

THE BALOCHISTAN SEIZED AND FREEZED
INSTITUTIONS (MASAJID)
ACT, 2020

(Baln Act VIII of 2020)

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1THE BALOCHISTAN SEIZED AND FREEZED
INSTITUTIONS (MASAJID)
ACT, 2020

(Balochistan Act VIII of 2020)

[9% November, 2020]

An Act to establish the Masjid Management Board in Balochistan.

Preamble. WHEREAS, it is necessary to establish the Masajid Management Board; to manage the seized and freezed institutions; to ensure mainstreaming of students of such institutions; and to provide for the matters connected therewith and ancillary thereto:

It is hereby enacted as under:

Short title, extent 1. (1) This Act may be called as_ the and Balochistan Seized and Freezed Institutions (Masjid) commencement. Act, 2020.

(2) It extends to whole the Balochistan and shall apply to such institutions as may be notified by the Government.

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

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

(a) "Act" means the Balochistan Seized and Freezed Institutions (Masjid) Act, 2020;

(b) "Board" means the Board constituted under section 3 of the Act;

(c) "Chairperson" means the Chairperson of

1 This Act was passed by the Provincial Assembly of Balochistan on 26t October, 2020; assented to by the Governor of Balochistan on 6t November, 2020; and published in the Balochistan Gazette (Extraordinary) No. 160, dated 9t» November, 2020.

the Board;

(d) "Committee" means a Committee constituted by the Board under the Act;

(e) "Directorate" means the Directorate as established under section 7 of the Act;

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

(g) "Institutions" means the Masajid seized

and freezed under section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4 March 2019, and any other educational or training institution notified by the Government under the Act and includes an establishment, a property or an organization attached thereto;

(h) "member" means a member of the Board;

(ij) "prescribed" means prescribed by the rules made or the regulations framed under the Act;

(j) "regulations" means the _ regulations framed by the Board under the Act;

(k) "rules" means the rules made by the Board under this Act; and

(l) "seizing agency" means a seizing agency notified under section 2 of the United Nations (Security Council) Act 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4 March 2019.

Board. 3. (1) For the efficient management and control of the Institutions, the Government shall, by

notification in the official Gazette, constitute a Board to be known as Masajid Management Board.

(2)

(3)

The Board shall be a body corporate, having perpetual succession and a common seal, with power to enter into contracts and to acquire, hold and dispose of property, movable and immovable, and shall in its name sue and be sued.

The Board shall consist of the following:

(a)

(b)

(a)

(e)

Secretary Government of Balochistan, Religious Affairs Department;

Secretary to) the Government, Finance Department or his nominee not below the rank of Additional Secretary;

Secretary to) the Government, Law and Parliamentary Affairs Department or his nominee not below the

rank of additional Secretary;

Secretary to) the Government Services and General Administration

Department or his nominee not below the rank of an Additional Secretary (Regulation Wing),

Special Secretary to the
Government, Home
Department or his
nominee not below the
rank of an Additional
Secretary;

Three non-official
members, including at

Chairperson

Vice
Chairperson

Member

Member

Member

Member

Removal of non-

official members.

Meetings of the
Board.

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Board.

least one woman, to be
nominated by the Chief

Minister Balochistan;
and

(g) Director of the Member/
Directorate. Secretary

(4) The non-official matters shall have such

qualification and experience and shall serve for such
period as may be prescribed through regulations.

4. The Chief Minister may remove any non-official
member before the expiry of his term without
assigning any reason thereof.

5. The meetings of the board shall be held at such
time and at such place and in accordance with such
procedure as may be prescribed by the regulations.

6. Subject to the Provision of the Act, the Board
shall have the powers to:

(a) Acquire and dispose of a property and to
enter into contracts;

(b) Recruit and determine terms and
conditions of employees of the
institutions, including special
dispensation if required;

(c) Formulate the budget of the institutions;

(d) Lay down the procedure for the conduct
of its business;

(e) Set up any Committee as may be
required for carrying out the purposes of
the Act;

(f) hire the services of staff belonging to the
other Provinces as one-time dispensation
only; and

(g) delegate such powers to the Chairperson
or a Committee or the Administrator to

Establishment of
the Directorate.

Transitional
provisions for
employees of the
Institutions.

Properties.

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make rules or frame regulations.

7. (1) The Government shall by notification in
the official Gazette, establish a Directorate headed by
the Director having such number of employees on
such terms and conditions as the Board may
determine through regulations.

(2) The Directorate shall be managed and
controlled by the Board in such manner as may be
proscribed.

(3) The Directorate shall manage the
properties of the institutions and affairs of the
students of these institutions as may be prescribed
through regulations.

8. Any person, not below age of eighteen years,
serving in connection with the affairs of the
institutions, in any capacity immediately before the
date notified under the Act, hereinafter referred to as
the "said date" as notified under subsection (3) of
section 1, shall be deemed to have been an
employees of the Board on such terms and conditions
as the Board may determine:

Provided that such terms and conditions shall
not be less favorable than those immediately before
the promulgation of the Act:

Provided further that no such employees shall
be dismissed or removed from employment or
reduced in rank by any authority other than the
Board.

9. (1) All liabilities of the institutions on the
said date shall stand transferred to the Board.

(2) All Properties, movable or immovable,
owned by an institution shall vest in the Board:

Provided that where a property is not
owned by an institution, such property shall be

managed and controlled by Board.

Board Fund.

Maintenance of
Accounts.

Annual Financial
Statement.

Returns and
Statements.

10. (1) There shall be a fund to be known as
Board Fund.

(2) The Board Fund shall consist of:

(a) Grant-in-aid made by the
Government;

(b) Loans obtained from the
Government;

(c) Aid and loans obtained by the
Board with the prior approval of
Government on such terms and
conditions as may be approved by
the Government; and

(d) Fees and other sums received by
the Board.

(3) All Moneys at the credit of the Board
shall be kept in such manner as may be prescribed.

(4) The Board Fund shall be utilized by the
Board in connection with its functions under the Act,
including the payment of salaries and other
remunerations of the employees of the Board.

11. The Board shall Maintain complete and
accurate books of accounts in such form and manner
as may be prescribed.

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

13. (1) As soon as may be after the close of every
financial year but not later than the last day of
September next following, the Board shall submit to

the Government for approval a report on the conduct
of its affairs for that year.

Audit.

Non-official
members,
employees to be
the public
servants.

Powers to make
rules.

(2) The Government may direct the Board to furnish:

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

(b) a copy of any documents in the custody of the Board, and the Board shall comply with every such direction.

14. The accounts of the Board shall be audited in such manner as may be prescribed.

15. The non-official members of the Board, non-official members of any of a Committee constituted under this Act and the employees of the Board shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

16. (1) The Board may, with prior approval of the Government, make rules for carrying out the purposes of the Act.

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

(a) forms and register for keeping the accounts of the institutions;

(b) time and manner of submission of annual financial statement to the Government for approval;

(c) returns, statements, estimates, information or report for submission to the Government;

(d) manner in which the accounts of the Board shall be audited;

(e) manner in which Board Fund shall

be kept; and

(f) any other matter under the provisions of the Act as may be prescribed by the rules.

Regulations. 17. (1) The Board may frame regulations, not

inconsistent with the provisions of the Act and the rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for:

(a)

(b)

(c)

(d)

(e)

(g)

(h)

(i)

schedule of meetings of the Board and the procedure to be followed for such meetings;

circumstances in which an ordinary or special meeting may be convened;

manner in which the minutes shall be circulated and confirmed.

powers to be_ exercised and functions to be performed by a committee;

terms and conditions of employment of employees of the Board;

delegations of administrative and financial powers to the Directorate, a Committee or an employee of the Board;

manner in which the Board Fund
shall be disbursed;

procurement of goods and services;
and

any other matter within the scope
of the Act.

Exception.

Indemnity.

Validation.

Removal of
difficulties.

18. The provisions of the Balochistan Civil Servants Act 1974 (IX of 1974) the rules, regulations, policies and instructions made thereunder, shall not apply to the employees of the Board.

19. No suit, prosecution or other legal proceedings shall lie against the Board, the Chairperson or any employee of the Board done under the Act, the rules, the regulations or the instructions issued thereunder.

20. All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made thereunder by any authority which were made, taken, done or purported to have been made, taken, done, issued, or exercised immediately before the Commencement of the Act and after the said date, shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had affect accordingly.

21. If any difficulty arises in giving effect to any provision of the Act, the Chief Minister may, make such order not inconsistent with the provisions of the Act, as may appear to him to be necessary for the purpose of removing such difficulty.