٹینڈرڈز آف ایجوکیشن کا مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 32 صدرہ 2022) کو منظور کیا جائے

(۳) بلوچستان پرائیویٹ ایجوکیشنل انسٹیٹیوشنز رجسٹریشن، ریگولیشن اور پروموشن کا مسودہ قانون صدرہ 2022ء (مسودہ قانون  
نمبر 33 صدرہ 2022) کا پیش و منظور کیا جانا۔

(i) وزیر برائے محکمہ تعلیم، بلوچستان پرائیویٹ ایجوکیشنل انسٹیٹیوشنز رجسٹریشن، ریگولیشن اور پروموشن کا مسودہ قانون صدرہ  
2022ء (مسودہ قانون نمبر 33 صدرہ 2022) ایوان میں پیش کریں گے۔

(ii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان پرائیویٹ ایجوکیشنل انسٹیٹیوشنز رجسٹریشن، ریگولیشن اور پروموشن کا  
مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 33 صدرہ 2022) کو قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ  
1974ء کے قاعدہ 84 اور (2) 85 کے تقاضوں سے Exempt قرار دیا جائے۔

(iii) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان پرائیویٹ ایجوکیشنل انسٹیٹیوشنز رجسٹریشن، ریگولیشن اور  
پروموشن کا مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 33 صدرہ 2022) کو فی الفور زیر غور لایا جائے۔

(iv) وزیر برائے محکمہ تعلیم، تحریک پیش کریں گے کہ بلوچستان پرائیویٹ ایجوکیشنل انسٹیٹیوشنز رجسٹریشن، ریگولیشن اور پروموشن کا  
مسودہ قانون صدرہ 2022 (مسودہ قانون نمبر 33 صدرہ 2022) کو منظور کیا جائے۔



(۴) بلوچستان تنازعات کے متبادل حل کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 34 صدرہ 2022) کا پیش کیا جانا۔

وزیر برائے محکمہ صنعت و حرفت، بلوچستان تنازعات کے متبادل حل کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 34 صدرہ 2022) ایوان میں پیش کریں گے۔

بیکر ٹری  
بلوچستان صوبائی اسمبلی

کوئٹہ  
مورخہ 23 ستمبر 2022ء



**BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**  
**THE BALUCHISTAN EDUCATION FOUNDATION (AMENDMENT) BILL NO.**  
**31 OF 2022**

**A**  
**Bill**

to amend further the Baluchistan Education Foundation Act, 1994  
(Act VII of 1994)

**Preamble.**

**WHEREAS**, it is expedient to amend the Baluchistan Education Foundation Act, 1994 (Act VII of 1994) in the manner hereinafter appearing;

It is hereby enacted as follows:

- |   |    |  |
|---|----|--|
| <b>Short title and commencement.</b>            | 1. | (1) This Act may be called the Baluchistan Education Foundation (Amendment) Act, 2022.<br><br>(2) It shall come into force at once.  |
| <b>Amendment of Section 1, Act VII of 1994.</b> | 2. | In the Baluchistan Education Foundation Act, 1994 (Act VII of 1994), hereinafter referred to as "the said Act", in section 1 in sub section (2), the words "except Tribal Areas" shall be omitted.   |
| <b>Amendment of Section 2, Act VII of 1994.</b> | 3. | In the said Act, in section 2, clause "(ha)" shall be omitted.   |
| <b>Amendment of Section 4, Act VII of 1994.</b> | 4. | In the said Act, in section 4 in sub section (2) and (3) for the word "Governor" the word "Government" shall be substituted.   |
| <b>Amendment of Section 5, Act VII of 1994.</b> | 5. | In the said Act, in section 5, -<br>(a) for sub section (1), the following shall be substituted, -<br>"(1) There shall be a Board of Directors of the Foundation to be constituted afresh consisting of fifteen official and non official members including the Chairman, as may be appointed by the Government by a notification to be published in the official Gazette: |

Provided that not more than seven shall be official members.



Provided further that the existing Board shall stand dissolved on commencement of this Act."; *and*

(b) In sub sections (2), (3) and (4), for the word "Governor" wherever appearing the word "Government" shall be substituted.

- |  |     |  |
|--|-----|--|
| <b>Amendment of Section 6, Act VII of 1994.</b>  | 6.  | In the said Act, in section 6 in sub section (2) for the words "Managing Director" the word "Chairman" shall be substituted.             |
| <b>Amendment of Section 7, Act VII of 1994.</b>  | 7.  | In the said Act, in section 7 in sub sections (1), (2), (4) and (5), for the word "Governor" the word "Government" shall be substituted. |
| <b>Amendment of Section 8, Act VII of 1994.</b>  | 8.  | In the said Act, in section 8 for the word "Governor" the word "Government" shall be substituted.  |
| <b>Amendment of Section 24, Act VII of 1994.</b> | 9.  | In the said Act, in section 24 for the word "Governor" appearing twice, the word "Government" shall be substituted.                      |
| <b>Amendment of Section 26, Act VII of 1994.</b> | 10. | In the said Act, in section 26 for the word "Governor" the word "Government" shall be substituted.                                       |



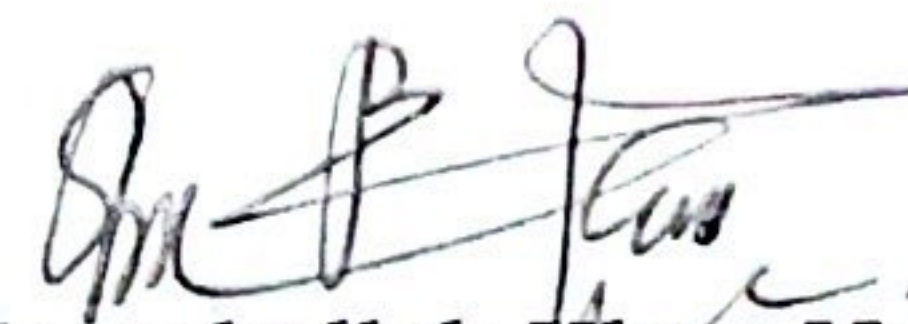
## **Statement of objects and reasons**

Balochistan Education Foundation (BEF) is a statutory body to facilitate educational institutions in the private sector in Balochistan. The BEF was established in 1994 under Balochistan Education Foundation Act, 1994 under the direct supervision of Provincial Government under Section (2) (h) of BEF Act, 1994.

In 2004, an Amendment was made to the ibid Act in which the word "Government" was substituted with the word "Governor". As a result of the Amendment, the control of the foundation switched to Governor from the Government of Balochistan.

After 18<sup>th</sup> Amendment, Education became a provincial subject and for better management and optimal utility it is imperative to bring the foundation back in the administrative control of the provincial Government.

Thus, an Amendment to the BEF Act, 1994 and the BEF (Amendment) Act, 2004 is proposed to transfer the administrative control of foundation to Government of Balochistan from the Governor Balochistan. For this, the proposed draft Bill entitled as "The Balochistan Education Foundation (Amendment) Bill, 2022" duly approved by the Provincial Cabinet is placed before the Provincial Assembly for approval.



**(Mir Naseebullah Khan Marri)**  
**Minister of Education**  
**Government of Balochistan**



# **BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

## **THE BALUCHISTAN DEVELOPMENT AND SUPERVISION OF CURRICULA, TEXTBOOKS AND MAINTENANCE OF STANDARDS OF EDUCATION BILL NO. 32 OF 2022**

### **A**

### **Bill**

to provide for Provincial Supervision of Curricula, Textbooks and Maintenance of Standards of Education.

#### **Preamble.**

**WHEREAS**, it is necessary to provide for the building up of provincial and national cohesion by promoting social and cultural harmony and designing curricula relevant to the nation's changing social and economic needs, compatible with the basic national ideology and providing massive shift from general education to more purposeful quality education based on science, information technology and agro technology and entrust the province to prepare, develop and supervise curricula and textbooks for various classes and maintenance of standards of education:

It is hereby enacted as follows:

#### **Short title, extent and commencement.**

1. (1) This Act may be called "the Baluchistan Development and Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act, 2022".

(2) It extends to whole of Baluchistan, except the Tribal Areas.

(3) It shall come into force at once.

#### **Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "**Act**" means the Baluchistan Development and Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act, 2022;

(b) "**Agency**" means any department or organization or directorate of the Government and includes a corporation or other autonomous or semi-autonomous body set up by the Government or Department, Bureau, Section, Commission, Administrative Division or District Board, Office or Unit of the Government, NGO or Private Institution;



- (c) **"Competent Authority"** means an authority appointed as such under section 3;
- (d) **"Government"** means the Government of Balochistan;
- (e) **"Institution"** means a special education centre for all kinds of disabilities, non formal education centers, schools, college or university of general, technical, special and non formal education and includes such other educational establishment or organization in public and private sector, as the Balochistan Government may, by notification in the official Gazette, specify to the purposes of this clause from time to time;
- (f) **"Prescribed"** means prescribed by rules made under this Act;
- (g) **"Standards of Education"** includes standards of school, college, university, non formal and special education; and
- (h) **"Textbook"** means a book or work which is printed, published or sold for introduction in institution as material for study, by or under the authority or with the approval of Competent Authority. It includes every volume, part of division of a volume and pamphlet in any language and every sheet of music, map, chart or plan, separately printed or lithographed and also includes its translation in any language.

**Appointment,  
powers and  
duties of the  
Competent  
Authority.**

3. (1) The Government may, by notification in the official Gazette, appoint one or more Competent Authorities as prescribed, for carrying out the purposes of this Act.

(2) The Competent Authority may for carrying out the purposes of this Act,-

- (a) prepare or cause to be prepared, schemes of studies, curricula, manuscripts of textbooks, standards of education and schedules or strategy for their introduction in various classes of an institution in connection with the implementation of the



education policy of the Government;

- (b) approve manuscripts of textbooks produced by any person or agency and standards of education before they are prescribed in various classes of an institution;
- (c) regulate and control printing, publication and sale of textbooks; other reference materials and also ensure maintenance of standards of education:

Provided that the Competent Authority shall not permit the publication of guess papers; get through guides or sub-standard reference material, detrimental for examination and assessment purposes; or of any material which contains anything repugnant to the injunction of Islam or the defence, integrity or solidarity of Pakistan;

- (d) direct any person or agency, in writing, to delete, amend or withdraw any portion or whole of the curriculum, textbook or reference material prescribed for any class of the institution within a period specified in such directive; and
- (e) prohibit any person or agency in writing to produce, print, publish or sell any book/textbook and any reference material prescribed for any class of an institution within a period specified in such directive.

(3) No reference material shall be published without prior permission of the Competent Authority.

(4) Action, for achieving the purpose of this Act, on the directives of the Competent Authority under section 3, sub-section (2), clause (d), shall be taken as soon as possible by the person or agency or institution and an implementation report shall be submitted to the Competent Authority within such period as may be laid down in the directive.



- Penalty.** 4. If any person, responsible for the conduct of the affairs of any agency, to which a directive has been issued under section 3, sub-section (2), clause (d), fails to carry it out, shall be punishable with imprisonment for a term which may extend upto two years and shall also be guilty of gross misconduct; and such person or agency shall be disqualified by order of the Competent Authority for a period which may extend up to five years.
- Jurisdiction of try offences.** 5. No court other than a court of Magistrate 1<sup>st</sup> class having territorial jurisdiction where the cause of action occurred, shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by an officer duly authorized by the Competent Authority.
- Indemnity.** 6. No suit, prosecution or other legal proceeding shall lie against Competent Authority or any person acting on its behalf for anything which is done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.
- Powers to make rules.** 7. The Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.
- Regulations.** 8. Subject to the Act and the rules framed thereunder, the Competent Authority may, with the prior approval of the Government, make regulations for all matters not provided for in the rules for which provision is necessary for carrying out the purposes of the Act and the rules.
- Removal of Difficulties.** 9. If any difficulty arises in given effect to any of the provisions of this Act the Government may give such directions as it may consider necessary for the removal of such difficulty.
- Repeal and Saving.** 10. (1) The Federal supervision of Curricula, Textbooks and Maintenance of Standards of Education Act 1976, (Act No. X of 1976) in its application to the extent of the province of Balochistan is hereby repealed.
- (2) Notwithstanding the repeal of the enactments mentioned in sub-section (1) anything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorized, jurisdiction or powers conferred, rules made and orders issued under any of the said enactments shall, if not inconsistent with the provision of this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.



**STATEMENT OF OBJECTS AND REASONS**

After 18<sup>th</sup> Constitutional Amendment, Education as a subject had been fully devolved to Provinces. It is imperative to provide for Provincial Supervision of Curricula, Textbooks and Maintenance of Standards of Education, which is critical for provincial and national cohesion by promoting social and cultural harmony and designing curricula relevant to the nation's changing social and economic needs, compatible with the basic national ideology and providing massive shift from general education to more purposeful quality education.

Hence, a Bill regarding the **Balochistan Development and Supervision of Curricula, Textbooks and Maintenance of Standards of Education Bill, 2022** has been prepared to repeal the **Federal Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act, 1976** to the extent of Balochistan Province.



**(MIR NASEEBULLAH KHAN MARRI)**  
**MINISTER FOR EDUCATION**  
**GOVERNMENT OF BALOCHISTAN**



# **BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

## **THE BALUCHISTAN PRIVATE EDUCATIONAL INSTITUTIONS REGISTRATION, REGULATION AND PROMOTION BILL NO. 32 OF 2022**

### **A Bill**

to provide for registration, regulation and promotion of the private educational institutions and matters connected therewith or incidental thereto.

#### **Preamble.**

**WHEREAS**, it is expedient to provide for registration, regulation and promotion of the private educational institutions and matters connected therewith or incidental thereto:

It is hereby enacted as under:

#### **Short title, extent and commencement.**

1. (1) This Act may be called "the Baluchistan Private Educational Institutions Registration, Regulation and Promotion Act, 2022".

(2) It shall come into force at once.

#### **Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context: -

(a) "Act" means the Baluchistan Private Educational Institutions Registration, Regulation and Promotion Act, 2022;

(b) "District" means a District as notified by the Government under the provision of the Baluchistan Land Revenue Act, from time to time, with such justification as described in the notification;

(c) "District Education Officer" means such officer as the Government may appoint in this behalf;

(d) "Fee" means, -

(i) in relation to the registration of an institution, the amount fixed by the Government to be paid by the institution with the application for registration or renewal thereof; and

(ii) in relation to the students and parents, admission fee, tuition fee, security fee, laboratory fee, library fee or any other amount charged by an institution from a student



monthly or annually;

- (e) "Form" means forms prescribed by the Government for registration of an institution.
- (f) "Government" means the Government of Balochistan;
- (g) "Inspection Committee" means a committee constituted under section 4 of this Act;
- (h) "Incharge" means and includes owner, Headmaster, Principal, Manager or a person responsible for management of affairs of the institution irrespective of designation;
- (i) "Institution" means a privately managed college, higher secondary school, high, middle or primary school not owned or managed by a local body, Provincial Government or Federal Government;
- (j) "Monitoring Committee" means a committee constituted under section 7 (1) of this Act;
- (k) "Prescribed" means prescribed by rules made under this Act;
- (l) "Registering Authority" means, -
  - (i) in relation to a Primary, Middle, Secondary and Higher Secondary School, the Director Education (Schools), Balochistan;
  - (ii) in relation to an Intermediate or Degree College or Academy, the Director (Colleges) Balochistan;
  - (iii) in relation to a Monotechnic/ Polytechnic Institute, College of Technology, or Technical College, the Director Technical Education, Balochistan; and
  - (iv) in relation to an institution imparting pre-service Teachers Training, the Director Bureau of Curriculum and Extension Centre, Balochistan;
- (m) "Rules" means the rules made under this



Act; and

- (n) "Secretary" means the Secretary to the Government of Balochistan Education Department, (Colleges or Secondary Education) as the case may be.

**Compulsory  
Registration of  
Institutions.**

3. (1) All institutions functioning in Balochistan even if registered under any law, shall be registered under this Act.

(2) The Incharge of an Institution shall, before the commencement of business by the institution, register the institution with the Registering Authority under this Act.

(3) The Incharge of an existing institution shall also make an application to the Registering Authority, for registration of the existing Institution on the prescribed form, accompanied by such documents and fee as may be prescribed.

(4) An existing institution may continue to function for a period not exceeding 120 days from the commencement of this Act and where an application is made under sub-section (3) where until the application is rejected or any appeal is preferred under section 10, until the decision of the appeal.

**Inspection  
Committee.**

4. (1) The Registering Authority shall constitute an Inspection Committee for each District as under:-

(a) in relation to a primary, middle, high or higher Secondary School,-

- (i) District Officer Education;
- (ii) Additional Deputy Commissioner (General);
- (iii) Deputy District Officer Education (male); and
- (iv) Deputy District Officer Education (female);

(b) in relation to a Deeni Madrisa,-

- (i) District Officer Education;
- (ii) Additional Deputy Commissioner (General);  
and
- (iii) an officer of the Religious  
and Minority Affairs



Department not below (BPS-17) nominated by the Government;

- (c) in relation to a College,-
  - (i) Additional Director of Colleges and Higher Education;
  - (ii) Additional Deputy Commissioner (General); *and*
  - (iii) Principal of a Degree or Inter College nominated by the Director Colleges & Higher Education;
- (d) in relation to Technical Education or Commerce,-
  - (i) Principal of a Government Polytechnic Institute nominated by the Director Technical and Vocational Education;
  - (ii) Additional Deputy Commissioner (General);  
*and*
  - (iii) Principal of College of Technology Quetta;
- (e) in relation to a teacher training institution the following nominees of Director Bureau of Curriculum and Extension Centre,-
  - (i) Additional Director, Bureau of Curriculum and Extension Centre;
  - (ii) Additional Deputy Commissioner (General);  
*and*
  - (iii) Principal of an Elementary College of Education.

(2) The committee shall inspect the institution and make enquiries and submit recommendations with justification regarding award of registration certificate or otherwise.



(3) The Inspection Committee shall submit its report within twenty days of the receipt of directives of the Registering Authority.

(4) The Registering Authority shall, after considering the report of the inspection committee and making any other enquiries as it deems necessary, either grant or reject the application.

(5) The Registering Authority shall record reasons for granting or rejecting the application:

Provided that no order of refusal shall be made without giving the applicant an opportunity of being heard.

**Registration of Institution.**

5. (1) Where the Registering Authority grants registration, it shall register the institution and issue a certificate with terms and conditions prescribed: Provided that,-

- (i) the fee structure of the institution shall be developed by the Registering Authority on recommendation of the Inspection Committee and rates of fee shall be commensurate with the services provided to the student;
- (ii) the rate of admission fee and registration fee shall not be more than 50% of the monthly fee;
- (iii) the breakup of fee structure shall be provided to the student;
- (iv) the fee structure and rate of fee shall not be changed without approval of the Registering Authority;
- (v) no change in the fee structure and rates of fee shall be made during an academic year;
- (vi) in case of admission of siblings of first child in the same school fee of all children including the first one shall be half;
- (vii) in case an institution desires a change in the fee structure or rate of fee, it shall submit an application with justification, 90 days before the commencement of



new academic year:

Provided that total fee shall be reasonably increased but not more than 5% on the existing fee;

Provided further that the total fee charged on monthly basis shall not be more than Rs. Ten Thousand;

- (viii) the facilities allowed to a student at the time of admission shall not be subsequently withdrawn or reduced;
- (ix) no donation from a student or parent, voluntary or otherwise for a development project or for celebration of an event shall be permissible;
- (x) the curriculum, courses of studies, textbooks prescribed or approved by the Government shall be used;
- (xi) the teaching staff of the institution possesses academic and professional qualifications as prescribed by the Government;
- (xii) salaries of teachers and other staff shall not be less than as approved by the Registering Authority;
- (xiii) the institution shall be affiliated with Balochistan Examination and Assessment Commission, Board of Intermediate and Secondary Education, or a University in Balochistan commensurate with level of the institution;
- (xiv) the institution shall promote national and local culture including regional languages;
- (xv) the institution shall not promote a particular religion, sect, race, community or political party;
- (xvi) the institution shall arrange to conduct annual audit of its accounts and audit report shall be



submitted to the Registering Authority;

(xvii) the institution shall not accept any grant, loan, donation or any other benefit from a foreign government or International Non-Governmental Organization without prior approval of the Government;

(xviii) the institution shall have a managing body called by whatever name;

(xix) the teaching staff may be appointed on whole time basis; *and*

(xx) no institution shall be established in lanes or residential areas. However, the same may be established on main boulevards.

(2) The registration of an institution shall stand cancelled, if –

(a) the location of the institution is changed without prior approval of the Registering Authority;

(b) the institution is sold out, partially or on the whole, to any other organization without prior approval of the Registering Authority;

(c) the institution ceases to exist;

(d) the nomenclature of the institution is changed;

(e) the level of the institution is raised or lowered;

(f) 50% of the teaching staff is changed without prior approval of the Registering Authority; *and*

(g) the institution fails to comply with the provisions of this Act.

**Responsibility of Compliance.**

6. The owner, principal, headmaster, incharge of the institution shall be responsible to comply with the terms and conditions of registration or directive issued by the Registering Authority or the instruction issued at the time of inspection.



**Monitoring  
Committee.**

7. (1) The Secretary shall constitute one or more monitoring committees or depute an officer not below the rank of BPS-18 for surprise visits and monitoring of the institution.

(2) An institution shall be subject to inspection by the Registering Authority prior to or after registration through nominated officer or monitoring committee.

(3) The institution shall be open for inspection and monitoring of its record, teaching process, instructional materials, co-curricular activities and physical facilities.

(4) The monitoring committee or officer nominated shall record findings, instructions, suggestions and recommendations in the logbook of the institution.

(5) The institution shall submit a report to the Secretary and Registering Authority regarding the compliance of the instructions, suggestions and recommendations of the monitoring committees or an officer nominated for inspection and monitoring.

**Suspension or  
Cancellation of  
Registration.**

8. (1) On receipt of a complaint or otherwise if the Registering Authority, after making such inquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Act, or rules or terms and conditions of registration or any order passed or instructions issued by the Registering Authority, it may after giving an opportunity to the person responsible, of being heard, suspended or cancelled the registration with justification.

Provided that where the default is remediable no order shall be made unless an opportunity is provided to the owner or incharge to rectify such default within the period specified.

(2) On suspension or cancellation of registration, the Registering Authority may, without prejudice to any action that may be taken under this Act, make such orders and take such actions with respect to the completion of the current academic term or session as may be considered necessary.

**Penalties.**

9. (1) If an in-charge of an institution contravenes any Provisions of the Act or the rules, the Registering Authority may, subject to reasonable opportunity of defence, impose administrative penalty which may extend to Ten Thousand Rupees per day from the date the notice of contravention is served on the institutions till such time the contravention is



continued.

(2) If the contravention under sub-section (1) continues for more than thirty days, the Registering Authority may in addition to any other action or penalty under the Act, file a complaint against the Incharge in the court of Magistrate of first class.

(3) The Magistrate of first class shall conduct the trial of an offence under this Act, in accordance with the Provisions of chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898) with powers relating to summary trials and notwithstanding anything contained in the said Code may impose punishment of fine which may extend upto Two Hundred Thousand Rupees plus the administrative penalty imposed by the Registering Authority or imprisonment for one year or both.

**Appeal.**

10. Where the Registering Authority rejects an application for registration or suspends or cancels the registration, the aggrieved person may, within sixty days from the date of impugned order of Registering Authority, prefer an appeal to the Secretary, whose orders shall be final and given effect to by the Registering Authority.

**Recovery of amounts due.**

11. All money payable by the institution on account of fees or otherwise shall be deposited into the provincial exchequer by the Incharge / institution itself as prescribed by the Government and no money shall be paid directly to the Registering Authority on any account.

**Powers to make Rules.**

12. The Government may make rules to carry out the purposes of this Act.

**Repeal and Saving.**

13. (1) The Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015 (Act No. XVII of 2015) is hereby repealed.

(2) Notwithstanding the repeal of the Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015 (Act XVII of 2015) (hereinafter referred as the repeal Act), the rules, regulations, bye laws made or saved, orders, Registration Certificate, renewals and notifications issued, anything done, action taken, obligation, liability,



penalty of punishment incurred, inquiry or proceeding commenced, person authorized, jurisdiction of powers conferred under any of the provisions of the repeal Act, if not inconsistent with the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.



### **STATEMENT OF OBJECTS AND REASONS**

The Government of Balochistan is striving hard to provide quality educational services across the province in order to meet national and international commitments along with constitutional obligations.

Over the years, a mushrooming growth of private educational institutions has been witnessed across Balochistan in the name of quality education. It was realized in 2014-15 that a check on the growth of private educational institution was highly needed. So that, common people of the province could not be deprived of their financial resources in the name of quality education offered to their offspring in private educational institutions across the province, as well as to prevent them from raising fees without any cogent reason.

In this regard, the Government of Balochistan enacted the Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015 which empowered Balochistan Education Foundation (BEF) as Regulatory Authority for registration and regulation of private educational institutions functioning across the province. After the enactment of the Act, it was realized that BEF does not fulfill the demands of the Act; since BEF's main function is to promote private educational institutions for the spread of basic education across Balochistan. However, the scope of the Act is beyond basic education, which includes technical education, teacher education and post-secondary education.

Hence, a draft Bill entitled as "The Balochistan Private Educational Institutions Registration, Regulation and Promotion Bill, 2022" is hereby placed before the Provincial Assembly for approval in order to repeal the existing Act entitled as "The Balochistan Private Educational Institutions Registration and Regulation Authority Act, 2015".



**(Mir Naseebullah Khan Marri)**  
**Minister of Education**  
**Government of Balochistan**



# **BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

The Baluchistan Alternative Dispute Resolution Bill 2022

Bill No. 34 of 2022.

A  
Bill.

## **Preamble:-**

to provide for a system of alternate dispute resolution of civil and criminal dispute.

Whereas, It is necessary to ensure inexpensive and expeditious justice by means of an alternate dispute resolution system.

It is hereby enacted as follows:-

## **1. Short title, extent and Commencement:**

- (1) This Act may be called as the Baluchistan Alternative Dispute Resolution Act 2022.
- (2) It shall extend to whole of the Baluchistan Province.
- (3) It shall come into force on such date as Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas of the Baluchistan.

## **2. Definitions:**

In this Act, unless there is anything repugnant in the subject or context

- (a) "Act" means the Baluchistan Alternative Dispute Resolution Act 2022;
- (b) "Alternate Dispute Resolution (ADR)" means a process in which parties' resort to resolve their dispute, other than through adjudicative courts, and includes, but is not limited to, mediation, conciliation and evaluation;
- (c) "ADR Centre" means a Centre established under the Act;
- (d) "ADR person" means a person who undertakes ADR under section 11 of the Act;
- (e) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (f) "Conciliation" means a process where a person encourages the parties to resolve their disputes voluntarily and includes a possible solution and terms of settlement of them;
- (g) "Court" means a criminal court or a civil court having original jurisdiction under any law in force at the time being in force.
- (h) "Government" means the Government of Baluchistan.



- (i) Mediation" means a process where a mediator facilitates dispute resolution by encouraging communication and negotiation between the parties;
- (j) Prescribed" means prescribed by rules made under the Act;
- (k) Rules" means the rules made under the Act; and,
- (l) Settlement" means the agreement reached between the parties as a result of successful ADR.

**3. Reference in civil disputes:** (1) A court shall refer a case mentioned in Schedule I of the Act to ADR within thirty days of appearance of the defendants.

(2) A trial court may refer a case mentioned in Schedule II of the Act to ADR at any time or stage where it is of the view that the case is likely to be resolved through ADR.

(3) The court prior to referring the case to ADR shall ask the parties their opinion as to the referral, and where a reference is made to ADR with the consent of the parties, the court may formulate the points in issue.

(4) In every case where a reference is made to ADR, the court shall provide a time table for completion of ADR proceedings not exceeding 60 days:  
 Provided that the court on the application of both the parties, may extend the time granted for resolution of the case through ADR.  
 Provided further that the total time granted for completion of ADR proceedings shall not exceed 6 months in any case.

(5) The trial of a case referred to ADR shall be postponed till the completion of the time allotted for ADR proceedings under subsection (4).

**4. Reference in criminal disputes:**

(1) A court shall refer a case falling under section 345(1) of the Code to ADR as follows:

(a) In a case arising out of a police report:

- (i) On the application by the concerned public prosecutor with the consent of the complainant at any time before framing of the charge; or
- (ii) on its own within seven days of the framing of the charge;



- (b) in a case arising out of a complaint, on its own, within seven days of the summoning of the accused
- (2) A court may refer a case falling under section 345(2) of the Code to ADR as follows:
  - (a) In a case arising out of a police report, with the agreement of the public prosecutor concerned, at any time after framing of charge
  - (b) In cases arising out of a complaint, with the agreement of the parties to the case, at any time after framing of the charge
- (3) In every case where a reference is made to ADR under this section, the court shall provide a time period for completion of the ADR proceedings not exceeding ninety days:
 

provided that the court may, on application of the parties to the case, extend the said time for a further period of 90 days.
- (4) The court which makes a referral to ADR under subsection (1) shall postpone the trial of the case till the completion of the time allotted for ADR proceedings under subsection (3) unless there are compelling reasons to proceed with the trial.
- (5) A court which makes a referral under subsection (2) shall proceed with the trial in the manner provided by the Code.

**5. Power to record evidence during postponement:**

- (1) Nothing in section 3 or 4 shall prohibit or restrain the court from recording evidence which is likely to become unavailable due to postponement of trial.
- (2) The court may order the recording of evidence of such person on its own or on the application of any party to the trial including the public prosecutor.

**6. Power to refer a case to ADR at any time:**

- (1) Nothing in section 3 or 4 shall prohibit or restrain a court from referring a case to ADR at any stage of the case with the consent of the parties.
- (2) Where a referral is made under sub section (1), the court may if it thinks fit:
  - (a) fix a time period for completion of ADR; and
  - (b) Postpone the trial during the period given for completion of ADR proceedings.



**7. Selection of ADR person:**

- (1) The parties to the case may select the person or persons who shall undertake ADR.
- (2) Where the parties are unable to agree on one or more persons for conduct of ADR proceedings, the court shall provide a list of accredited ADR service providers or ADR centres to the parties for selection.
- (3) Where the parties are unable to arrive at a common decision, the court shall make a reference to an accredited ADR service provider or ADR centre in the prescribed manner.

**8. Return to court:**

A case referred to ADR shall be returned to the court in the prescribed format on the completion of ADR proceedings or on the expiry of the time provided under section 3 or 4 of the Act whichever is earlier.

**9. Confidentiality:**

Notwithstanding anything contained in any other law for the time being in force, the person performing ADR and the parties taking part in the ADR proceedings shall keep all matters confidential relating to such proceedings.

**10. Meaningful offer:**

Where a meaningful offer is made by a party to a civil dispute and is rejected by the other, the party which rejects the offer shall not be entitled to costs for the suit and the other party shall be entitled to costs.

**Explanation:** A 'meaningful offer' is an offer which is substantially the same as the decree or order of the court.

**11. Who may perform ADR:**

- (1) ADR under this Act may be undertaken by:
  - (a) Parties directly;
  - (b) Counsel of parties;
  - (c) One or more persons selected or agreed upon by the parties;
  - (d) An accredited ADR service provider; and
  - (e) An accredited ADR centre.
- (2) An ADR centre shall not be accredited unless it is registered under the Companies Act, 2017 (XIX of 2017)
- (3) An ADR Centre and an ADR services provider shall be accredited in the prescribed manner.

**12. ADR proceedings:**

- (1) The parties to the dispute may take part in the ADR proceedings in person, through authorized agents or attorneys.
- (2) An attorney who has acted for a party in an ADR proceedings shall not represent another party in the case with regard to the same matter.



**13. Failure of ADR:**

Where a matter has not been resolved or cannot be resolved through ADR on referral, the court shall proceed to adjudicate the dispute or remaining dispute in accordance with law.

**14. Judgement and Decree:**

(1) When the outcome of the ADR is returned to the court and the court finds that the matter has been completely or partially resolved in accordance with law, the court shall pronounce judgment and in case of a civil dispute pass a decree in terms of the settlement.

(2) Where the outcome of ADR is not clear, the court may ask the ADR person to provide the requisite clarification.

**15. Appeal and revision barred:**

(1) No revision or appeal shall lie from the decree or order of the court under this Act except provided by this section.

(2) A public prosecutor may challenge the judgment of a court with regard to a case falling under subsection (2) of section 345 of the Code.

**16. Savings:**

(1) Save as provided in the Act, the ADR proceedings shall be privileged and shall not be admissible in evidence before any court without consent of the parties and the person undertaking ADR shall not be required to appear as a witness or otherwise in any arbitral or judicial proceedings with respect to the dispute that is or has been the subject matter of the ADR but the final settlement, award or agreement, wholly or partly, between the parties shall be admissible in evidence in any subsequent proceedings between them relating to the same subject matter.

(2) The ADR person shall not act as an agent or attorney of any party to the ADR, in any subsequent proceedings with respect to a dispute that is or has been the subject matter of the ADR.

(3) No suit, prosecution or other legal proceedings shall lie against an ADR person or any other person connected with the ADR proceedings for anything which is done or intended to be done in good faith under the Act except where the ADR person allowed or ordered the commission of an offence in retaliation of an offence which was the subject of ADR proceedings before him.



**17. Application of certain laws:** (1) Subject to the provisions of this Act the Oaths Act, 1873 (X of 1873) and the rules made thereunder shall apply mutatis mutandis to the proceedings under the Act.

(2) Save as provided in the Act, the Qanun-e-Shahadat Order, 1984 (P.O. No. 10 of 1984) shall not apply to the ADR proceedings under the Act:

Provided that the ADR person may adhere to principles of evidence contained in the Qanun-e-Shahadat Order, 1984.

**18. Overriding effect:** The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**19. Cases pending in appeal or revision:** The provision of the Act shall, with the consent of the parties, apply mutatis mutandis to a dispute pending adjudication in an appeal or revision.

**20. Code of Conduct:** (1) The Government shall prescribe a Code of Conduct for ADR service providers and ADR centres accredited under this Act.

(2) An ADR service provider and an ADR centre shall comply with and act in accordance with the provisions of the Code of Conduct.

(3) An ADR service provider or an ADR centre who commits a violation of the Code of Conduct shall be removed from the list of accredited service providers or centres by the prescribed authority.

**21. Accreditation Authority:** (1) The Government shall notify an authority established by law for purposes of accrediting ADR service providers or ADR centres.

(2) Where the Government notifies an authority under subsection (1), it shall provide such authority with the requisite staff and funds.

(3) The Government may subject to rules entrust accreditation work to any entity qualified to perform work of accreditation.

**22. Costs and fees of ADR:** The costs and fees of the ADR proceeding, if required, shall be borne by the parties in such proportion as may be mutually agreed upon by them failing which it shall be determined by the rules made under the Act.



**23. Power to make rules:**

- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.
- (2) Notwithstanding the generality of subsection (1), the Government may make rules:
  - (a) to provide for ethical conduct in the provision of ADR services by licensed ADR service providers and ADR centres;
  - (b) to provide for accreditation of licensed ADR service providers;
  - (c) to provide for documentation of decisions; and
  - (d) to provide for procedures to be adopted during ADR proceedings.

**24. Power to amend the Schedules:**

The Government may, in consultation with the High Court of Balochistan, amend the schedules to the Act, from time to time, so as to add an entry thereto or omit therefrom or modify any entry therein.

**25. Removal of difficulty:**

If any difficulty arises in giving effect to any provision of the Act, the Government may, within two years of the commencement of the Act, make such order not inconsistent with the provisions of the Act as may be necessary to remove the difficulty.

**Repeal:**

Subject to the provisions of section 19 of the Act, section 89-A of the Code of Civil Procedure, 1908 (V of 1908) and clause (iii) Rule 1A, of Order X in the First Schedule to that Code, to the extent of the Balochistan, are hereby repealed.



## **SCHEDULE-I**

**[See section 3(1)]**

- (1) A dispute between a landlord and tenant under the West Pakistan Urban Rent Restriction Ordinance (VI of 1959)
- (2) Dispute involving pre-emption Cases.
- (3) Disputes relating to possession of immovable property.
- (4) Family disputes including guardianship and custody of minor children.
- (5) Dispute arising out of enforcement of commercial contracts except those that in fall in schedule II.
- (6) Suits for specific performance of contracts except those that fall in schedule II.
- (7) Disputes arising out of negotiable instruments under the Negotiable Instruments Act, 1881 (XXVI of 1881) except those that fall in schedule II.
- (8) Suits arising out of Tort except those that fall in schedule II.
- (9) Dispute for recovery of movable property or value thereof.
- (10) Dispute for separate possession of joint immovable property through partition or otherwise including claims for mesne profits.
- (11) Disputes for rendition of accounts of joint property.
- (12) Disputes to remove nuisance.
- (13) Disputes involving recovery of money.
- (14) Cases relating to inheritance including declaration.

## **SCHEDULE-II**

**[See section 3(2)]**

- (1) Disputes relating to ownership of immoveable property.
- (2) Disputes relating to professional negligence under Tort and those under the Consumer Protection.
- (3) Suits under the Banking Companies Ordinance, 1962 (LVII of 1962).
- (4) Disputes involving copy rights and patents under the Copyright Ordinance, 1962 (XXXIV of 1962) and the Patents Ordinance, 2000 (LXI of 2000) respectively.
- (5) Disputes involving trademarks under the Trademarks Ordinance, 2001 (XIX of 2001).
- (6) Suits for redemption of mortgaged property under the Transfer of Property Act, 1882 (IV of 1882).
- (7) Cases relating to Waqf and Trusts under the relevant laws for the time being in force



### **STATEMENT OF OBJECTS AND REASONS**

The draft bill has been drafted in the best interest of the general masses to determine promote and protect the "The Alternative Dispute Resolution Act".

- To provide for a system of alternative dispute resolution of civil and criminal disputes.
- To ensure inexpensive and expeditious justice by means of an alternative dispute resolution system.

  
**MINISTER-IN-CHARGE**