

THE BALOCHISTAN PUBLIC SERVICE COMMISSION ACT, 1989

(Baln Act II of 1989)

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¹THE BALOCHISTAN PUBLIC SERVICE COMMISSION ACT, 1989

¹ This Act was passed by the Balochistan Assembly on 1st July, 1989; assented to by the Governor Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 128, dated 30th July, 1989. For statement of object and reasons see Balochistan Gazette

(Baln Act II of 1989)

[30th July, 1989]

An Act to repeal and, re-enact the Balochistan Public Service Commission Ordinance, 1989.

Preamble.

WHEREAS it is expedient to repeal and, re-enact the¹Balochistan Public Service Commission Ordinance, 1989;

It is hereby enact as follow:-

Short title and commencement.

1. (1) This Act may be called the Balochistan Public Service Commission Act, 1989.

(2) It shall come into force at once.

Definitions.

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

(a) “Commission” means the Balochistan Public Service Commission;

(b) “Government” means the Government of Balochistan;

(c) “Member” means a member of the Commission and include the Chairman thereof;

(d) “Prescribed” means prescribed by rules; and

(e) “Service of Pakistan” means the Service of Pakistan as defined² in the Constitution of Islamic Republic of Pakistan, 1973.

Composition of Commission, etc.

3. (1) There shall be a Balochistan Public Service Commission.

(2) The Government shall by regulations³ determine:—

(a) the number of members of the Commission and their condition of service including terms of contract of re-employment;

(b) the number of members of the staff of the

(Extraordinary) No. 107, dated 27th June, 1990. See also article 242 (1) of the Constitution of the Islamic Republic of Pakistan, 1973.

¹ i.e. Baln. Ord. XI of 1989 made by Governor Balochistan on 20th May, 1989, published in Balochistan Gazette (Extraordinary) No. 88, dated 23rd May, 1989, which repealed the earlier ordinance on the subject i.e. Balochistan Ordinance II of 1978.

² For definition see article 260 (1) of the Constitution of the Islamic Republic of Pakistan, 1973.

³ See Balochistan Gazette (Extraordinary) No. 50, dated, 19th April, 1995, for the Balochistan Public Service Commission Conditions of Service of Members Regulations, 1994³, notified by Services & General Administration Department vide its notification No. SOR-II (2) 29/S&GAD/94/401-511, dated 17th April, 1995.

Commission and their conditions of service;

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

(3) The Chairman¹ and other members of the Commission shall be appointed by the ²[Governor in consultation with the Chief Minister.]

³[Provided that no person below the age of 55 years shall be appointed as Chairman or Member of the Commission.]

(4) No proceeding or act of the Commission shall be invalid merely on the ground of existence of any vacancy in or any defect in the Constitution of the Commission.

⁴[Terms of office of the Chairman and Member.

4. (1) The term of office of the Chairman or Member of the Commission shall be five years:

Provided that a Member, who immediately before his appointment as Member was holding a post in the service of Pakistan may be transferred in public interest before the expiry of his term of office.

(2) The Chairman or a Member may resign his office by writing under his hand addressed to the Governor.]

Ineligibility for further employment.

5. (1) On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan.

(2) Nothing contained in sub-section (1) shall be deemed—

(i) to prevent a member other than the Chairman, from being appointed as Chairman; and

(ii) to debar a Member who, immediately before his appointment as Member, was holding a post in the Service of the Government and has not attained the age of superannuation prescribed by law

¹ See also article 242 (1 B) of the Constitution of the Islamic Republic of Pakistan, 1973.

² Subs. for the word "Government" by Balochistan Act IV of 2004, passed by the Provincial Assembly on 7th March, 2004 and after the assent of the Governor Balochistan published in the Balochistan Gazette (Extraordinary) No. 42, dated 30th May, 2004. Earlier in this respect an Ordinance was made on 21st November, 2002 by Balochistan Ordinance XIX of 2002 which was lapsed and another Ordinance was promulgated i.e. Balochistan Ordinance III of 2003, now repealed by section 6 of the Act *ibid*.

³ Proviso added *ibid*.

⁴ Subs. for section 4, *ibid*.

applicable to him as a civil servant at the time of his ceasing to hold office as Member, to hold a post as Civil Servant till he superannuates or retires or otherwise ceases to hold post as Civil Servant.

Removal from
Office.

6. (1) If the Government is of the opinion that the Chairman or Member, by reasons of physical or mental incapacity, is unable to perform his duties or is guilty of misconduct, the Government shall appoint a judge of the High Court of Balochistan, to inquire into the matter.

(2) If after holding the inquiry, the Judge submits a report that the Chairman or Member is incapable of performing his duties or is guilty of misconduct, the Government may, notwithstanding the provisions of section 4, ¹[recommended to the Governor to] remove such Chairman or Member.

Explanation— For the purpose of this sub-section, “misconduct” means a conduct prejudicial to the good order of service discipline or contrary to the rules of conduct applicable to Civil Servants of the Province of Balochistan or unbecoming of an officer and a gentlemen and includes any act on the part of the Chairman or a Member, to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officers, in respect of any matter relating to his retention as such Chairman or Member, punishment, retirement of other conditions of his service and includes—

- (i) conviction for an offence involving moral turpitude;
- (ii) active participation in the sectarian, communal or political controversy;
- (iii) persistent disregard of the regulation relating to conduct of affairs of Commission;
- (iv) assuming a style of living beyond his legitimate means.

(3) For the purpose of inquiry under this section the Judge shall have power vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the

¹ Inserted by Balochistan Act IV of 2004.

following matters, namely:—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery of documents;
- (iii) receiving evidence affidavits;
- (iv) issuing commission for examination of witnesses or document.

¹[***]

7. ¹[*Omitted*]

Functions of the Commission.

8. The functions of the Commission shall be:—

- (i) to conduct test, examinations or interviews for recruitment for initial appointment to—
 - (a) the Civil Services of the Province of Balochistan;
 - (b) such posts connected with the affairs of the Province of Balochistan as may be prescribed;
 - (c) such posts in or under a Corporation or other Autonomous Body or Organization set up by Government under any law or other-wise as may be prescribed;
- (ii) to advise Government on—
 - (a) the matters relating to qualification for, and methods of recruitment to, the services and posts referred to in clause (i); and
 - (b) any other matter which Government may refer to the Commission;
- (iii) to hold such departmental or language examination as may be prescribed.

Reports of the Commission.

9. It shall be the duty of the Commission to present to the Government annually a report on the work done by the Commission, and the Government shall cause a copy of report to be laid before the Provincial Assembly of Balochistan.

¹ Section 7 omitted by Balochistan Act IV of 2004.

Rules.

10. ¹[(1)] The Government may, by notification in the official Gazette, make rules² for carrying out the purposes of this Act.

³[(2)] The Commission may frame regulations for performance of functions and transaction of business assigned to it by or under this Act.]

Repeal.

11. The Balochistan Public Service Commission, Ordinance⁴, 1989 (XI of 1989), is hereby repealed.

¹ Section 10 re-numbered as sub section (1) by Balochistan Act V of 1994, published in Balochistan Gazette (Extraordinary) No. 73, dated 3rd August, 1994.

² For rules of the Commission see the Balochistan Public Service Commission (Functions) Rules, 1995, made by Government of Balochistan, vide S&GAD's notification No. SOR-II (2) 28/S&GAD/1522-1632 dated 18th December, 1995. The same repealed the earlier rules i.e. The Balochistan Public Service Commission (function) Rules, 1982, notified by S&GAD vide its notification No. SOR(2)92/S&GAD-79, dated 2nd May, 1982. Earlier to that the Balochistan Public Service Commission (function) Rules, 1975 was in force which was repealed by the aforesaid rules of 1982.

³ Sub-section (2) added *ibid*.

⁴ i.e. Baln. Ord. XI of 1989 made by Governor Balochistan on 20th May, 1989, published in Balochistan Gazette (Extraordinary) No. 88, dated 23rd May, 1989, which repealed the earlier ordinance on the subject i.e. Balochistan Ordinance II of 1978.