

TO BE PUBLISHED IN THE NEXT
ISSUE OF BALOCHISTAN GAZETTE.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 13th November, 2020.

No. PAB/Legis:V(05)/2020/2275 The Balochistan Cadet Colleges Bill, 2020 (Bill No.05 of 2020), having been passed by the Provincial Assembly of Balochistan on 26th October, 2020 and assented to by the Governor Balochistan, on 13th November, 2020 is hereby published as an Act of the Balochistan Provincial Assembly.

Stamp: GOVERNMENT OF BALUCHISTAN, SECRETARIAT, QUETTA. No. 5630, 16-11-20. Date: 17/11/20.

The Balochistan Cadet Colleges, Act 2020 (Act No. X of 2020).

AN
ACT

to provide for the establishment of the Cadet Colleges in Balochistan.

Preamble.

WHEREAS, it is expedite to provide for the establishment of the Cadet Colleges in Balochistan to promote education.

It is hereby enacted as follows:

**Short title,
extent and
Commencement.**

1. (1) This Act may be called the Balochistan Cadet Colleges Act, 2020.
- (2) It extends to the whole of Balochistan.
- (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 Balochistan Cadet Colleges Act, 2020.
 - (b) "Board" means the Board of Governors of Cadet Colleges Balochistan;
 - (c) "Chairman" means the Chairman of the Board;
 - (d) "Colleges" means the Cadet Colleges in Balochistan;
 - (e) "Controlling Authority" means the authority as specified in Section 9.
 - (f) "Government" means the Government of Balochistan;
 - (g) "Member" means a member of the Board;
 - (h) "Prescribed" means prescribed by rules or regulations made under this Act;
 - (i) "Principal" means the Principal Officer incharge of College by whatever name called;
 - (j) "Chairman and Vice Chairman" means the Chairman and Vice Chairman of the Board;

What is the title of framing of Rule

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Establishment of the Board.

3. (1) The Government shall, as soon as may after the commencement of this Act, establish a Board for all Cadet Colleges to be called the Board of Governors of Balochistan Cadet Colleges.

(2) The Board shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property, both movable and immovable and shall by the aforesaid name sue and be sued:

Provided that the Board shall not be competent to acquire or dispose of any immovable property without the previous approval of the Government in writing.

(3) The Board shall comprise of the Chairman, and Vice Chairman and Members.

Composition of the Board.

4. (1) The Governor Balochistan and the Education Minister Balochistan shall be the Chairman and Vice-Chairman of the Board respectively.

Members of the Board.

5. (1) The members of the Board shall consist of,-

- (a) Secretary Colleges, Higher & Technical Education Department;
- (b) Secretary Finance;
- (c) Secretary S&GAD;
- (d) Secretary Law;
- (e) Additional Chief Secretary (Development) P&D Department;
- (f) Additional Secretary (Development) Education Department who shall be the member/secretary of the Board;
- (g) Two members of the Provincial Assembly; and
- (h) The Principal of the colleges shall be the honorary member of the Board.

(2) The Government may increase or decrease the number of members of the Board from time to time as it may consider appropriate.

Term of Members.

6. (1) The non-official private members of the Board shall hold office for a period of three years.

(2) The Government may remove any member before the expiry of his term of office without assigning any reason.

(3) Any Members of the Board may, by writing under his hand addressed to the Government, resign his office:

Provided that the resignation shall not have effect until it is accepted.

Meetings of the Board.

7. The meetings of the Board shall be held in such manner and at such time as may be prescribed:

Provided that until rules are made in this behalf, such meetings shall be called by the Chairman:

8. (1) Subject to the other provisions of this Act, the Board shall have the powers to manage and control the affairs of the College.

(2) In particular, and without prejudice to the generality of the foregoing power, the Board shall have the power.

- (a) to administer and manage the property in use of the College and the Board;
- (b) to acquire and dispose of property;
- (c) to enter into contracts in respect of the College;
- (d) to appoint the Principal, members of staff and other officers and servants of the Board and the College on such terms and conditions as may be determined by the Government;
- (e) to formulate the budget for the approval of the Government.
- (f) to determine the classes to be started and the number of students to be admitted in each class annually;
- (g) to lay down procedure for admission, promotion and removal of students from college;
- (h) to institute scholarships and stipends;
- (i) to set up an Executive Committee and such other Standing Committee as may be necessary;
- (j) to delegate powers to the Chairman, Vice Chairman, the Executive Committee, Standing Committee, the Principal, the staff of the College and other officers of the Board.

Controlling Authority.

Power of the Controlling Authority.

9. The Government or his nominee shall be the Controlling Authority of the Board.

10. (1) The Controlling Authority shall have power to cause an inspection to be made by such person as it may direct, of the offices, activities and funds of, and all examinations conducted by the Board and to cause an inquiry to be made in like manner in respect of any matter concerning the College.

(2) The Controlling Authority shall communicate to the Board the findings of the inspection or inquiry, and may advise the Board to take such action and within such period as may be specified.

(3) The Board shall report to the Controlling Authority the action it proposes to take on such communication.

(4) Where the Board does not, within the specified time, submit its report as required by sub-section (3), or the Controlling Authority is not satisfied with the action taken or proposed to be taken, the Controlling Authority may, after considering any explanation given by the Board, issue such directions as it thinks fit, and the Board shall comply with such directions.

(5) The Controlling Authority may, from time to time, direct the Board to conduct its affairs and perform its functions in such manner as it may specify.

(6) If the Controlling Authority is satisfied that any proceeding of the Board is not in conformity with the Act, the Controlling Authority may, without prejudice to the foregoing provisions of this section by an order in writing annul such proceeding:

Provided that before making any such order to Controlling Authority shall through the Chairman, call upon the Board to show cause as to why such an order should not be made.

(7) If the Board fails or neglects to comply with the directives or orders given to it under sub-section (5) or it, in the opinion of the Controlling Authority, the Board persistently makes default in the performance of its functions under this Act, the Government may supersede the Board and appoint the Chairman in the place of such Board until a new Board is established in accordance with the provisions of this Act and no such supersession or appointment shall be questioned in any Court.

Principal.

11. (1) The Principal of College is appointed by the Board as referred to in Sub-Section 2(d) of Section 8 of the Act.

Powers of Principal.

12. (1) The Principal is the Chief Executive of the college and responsible for implementation of the decision/direction of the Board and the Executive Committee.

(2) To delegate administrative powers of Secretary (As Conferred by BEEDA 2011, and the Government from time to time) to the Principal Cadet College for swift /expeditious disciplinary proceedings against the employees of Cadet College.

(3) He shall be the appointing authority for appointment of employees up to BPS-15, and the above may be submitted to the College, Higher and Technical Education Department for further processing/recruitment through Balochistan Public Service Commission.

(4) He is empowered to sanction C.PF. and Gratuity to the college employees in accordance with financial Delegation of Powers, notified by the Government of Balochistan.

(5) He is empowered to sanction 120- days leave, and beyond that he will refer the case to the Executive Committee for approval.

Deputation of Government Servants.

13. Any person serving under Government may be transferred by the Government for service in the colleges on such terms and conditions as Government may determine:

Provided that where a Government servant is required to serve the colleges, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve:

Provided further that the Government servant who is so required to serve shall be entitled to deputation allowance as the Government may determine.

Property.

14. All property, movable or immovable, vesting in Government in connection with the affairs of the College immediately before the said day shall vest in the Board. In the event of Government rescinding the decision of establishment of College, the property vesting in the Board shall stand transferred to the Government.

Funds.

15. (1) The funds of the colleges shall be derived from:
- (a) grant made by the by the Government;
 - (b) loan received from the Government;
 - (c) fees and other money received
 - (d) such foreign aid and loans as may be received by the board on such terms and conditions as may be approved by the Government.
- (2) All moneys in the fund shall be kept in such custody as may be prescribed.
- (3) The fund shall be utilized for meeting expenditure concerned with the functions of the colleges, including the payment of salaries and other remunerations of the members, the Principal and other members of the staff of the College and officers and servants of the colleges.

Maintenance of Accounts.

16. The college administration shall maintain complete and Accurate books of accounts in such form as may be prescribed by the Government.

Audit.

17. (1) The accounts of the colleges shall be audited every year by the Director General Audit, hereinafter referred to as the auditor.
- (2) The college shall, at the time of audit, produce all accounts, registers, documents and other papers, which may be required by the auditor to assist him in his investigation.
- (3) The college administration shall, as soon as possible after the end of each financial year, submit to the Government the annual statement of account of the colleges duly audited, together with the report of the auditor and its comments on the report.

Annual Financial Statement.

18. The college administration shall submit to the Government for approval a statement of estimated receipt and expenditure in respect of the next financial year at such time and in such manner as may be prescribed, and shall give effect to any modification made therein by the Government.

Return and Statements.

19. (1) As soon as, may be after the close of every financial year, the colleges administration shall submit to Government for approval of report on the conduct of the financial affairs of the colleges for that year.
- (2) The Government may require the colleges to furnish with;
- (a) Any return, statement, estimate, statistics or other information or report regarding any matter under the control of the colleges.
 - (b) A copy of any document in the charge of the colleges, and the colleges shall comply with every such requisition.

Members etc; to be public servants.

20. The members, the Principals and the staff of the colleges shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

Powers to make rules.

21. (1) The Government may make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:

- (a) the terms and conditions on which Government servants may be transferred to the colleges;
- (b) the frequency of meeting of the Board and the procedure that shall be followed at such meetings;
- (c) the forms and registers for keeping the accounts;
- (e) the manner in which and the time at which the annual financial statement shall be submitted to the Government for approval;
- (e) the returns, statements, estimates, statistics, information or report which may be submitted to the Government;
- (f) the manner in which the accounts of the colleges shall be audited.
- (g) the custody in which the Fund shall be kept;
- (h) any other matter required under the provisions of this Act to be prescribed.

Regulations.

22. (1) The Board may, subject to the approval of Government, frame regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for:

- (a) the notice on which an ordinary or special meeting may be convened;
- (b) the time and place at which meetings of the Board may be held;
- (c) the manner in which an ordinary or special meeting may be convened;
- (d) the manner in which an Executive Committee or a Standing Committee shall be constituted and the powers and functions that may be exercised and performed by the Committee;
- (e) the recruitment, tenure of office, terms and conditions of service of the officers and servants appointed by the Government;
- (f) the delegation of administrative and financial powers to the Executive Committee, Standing Committee, or other officers and servants of the colleges;
- (g) the manner in which the funds shall be disbursed.
- (h) any other matter required under any of the provisions of this Act to be prescribed.

Repeal.

21. The Balochistan Government Educational and Training Institutions Ordinance, 1960 (W.P Ordinance XI of 1960) is hereby repealed.

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(05)/2020.

Dated Quetta, the 13th November, 2020.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in next issue of Balochistan gazette. Before final printing a copy thereof be sent to this Secretariat for proof reading. After proof reading fifty copies of the said Act may please be provided to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(05)/2020.

Dated Quetta, the 13th November, 2020.

A copy is forwarded for information to:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary, Government of Balochistan, Higher and Technical Education Department, Quetta.
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.

(ABDUL REHMAN)
Special Secretary (Legis:)