

THE BALOCHISTAN RESIDENTIAL COLLEGES ACT, 2005

(Balochistan Act No. VIII of 2005)

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'THE BALOCHISTAN RESIDENTIAL COLLEGES ACT, 2005

Preamble

Short title, extent
and
Commencement.

Definitions

1

(Balochistan Act No. VIII of 2005)

[12" May, 2006]

An Act to provide for the establishment of the
Residential College in Balochistan.

WHEREAS it is expedient to provide for the
establishment of the Residential colleges in Balochistan to
promote education:

It is hereby enacted as follows:

1. (1) This Act may be called the Balochistan
Residential Colleges Act, 2005.

(2) It extends to the whole of the Province of
Balochistan except Tribal Areas.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires the
following expressions shall have the meanings hereby
respectively assigned to them, that is to say:—

(a) "Board" means the Board of Governors of
Balochistan Residential Colleges;

(b) "Chairman" means the chairman of the Board.

(c) "Colleges" means the Balochistan Residential
Colleges;

(d) "Controlling Authority" means the authority as
specified in Section 9.

(ec) "Government"? means the Government of
Balochistan;

(f) | "Member" means a member of the Board;

(g) "Prescribed" means prescribed by rules or regulations made under this Act;

(h) "Principal" means the Principal Officer incharge of College by whatever name called;

This Act has been passed by the Provincial Assembly of Balochistan on 15" April, 2006; assented to by the Governor of Baloch

published in the Balochistan Gazette (Extraordinary) No. 60, dated 12 May, 2006.

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Establishment of the
Colleges.

Establishment of the
Board.

Composition of the
Board.

Members of the
Board.

(i) "Chairman and Vice Chairman" means _ the
Chairman and Vice Chairman of the Board.

3. There may be established at all Zonal Headquarters a
College to be called the Balochistan Residential College.

4. (1) The Government shall, as soon as may after the
commencement of this Act, establish a Board for all Residential
Colleges to be called the Board of Governors of Balochistan
Residential 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 head office of the Board shall be at Quetta.

(4) The Board shall comprise of the Chairman, Vice

Chairman and Members.

5. Chairman and Vice Chairman of the Board. The
Minister for Education and the Chief Secretary Balochistan
shall be the Chairman and Vice Chairman of the Board
respectively.

6. (1) The members of the Board shall consist of:—

- (a) Secretary Education
- (b) Secretary Finance
- (c) Secretary S&GAD
- (d) Secretary Law

(e) Additional Chief Secretary
(Development)

(f) Additional Secretary (Development)
Education Department who shall be the
member/secretary of the Board.

(g) Two members of the Provincial
Assembly.

(h) The Principals of the colleges shall be the
honorary members of the Board.

Terms of Members.

Meetings 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.

7. (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 member 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.

8. 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:

9. (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;

Controlling
Authority.

Power of the
Controlling
Authority.

(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.

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

11. (1) The Controlling Authority shall have power to
cause and 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 of 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 taken 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
direction.

(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

Deputation of
Government
Servants.

Property.

Funds.

Controlling Authority may, without prejudice to the foregoing provisions of this section by an order in writing annual 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.

12. 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.

13. 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.

14. (1) The funds of the colleges shall be derived from:

- (a) grant made by the Government;
- (b) loan received from the Government
- (c) fees and other moneys received

(d) such foreign aid and loans as may be received by the board on such terms and

Maintenance of
Accounts.

Audit.

Annual Financial
Statement.

Return and
Statements.

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.

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

16. (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.

17. 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.

18. (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.

Members etc; to be
public servants.

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rules.

Regulations.

(b) [= Accopy of any document in the charge of
the colleges, and the colleges shall
comply with every such requisition.

19. 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).

20. (1) The Government may make rules for carrying
out the purposes 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;

(d) 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.

21. (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 22. The Balochistan Model Residential Secondary School Ordinance 1983! (XVII of 1983), is hereby repealed.

1 This Ordinance was made by the Governor of Balochistan on 15" November, 1983; and published in the Balochistan Gazette

(Extraordinary) No. 385, dated 19" November, 1983. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973), now repealed by S. 22.