

THE BALOCHISTAN BOARD OF TECHNICAL AND VOCATIONAL EDUCATION, ACT 2021

(Baln Act XXII of 2021)

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1THE BALOCHISTAN BOARD OF TECHNICAL AND VOCATIONAL EDUCATION ACT, 2021

(Balochistan Act XXII of 2021)

[16% August, 2021]

AN
ACT

to provide for constitution and organization of an independent body to hold and conduct examinations and assessment of all technical and vocational qualifications, educations and trainings for occupational skills in Balochistan.

Preamble. WHEREAS, it is expedient to constitute and organize an independent body i.e. the Balochistan Board of Technical and Vocational Education, to hold and conduct examinations and assessment of all technical and vocational qualifications, educations and trainings for occupational skills in Balochistan; and for the matters ancillary therewith or incidental thereto;

It is hereby enacted as follows: —

Short title, 1. (1) This Act may be called the Balochistan extent, Board of Technical and Vocational Education Act, commencement 2021.

and application. (2) It extends to the whole of Balochistan.

(3) It shall come into force on such date as Government may appoint by notification in the official Gazette.

(4) It shall apply to all establishments,

public or private institute, polytechnic, technical/vocational centers and all other skill and occupations that claims for assessment,

examination, recognition and award of certifications of all disciplines within the purview of technical and vocational education and trainings.

1 This Act was passed by Provincial Assembly of Balochistan on 09% August, 2021; and assented to by the Governor Balochistan, on 16th August, 2021; and published in the Balochistan Gazette (Extraordinary) No. 141, dated 16 August, 2021.

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

(a) "Act" means the Balochistan Board of Technical and Vocational Education Act, 2021;

(b) "Accreditation" means affiliating the skills, technical and vocational

institutions, and centers on _ the prescribed conditions of the Board for recognition of its technical and vocational qualifications;

(c) "Assessment and Examination" means determining the eligible skills in accordance with technical and

vocational qualifications;

(d) "Assessor" means an evaluator of skills at the discretion of Board to carry out the assessment and examinations;

(e) "Board" means the Balochistan Board of Technical and Vocational Education, as established under section 3;

(f) "BTEVTA" means. the _ Balochistan Technical Education and Vocational Training Authority, as constituted under the Balochistan Technical Education and Vocational Training Authority Act, 2011 (Balochistan Act II of 2011);

(g) "Chairman" means the Chairman of the Board;

(h) "Controlling Authority" means the Controlling Authority of the Board as specified in section 11 of the Act;

(i) "Committee" means a committee constituted under section 18 of this Act;

(j) "Government" means the Government of Balochistan;

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“Institute” means technical institutions /colleges/schools, vocational training centers, polytechnic and any other organization offering and producing skills and occupations in the field of TVET;

“Member” means a member of the Board;

“NAVTTC” means National Vocational and Technical Training Commission, as constituted under the National Vocational and Technical Training Commission Act 2011 (Act XV of 2011);

“NQF” means National Qualification Framework of the Higher Education Commission of Pakistan;

“NVQF” means National Vocational Qualification Framework as developed and maintained by NAVTTC;

“Occupation” means someone working as semi-skilled, skilled, technician, professional and in other related field of TVET;

“Prescribed” means prescribed by rules or regulations made under this Act;

“Recognition” means acceptance of skill, occupation, technical and vocational 4 qualifications on the prescribed conditions of the Board;

“Regulations or Rules” means respectively the regulation or rules made under this Act;

“Skills” means the tasks and duties performed by someone for a specific job conditions, required for any workplace;

“TVET” means Technical and Vocational Education and Training, which as such encompass _ the education and training for the cause of

Establishment
of the Board.

Constitution of
the Board.

skills in formal, non-formal and/or
informal branches;

(v) "Vocational Qualification" means level
and descriptors of skills and knowledge
defined in NVQF and NOF from time to
time; and

(w) "Technical Qualification" means level
and descriptors of skills and knowledge
of post-secondary level as compare to
vocational level, which deals to three
years Diploma of Associate Engineering
(DAE) as prescribed in NQF.

3. (1) The Government shall establish a Board
to be called the "Balochistan Board of Technical and
Vocational Education", in accordance to the
provisions of this Act, with such composition as
prescribed here under in section 4, with its principle
seat at Quetta.

(2) The Board shall be a body corporate
having perpetual succession and a common seal,
with powers to acquire and hold movable or
immovable property and transfer the same subject to
the prior approval of the Controlling Authority, and
shall by its name sue and be sued. (b) one
independent member;

4. (1) The Board shall consist of the following
members, namely: —

(a) Chairman;

(b) Director General, Labour and

Manpower Department;

(c) Director General, Social Welfare
Department;

(d) Director General, Industries and

Commerce Department;

(e) Director General, Regional Office
NAVTTC Quetta;

(f) Director of Technical Education;

Resignation or
Removal of any
member.

(g) Director Manpower Training;
(h) Chairman, Board of Intermediate
and Secondary Education,
Balochistan;
(i) a Principal of Polytechnic Institute
nominated by Controlling
Authority;
(j) a head of technical/vocational
institute elected by and from
among themselves;

(k) a representative to be nominated
from Higher Education
Commission;

(1) a representative from Inter Board
Committee of Chairman, Quetta,
to be nominated by Controlling
Authority;
a representative from Chamber of
Commerce, Quetta to be
nominated by Controlling
Authority; and

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(n) an Industrialist to be nominated
by Controlling Authority;

(2) The names of the nominated members
shall be notified in the official Gazette.

(3) The term of office of the members, other
than the 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
the Board, he shall cease to be a member of any

committee constituted under any provision of the Act or rules made there under.

5. (1) A member may by writing under his hand addressed to the Controlling Authority, resign his office or may be removed by the Controlling

Casual
Vacancies.

Meeting of the
Board.

Jurisdiction of
Board.

Authority, if —

(a) he has become of unsound mind;

(b) he has been declared insolvent by
a competent court of law;

(c) he has been convicted by a court
for an offence involving moral
turpitude; and

(d) he has been found in corrupt and
fraudulent practices.

(2) The decision of the Controlling Authority
under sub-section (1) shall be final and cannot be
challenged in any court of law:

Provided that no member shall be
removed unless he is given an opportunity of being
heard.

6. (1) Whenever there occurs vacancy in the
membership of the 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.

7. (1) The Chairman may, whenever consider
necessary, and shall on requisition from at least
seven members, call a meeting of the Board.

(2) The quorum for meetings of the Board
shall be seven.

8. (1) The Board shall have jurisdiction on all
institutes, centers, technical and vocational
qualification and occupational skills that claims for
assessment, examination, recognition and award of
certifications of all disciplines within the purview of

technical and vocational education and trainings.

(2) Government, by general or special order, modifies the jurisdiction of the Board with regard to such territorial limits or any institute, skill, and technical and vocational qualification.

Functions of
the Board.

9. (1) Subject to the provisions of this Act, the Board shall have power to organize, regulate, develop and control the vocational qualifications and institutions through assessment, examination, recognition and accreditation in the field of technical and vocational education and training in Balochistan.

(2) In particular and without prejudice to the generality of the power conferred hereinabove subsection (1), the Board shall have the powers to —

(a) hold and conduct examinations and assessments of technical and vocational qualifications in accordance with the standards of NVOF and NQF;

(b) carry out the _ functions' of Qualification Awarding Body for skill recognitions;

(c) maintain a pool of technical qualified assessors in the relevant course of vocational qualifications that is practiced and delivered by any institution that falls within the jurisdiction of the Board;

(d) describe the means of assessment criteria for the levels' of NVQF/NQF and awarding certificates thereof;

(e) devise and adopt competency based training and assessment for technical and vocational qualifications in consultation with NAVTTC;

(f) ensure the accreditation, recognition, assessment and affiliation of institute, center and occupational skills on the criterion of national and _ international practices and/or policies as may

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be prescribed by regulation;

bring encouraging improvements for alignment and adoption of distinct and recognizable qualification frameworks;

devise monitoring and evaluation operational manuals for training providers in the field of TVET;

carry out business matters of the Board by introducing technological and innovative practices;

inspect and arrange for inspection of affiliated institutes and call for inspection reports in respect to such institutions;

fix, demand and receive such fees as may be prescribed;

supervise the residence, health and discipline of the students of affiliated institutions with a view to promote their general welfare;

setup and award scholarships, medals and prizes as may be

prescribed by regulations;

organize and promote
extracurricular activities for
affiliated institutions, which shall
not be prejudice to religious, racial
discrimination and provisions of
this Act;

pass its annual budget;

hold and manage endowments
fund;

make provisions for buildings,
premises, furniture, equipment,
books and other means required
for carrying out the purposes of
this Act;

Controlling
Authority.

Powers of
Controlling
Authority.

(r) appoint such staff, assessor and experts on conditional basis, as it may consider necessary for the performance of its functions; provided that appointing procedures shall be unambiguous and as prescribed by rules;

(s) issue and publish monthly, quarterly, bi-annual and annual report, periodical and newsletters, as it may consider necessary for promulgation of its activities;

(t) conduct research in the areas of technical and vocational qualifications, labor markets trends, economic growth and other relevant areas, as it may consider necessary, shall be such as may be prescribed by regulations; and

(u) to do all other acts necessary for carrying out the purpose of this Act.

(3) The Board may delegate any of its powers to the Chairman, or any officer of the Board, or to a committee, or a sub-committee appointed by it, subject to such conditions as it may deem necessary with approval of the Controlling Authority.

10. The Secretary, Colleges, Higher & Technical Education, Government of Balochistan shall be the Controlling Authority of the Board.

11. (1) The Controlling Authority shall have the power to inspect itself or cause an inspection to be made by such person or persons, as it may direct, of the offices, activities and funds, and the conduct of examinations and assessments by the Board, and to cause an enquiry to be made in respect of any matter concerning the Board, or the discharge of functions by the members, officers and staff of the Board.

(2) The Controlling Authority may at any

time suspend a member, an officer or staff of the Board and order for inquiry of the matter to which he consider to be of great negligence, inefficiency or misconduct.

(3) The Controlling Authority may communicate to the Board the results of such inspections or enquiry and may advice the Board to take such actions and within such period as may be specified.

(4) The Board shall report to the Controlling Authority the action taken on such communication.

(5) | Whereas the Board does not, within a specified time, take action to the satisfaction of the 11 Controlling Authority, the Controlling Authority may, after considering any explanation made by the Board, issue such directions as it thinks fit, and the Chairman shall comply with such directions.

(6) If the Controlling Authority is satisfied that any proceeding of the Board or a Committee is not in conformity with the provisions of this Act, or regulations or rules framed there under or in public interest, the Controlling Authority may without prejudice to the foregoing provisions of this section, by order in writing, annul such _ proceedings; 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.

(7) The Controlling Authority may, from time to time, direct the Board to conduct its affairs and to perform its functions in such a manner as may be specified.

(8) |The Controlling Authority may require the Board to furnish it with:

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board; or

Officers of the
Board.

Terms and
Conditions for
appointment of
Chairman.

(b) a report on any such matter; or

(c) a copy or original of any document
in the charge of the Board, and the
Chairman shall comply with every
such requisition and directions.

12. (1) The following shall be the officers of the
Board:

(a) the Chairman;
(b) the Secretary of the Board;

(c) the Controller of Examination
(Assessment, Technical and
Vocational Qualifications);

(d) such other officers as may be
appointed by Controlling Authority;

(2) 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.

13. (1) The Chairman shall be a whole-time
officer/Professor (B-20) of Technical Education,
appointed by the Controlling Authority on such
terms and conditions as prescribed.

(2) The Chairman shall hold office for a
term of two years from the date of his appointment;
and on expiry of his first term of office he may be
reappointment for a second term which shall in no
case exceeding three years:

Provided that the Controlling Authority
may, at any time, review it order of appointment if
satisfied that in the interest of the Board, or for any
other sufficient cause to be reduced in writing, it is
necessary to do so, it may, after giving the Chairman
an opportunity of showing cause against the
proposed action, removed him from his office or

reduce the term of his office to such period as it may determine.

(3) Recruitment of the chairman of the Board of technical and Vocational education shall be

Powers and
duties of
Chairman.

Secretary and
Controller of

through advertisement or with the approval of the
Controlling Authority.

(4) 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 four months, the Controlling Authority
shall take such arrangements for carrying out the
duties of the office of the Chairman, as it may think
fit.

14. (1) The Chairman shall exercise control over
the office of the Board as its principal executive/
academic officer and shall do all acts to ensure that
the officers and the staff will properly perform the
duties entrusted to them or as prescribed in rule or
regulations by the Government.

(2) It shall be the duty of the Chairman to
ensure that the provisions of this Act and the
regulations and rules are faithfully observed and
carried out, and he shall exercise all powers
necessary for this purpose.

(3) The Chairman may create a temporary
post under the Board for a period not exceeding six
months.

(4) In any emergency arising out of the
Administrative business of the Board and requiring
in the opinion of the Chairman, an 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.

(5) The Chairman shall exercise such other
powers as may be prescribed by rules or regulations.

(6) The Chairman shall, when present
preside at the meetings of: —

(a) the Board; and
(b) the Committees of the Board

constituted under section 17.

15. (1) The Secretary and the Controller of
Examination, shall be appointed by Controlling

Examination.

Other Officers.

Committee of
the Board

Constitution,
Functions and
Duties of
Committees.

Rules.

Authority and shall be whole-time salaried officers.

(2) The terms and conditions of service of
the Secretary and the Controller of Examination and
their powers and duties shall be as prescribed by
regulations.

16. Subject to the provisions of this Act, the
powers and duties of other officers of the Board shall
be such as may be prescribed by the Board.

17. (1) The Board shall have the following
committees, namely: —

(a) Curriculum and Technical and
Vocational Qualifications
Committee;

(b) Examination and Assessments
Committee;

(c) Accreditation and Recognition
Committee;

(d) Quality Assurance Committee;
(e) Finance Committee;
(f) Appointment Committee; and

(g) such other committee as may be
prescribed by regulations.

(2) The Board or a committee may appoint
such sub-committee as it may deem necessary.

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

19. (1) The Board with approval of the Government, may frame rules to carry on the provisions of this Act,

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

(a) the term and conditions of services of the employees of the Board,

Regulations.

Restrictions on

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including matters relating to taking of disciplinary action against, grant of leave to, and retirement of, such employees;

the constitution of pension or provident Fund or both for the benefit of the officers and other employees of the Board;

the affiliation and admission of institutions to the privilege of recognition; and withdrawal of recognition;

a general scheme of students, including the total number of subjects to be taught and the duration of courses; and

all other matters required under any of the provisions of this Act to be provided in the rules.

The Board with approval of the Controlling

Authority, may make regulations not inconsistent to the provisions of this Act and the rules made thereunder, to provide for —

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the inspection of institutions and the reports, returns and other information to be furnished by them;

the condition of admission of the candidates to the examinations held by it, and their eligibility for diploma certificates and titles;

the manner and the form in which accounts of the Board shall be maintained; and

such other matters as may be required under the Act or rules to be provided in the regulations.

No person shall, unless authorized by Board

issuance of issue any diploma or certificate in technical and diplomas and vocational education and training included in the certificates. general scheme of vocational qualifications made by the Board.

Explanation. — The word “Person” used in this section shall include a body corporate or any other body, organization or institution.

Punishment 22. (1) Whoever contravenes any provision of and cognizance this Act, or regulations or rules made there under, of offence. shall be punished with imprisonment of either

description which may extend to one year or with fine which may extend to one hundred thousand rupees or with both.

(2) If the contravention of this Act or any rules or regulations made there under is made by: —

(a) a body corporate, every director, manager, secretary or other officers or agent thereof; or

(b) other body, organization or institution, every member or partner thereof, or the manager or the principal officer running such body, organization or institution, —

shall unless he proves that the contravention took place without, his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(3) No Court shall take cognizance of an offence under this Act, except on a report in writing of the facts constituting such offence made by the Chairman or any officer or staff authorized by him in that behalf.

Funds. 23. The Board shall have a fund to which shall be credited all its income, including income from fees, endowments, grants and contributions.

Accounts and 24. (1) =‘The accounts of the Board shall be Audit. maintained in such manner as may be prescribed by

Provident Fund
and Pension.

Members
prohibited from
deriving
monetary
benefits.

Bar against
membership.

rules.

(2) The accounts of the Board shall be
audited in such manner as may be prescribed by
regulations.

(3) The Board shall, as soon as possible
after the end of every financial year, submit to
Controlling Authority and Government the annual
statement of the accounts of the Board duly audited
together with the report of the auditor.

25. (1) The Board shall establish for the benefit
of its employees such Pension or Provident Fund or
both, as it may deem fit, in such manner subject to
such conditions as may be prescribed by regulations.

(2) Government may, by notification,
declare that the provisions of the Provident Fund
Act, 1925 (Act XIX of 1925) and the rules made there
under, shall apply to the Provident Fund established
hereinabove sub-section (1), and on making of such
declaration, that Act shall apply accordingly as if the
Board were Government and the said fund were the
Government Provident Fund.

26. No member of the Board 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:

Provided that the emoluments of the Chairman
shall under the terms and conditions of his
appointment be paid from the funds of the Board.

27. No person who has financial interest in any
book prescribed by the Board as in the course of
vocational qualifications for any assessment,

recognition and examinations conducted by the Board or has a 18 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 the Board of Committee or continue as such after having acquired any such interest.

Validation. 28. No act or proceedings of the Board or any committee shall be invalid merely by reason of any vacancy in its membership or any irregularity in the appointment of any member of the Board or the committee.

Bar to suits. 29. All acts done, orders passed or proceedings taken by the Board shall be final and shall not be called in question in any court by a suit or otherwise

Employees of 30. The officer and employees of the Board and the Board to be other person appointed for carrying out the purposes considered of this Act, shall be deemed to be public servants

Public Servants. within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Indemnity. 31. No suit for damages or other legal proceedings shall be instituted against Government, the Controlling Authority, the Board, any committee, any member of the Board, or officers or employees of the Board in respect of anything done or purported to have been done to good faith in pursuance of this Act and the regulations and rules made.

Removal of 32. If any difficulty arises in giving effect to any of difficulties. the provisions of this Act, the Government may make such order, not inconsistent with the provisions of this Act, for removing the difficulty.

Delegation of 33. The Government may delegate any of its Powers. powers under this Act or any rules made there under, to the Chief Minister, Chief Secretary, Secretary Colleges, Higher and Technical Education, Government of Balochistan, with exception of the powers as prescribed hereinabove section 19.