

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Quetta, the 26th August, 2019.

No.PAB/Legis; V (01)/2019. The Balochistan Essential Education Services Bill 2019 Bill No. 01 of 2019 having been passed by the Provincial Assembly of Balochistan on 10th August, 2019 and assented to by the Governor Balochistan, on 19th August, 2019 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALUCHISTAN ESSENTIAL EDUCATION SERVICES ACT 2019

ACT NO. VI OF 2019.

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ACT

to declare the Education Services in Balochistan as Essential Services and for better regulation of Education Services in Balochistan and the matters connected therewith or incidental thereto.

Preamble.

WHEREAS, it is expedient to make provisions for Education Services so as to make the Education Service, professional disciplined, efficient and accountable service and to run the affairs of said service in smooth and systematic way; and

WHEREAS, it is necessary to declare the Education Service as essential service, by prohibiting strikes, lockouts and other illegal; means or ways used by the members of the said service and to make provisions for punishment of such illegal acts, so as to manage the provision of Education in its true perspective.

It is hereby enacted as follows: -

1. (1) This Act may be called the Balochistan Essential

Short title and commencement.

Education Services Act, 2019.

(2) It Shall apply to all members of the Education Services, serving in Balochistan.

(3) It shall come into force at once.

Definition.

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

(a) "Act" means the Balochistan Essential Education Services Act, 2019;

(b) "Code" means the Criminal Procedure Code, 1898 (Act V of 1898);

(c) "Court" means the court of magistrate first class;

(d) "Essential Service" means the Essential Service of the Education Department declared as such under Section 3 of this Act.

(e) "Education institute" means any primary, middle, High or Higher Secondary or for that purpose any such place so declared by the Department where formal or informal education is imparted.

(f) "Education Service" means any service of the Education Department consisting of its employees irrespective of their categories, imparting education or serving in any other capacity in an Education Institution or in any office of the Education Department.

(g) "Government" means The Government of Balochistan.

(h) "Illegal act" means any act which is not legal under any law.

(i) "Lockout" means the closure of public offices or any educational institute.

- (j) “Member of Education Service” means and include all officers and officials appointed in the Education Department, irrespective of their grade designation and place of posting;
- (k) “Prescribed” means prescribed by rules;
- (l) “Rules” means rules made under this act; and

(m) “Strike” means the cession or refusal of work by a body of persons or an individual employed in Education Service;

Declaration of Essential Service and prohibition of Strike, lockout and other illegal acts.

3. (1) The Government may, by notification in the official Gazette, declare any Education Service to be an Essential Service under this Act, for such period as it may deem fit in the best interest of Education and Public.

(2) No member of the Education service shall be allowed to go or attend to go, call or attend to call, participate or attempt to participate, instigate or attempt to instigate for a strike or lockout or any illegal act.

Resignation as protest during strike.

4. (1) During the course of strike, the resignation tendered as protest by the members of the Education Service to the competent authority shall not be accepted and such members of the service shall be liable to such disciplinary actions and penalties/punishments as prescribed under the Balochistan Employees Efficiency and Discipline Act, 2011 (Act VI of 2011)

Disciplinary Proceedings.

5. The members of the service including in strikes or lockouts or any illegal act shall be liable to such penalties/punishments as mentioned in the Balochistan

Employees, Efficiency and Discipline Act, 2011(Act VI of 2011); and all procedure as mentioned in the said Act, shall be adopted for inflicting such punishments/penalties.

Power to prohibit strike or lockout or any other illegal act.

6. (1) The Government in the public interest may by general or special order, prohibit strikes or lockout or any other illegal act in any Education Institute from such date as may be specified in the order.

(2) Such order shall be published in the official Gazette and leading News Papers so as to bring the same to the knowledge of the persons to be affected by the order.

(3) An order issued under sub section (1) hereinabove shall be enforced for six months from the date specified therein and the Government may extend the said order for a further period not exceeding six months

(4) Any strike or lockout declared or commenced whether before or after issue of the above said order, by the members of the service shall be illegal.

Punishment for strike or lockout.

7. Any member of the service who commits an offence mentioned in section 3(2) of this Act, shall on conviction be punished with imprisonment, which may extend to one month or with fine which may extend to one hundred thousand rupees or with both.

Punishment for giving financial aid to strike or lockout or illegal act.

8. Any member of the service who knowingly expends or supplies any money in furtherance or support of a strike or lockout or any illegal act shall on conviction be punished with imprisonment for a term which may extend to one month and with fine which may extend to one hundred thousand rupees or with both.

- Action under section 7 and 8, in addition to disciplinary action. 9. Any action taken under section 7 and 8 of this Act shall be in addition to the disciplinary proceedings.
- Power to arrest without Warrant. 10. A police officer may arrest without Warrant a member of the service who commits an offence under this Act.
- Trial by the court. 11. The court of Magistrate first class shall try offences committed under this Act.
- Act to override other laws. 12. The provisions of this Act shall have an overriding effect on all other laws for the time being in force.
- Indemnity. 13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith done or intended to be done under this Act or the rules there under.
- Delegation of Powers. 14. The Government may by notification in the official Gazette delegate all or any of its powers to the Education Department or any officer or authority sub-ordinate to it.
- Power to make rules. 15. The Government may by notification in the official Gazette, make rules for the purpose of giving effect to the provision of this Act.

(SAFDAR HUSSAIN)
Secretary.