

THE KHYBER PAKHTUNKHWA SPECIAL POLICE OFFICERS (REGULARIZATION OF SERVICES) ACT, 2019

(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2019)

CONTENTS

PREAMBLE

1. Short title, extent and commencement.
2. Definitions.
3. Regularization of services of Special Police Officers.
4. Determination of seniority.
5. Scrutiny Committee.
6. Overriding effect.
7. Removal of difficulties.

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AN  
ACT

to provide for the regularization of the services of Special Police Officers appointed on contract basis or fixed pay basis.

WHEREAS it is expedient to provide for the regularization of the services of Special Police Officers, appointed on contract basis or fixed pay basis, from time to time, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.  
(3) It shall come into the force at once.

2. Definitions.--- In this Act unless the context otherwise provides, the following expressions shall have the same meanings as are assigned to them, that is to say-

(a) "contract appointment" means appointment of Special Police Officers, made otherwise than in accordance with the prescribed method of recruitment;

(b) "Government" means the Government of the Khyber Pakhtunkhwa;

(c) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of Police Force in Khyber Pakhtunkhwa Province;

(d) "Police Department" means the Police Department of the Khyber Pakhtunkhwa Province;

(e) "post" means a post under Government or in connection with the affairs of Government to be filled in through prescribed method; and

(f) "Special Police Officer" means an employee, appointed in Police Department, from time to time, on contract basis or fixed pay basis, under the nomenclature of Special Police Officers or Special Police Force, performing Police or security duties.

3. Regularization of services of Special Police Officers.---All the Special Police Officers, appointed on contract basis or fixed pay basis who are holding the post on 1 August 2019, shall be regularized with immediate effect, subject to the condition of section 5 of this Act.

4. Determination of seniority.---(1) The Special Police Officers, whose services are regularized under this Act, shall rank junior to all other members of the Police Force who are in service on regular basis on the commencement of this Act.

(2) The inter se seniority of the Special Police Officers, whose services are regularized under this Act, within the same rank, shall be determined on the basis of their continuous officiating service in the rank:

Provided that the date of continuous officiating service in the case of two or more employees is the same, however, the employee older in age shall rank senior to the younger one.

5. Scrutiny Committee.---(1) A Scrutiny Committee, headed by the District Police Officer and having one member each from the District Administration and District Account Officer of the District concerned, shall prepare lists of all members of the Special Police Officers, after personal appearance and verification of CNIC's and scrutiny of record of the Special Police Officers for the submission to Provincial Police Officer.

(2) The lists, submitted to the Provincial Police Officer, under sub-rule (1), after proper sifting, shall be forwarded to Home and Tribal Affairs Department of the Government with the recommendations for regularization of members of the Special Police Officers in the Police Department.

(3) The Home and Tribal Affairs Department of Government, after receiving the lists of all members of Special Police Officers shall issue notification of regularization of Special Police Officers into Police after approval of the Cabinet.

6. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rule, for the time being in force, the provisions of this Act shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

7. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, Government may issue such order as may appear to it to be necessary for the purpose of removing such difficulty; provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.