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ISSUE OF BALOCHISTAN GAZETTE.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta, the 16th August, 2021.

No.PAB/Legis:V(20)/2021. The Balochistan Board of Technical and

Vocational Education Bill, 2021 (Bill No.20 of 2021), having been passed by

the Provincial Assembly of Balochistan on 09th August, 2021 and assented

to by the Governor Balochistan, on 16th August, 2021 is hereby published as

an Act of the Balochistan Provincial Assembly.

The Balochistan Board of Technical and Vocational

Education, Act 2021, (Act No. XXII of 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.

Short title,
extent,
commencement
and application.

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: —

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

Board of Technical and Vocational Education Act,
2021.

(2) It extends to the whole of Balochistan.

Definitions.

(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.

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);

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“Chairman” means the Chairman of the Board;

“Controlling Authority” means _ the Controlling Authority of the Board as specified in section 11 of the Act;

“Committee” means a committee constituted under section 18 of this Act;

“Government” means the Government of Balochistan;

“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;

“NAVTTTC” 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 NAVTTTC;

“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

Establishment
of the Board.

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

“Vocational Qualification” means level and
descriptors of skills and knowledge
defined in NVQOF and NQF from time to
time; and

“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.

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.

Constitution of 4. (1)
the Board.

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The Board shall consist of the following
members, namely: —

Chairman;

Director General, Labour and

Manpower Department;

Director General, Social Welfare
Department;

Director General, Industries and
Commerce Department;

Director General, Regional Office
NAVTTTC Quetta;

Director of Technical Education;
Director Manpower Training;

Chairman, Board of Intermediate
and Secondary Education,
Balochistan;

a Principal of Polytechnic Institute
nominated by Controlling Authority;

a head of technical/vocational
institute elected by and from among
themselves;

a representative to be nominated
from Higher Education
Commission;

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

an Industrialist to be nominated by
Controlling Authority;

Resignation or
Removal of any
member.

Casual
Vacancies.

(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 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.

Meeting of the Board.

Jurisdiction of Board.

Functions of the Board.

(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.

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 sub-section (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;

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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;

describe the means of assessment criteria for the levels of NVQOF/NQF and awarding certificates thereof;

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

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 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;

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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;

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;

issue and publish monthly, quarterly, bi-annual and annual report, periodical and newsletters,

as it may consider necessary for
promulgation of its activities;

conduct research in the areas of
technical and vocational

Controlling
Authority.

Powers of
Controlling
Authority.

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 advise 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

Officers of the
Board.

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

(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;

Terms and
Conditions for
appointment of
Chairman.

(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 re-
appointment 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 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.

Powers and
duties of
Chairman.

Secretary and
Controller of
Examination.

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 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.

Other Officers.

Committee of
the Board

Constitution,
Functions and
Duties of
Committees.

Rules.

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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
committees, namely: —

have the following

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

Regulations.

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

(c) the affiliation and admission of institutions to the privilege of recognition; and withdrawal of recognition;

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

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

20. 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.

Restrictions on
issuance of
diplomas and
certificates.

Punishment
and cognizance
of offence.

Funds

21. No person shall, unless authorized by Board issue any diploma or certificate in technical and vocational education and training included in the 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.

22. (1) Whoever contravenes any provision of this Act, or regulations or rules made there under, 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.

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
Audit.

Provident Fund
and Pension.

Members
prohibited from
deriving
monetary
benefits.

Bar against
membership.

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

Validation.

Bar to suits.

Employees of
the Board to be
considered

Public Servants.

Indemnity.

Removal of
difficulties.

Delegation of
Powers.

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.

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.

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.

30. The officer and employees of the Board and other person appointed for carrying out the purposes of this Act, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

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.

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

33. The Government may delegate any of its 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.

(TAHIR SHAH KAKAR)
Secretary.

