

**THE BALOCHISTAN ASSESSMENT AND EXAMINATION
COMMISSION ACT, 2018**

(Baln. Act VIII of 2018)

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**¹THE BALOCHISTAN ASSESSMENT AND EXAMINATION
COMMISSION ACT, 2018**

(Balochistan Act No. VIII of 2018)

[13th June, 2018]

An act to provide for constitution and establishment of a Commission for improvement of educational assessment and examination system at school level.

Preamble.

WHEREAS, it is expedient to provide for constitution and establishment of a Commission for the improvement of educational assessment and examination system, conduct examinations in all public and private educational institutions at school level and conduct periodic diagnostic assessment of learning outcomes with the objective to improve the teaching and learning process to meet the requisite standards and bring it in line with the needs of the official curriculum; and for the matters connected therewith or incidental thereto;

It is hereby enacted as follows: –

Short title, extent
and
commencement.

1. (1) This Act may be called the Balochistan Assessment and Examination Commission Act, 2018.
- (2) It extends to the whole of Balochistan except the Tribal Areas.
- (3) It shall come into force on such date as Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, —
 - (a) “Act” means the Balochistan Assessment and Examination Commission Act, 2018;
 - (b) "Chairperson" means the Chairperson of the Commission;
 - (c) "Chief Executive Officer" means the Chief Executive Officer of the Commission, as appointed

¹ This Act was passed by the Provincial Assembly of Balochistan on 30th May, 2018; assented to by the Governor of Balochistan on 13th June, 2018; and first published in the Balochistan Gazette (Extraordinary) No. 135, dated 13th June, 2018.

under section 18;

- (d) "Commission" means the Balochistan Assessment and Examination Commission as constituted under section 5;
- (e) "Committee" means a committee as constituted by the Commission under section 11;
- (f) "Controlling Authority; means the Controlling Authority of the Commission, as specified in section 14;
- (g) "Fund" means the Balochistan Assessment and Examination Commission Fund as described in section 21;
- (h) "Government" means the Government of Balochistan;
- (i) "Local Government" means the local government institutions as defined in the Balochistan Local Government Act, 2010 (Act V of 2010) or any other law for the time being in force;
- (j) "Member" means a Member of the Commission;
- (k) "Policy" means the policy made under this Act.
- (l) "Prescribed" means prescribed by Rules or Regulations made under the Act;
- (m) "Regulations" means the regulations made or deemed to have been made under section 25;
- (n) "Rules" means the rules made or deemed to have been made under the section 26;
- (o) "Secretary" means the Secretary of the Commission;
- (p) "section" means a section of the Act; *and*
- (q) "School level" means schools imparting education from Class I to Class VIII, as the case may be.

Establishment of
Commission.

3. (1) The Government shall, by a notification in the official Gazette, establish a Commission to be known as "the Balochistan Assessment and Examination Commission".

(2) The Commission shall be a body corporate having perpetual succession and a common seal, with power to enter into agreement, acquire, hold, manage, and dispose of property, and to sue and be sued by its name.

Jurisdiction of the Commission.

4. The Commission shall exercise its powers in respect of such institutions and within such area as may be determined by the Government, from time to time, by a notification in the official Gazette.

Composition of Commission.

5. (1) The Commission shall consist of the following official and non-official members, namely, —

- (a) the Minister for Education, Government of Balochistan;
- (b) A member of the Provincial Assembly of Balochistan, to be nominated by the Chief Minister Balochistan;
- (c) the Mayor, Quetta Metropolitan Corporation;
- (d) the Secretary to Government of Balochistan, —
 - (i) Secondary Education Department;
 - (ii) Higher and Technical Education Department;
 - (iii) Finance Department;
 - (iv) Planning and Development Department; *and*
 - (v) Social Welfare, Literacy and Non-formal Education Department;
- (e) Director of Education (Schools) Balochistan;
- (f) Head of the Education Department,—
 - (i) University of Balochistan; *and*
 - (ii) Sardar Bahadur Khan Women University;
- (g) One member from private school system,

to be nominated by the Secretary, Secondary Education Department; *and*

- (h) the Chief Executive Officer, Balochistan Assessment and Examination Commission, who shall also act as the Secretary of the Commission.

(2) The Government shall nominate the members other than *ex-officio* members, for a term of three years, which shall not be questioned by or before any court or authority.

(3) The Minister for Education shall be the Chairperson of the Commission, who shall preside over the meetings of the Commission, however, in case of his absence for any reason, the Secretary to Government, Secondary Education Department shall be the Chairperson and preside over the meetings of the Commission.

(4) The Chairperson may, with the prior approval of the Commission, co-opt any other person as member either for a particular meeting, purpose or for a specified period.

(5) The existence of a vacancy or any defect in the composition of the Commission shall not invalidate any act or proceedings of the Commission.

(6) The Chairperson and the members shall serve on honorary basis.

(7) The Chief Executive Officer shall be the Secretary of the Commission, and responsible for recording the minutes of each meeting of the Commission, in writing.

Resignation of a Member.

6. A non-official Member may by a notice in writing under his hand addressed to Government, resign from his office; and his seat shall fall vacant on acceptance of his resignation.

Removal of a Member.

7. (1) The Government may, on the recommendation of the Commission, remove a Member nominated under section 5 (2), if he, —

- (a) becomes of unsound mind; *or*
(b) is declared insolvent by a competent court of Law; *or*

- (c) is convicted by a criminal court; *or*
- (d) is found negligent in the discharge of his functions.

(2) The decision of the Government removing a member under sub-section (1) shall be final and shall not be questioned by or before any court or authority.

Casual Vacancy.

8. Whenever there occurs a vacancy in the membership of Commission due to death, resignation or removal of a non-official Member, Government may fill the vacancy by nominating a person from the same category and the Member so nominated shall hold office for the unexpired period of the term of his predecessor.

Functions of
Commission.

9. The functions of the Commission shall be to, —
- (a) design, develop, implement, maintain, monitor and evaluate a system of assessment and examination at school level education;
 - (b) formulate policy and programme for conducting the examination of class VIII as per the official curriculum in all public and private schools, madrassa, non-formal and special education schools and project oriented schools in Balochistan;
 - (c) formulate policy and conduct periodic diagnostic assessment;
 - (d) generate and disseminate reports for feedback to all stakeholders;
 - (e) assist Balochistan Board of Intermediate and Secondary Education for developing quality testing to assess students' learning based on Curriculum learning outcomes;
 - (f) prepare an annual operational plan of its activities that will *inter-alia* recommend measures for capacity building of the teachers and educationists for improving the system of assessment at school level;

- (g) perform such other functions as may be ancillary to its functions, or as may be assigned by the Controlling Authority;
- (h) develop standards of assessment and examination commensurate with the standards of education;
- (i) outsource professionals for conduction of research activities;
- (j) enter into agreements with national and international organizations including universities, for short or long term collaboration for capacity building of the Commission or related objectives;
and
- (k) hold and manage endowments.

Powers of Commission to make regulations.

10. The Commission may, subject to the approval of the Government frame regulations, not inconsistent with the provisions of this Act. However,—

- (a) the Commission shall not propose draft of regulations affecting the constitution or power of any authority;
- (b) the draft of regulations shall be forwarded to the Education Department and shall not be effective until it has been approved by the Education Department;
- (c) Commission shall not have the power to frame any regulation or adopt any rules or regulations concerning efficiency and discipline of the officers/officials and other employees which is not in conformity with rules made by the Government;
and
- (d) any clause not consistent to the provision of the Act may be dealt in accordance with prevailing Government rules and regulations.

Committees.

11. The Commission may constitute different committees and entrust them such functions and powers within the provisions of Act, as it may deem fit.

Meetings of
Commission.

12. (1) The Commission shall meet at least twice in a calendar year.

(2) The Chief Executive Officer shall convene a meeting of the Commission whenever Chairperson considers it necessary or on written requisition from not less than seven members of the Commission.

(3) An *ex-officio* Member may nominate an officer in BPS-19 or above to represent him at a meeting of the Commission.

(4) The quorum for meeting of the Commission shall be seven.

(5) The Commission shall take decisions by the majority of its Members present and voting, and in case of a tie, the Chairperson shall have a casting vote.

Delegation.

13. The Commission may, subject to such conditions and limitations as it may deem fit delegate any of its powers or functions to the Chairperson, Chief Executive Officer, a committee, or one or more members, except the power to, —

(a) frame, amend or repeal regulations;

(b) approve major policy decisions and procedures for the operation of the Fund;

(c) constitute a committee or fill a vacancy in a committee; *and*

(d) approve the annual budget, audited accounts and the annual reports.

Controlling
Authority.

14. The Government shall be the Controlling Authority over and above all the activities of Commission and the Secondary Education Department shall be the Administrative Department for this purpose.

Powers of
Controlling
Authority.

15. (1) The Controlling Authority shall have the power to supervise the office activities, funds, assessment and conduct of examinations by Commission.

(2) The Controlling Authority may from time to time, direct the Commission or the Chief Executive Officer, as the case may be, to conduct its affairs and perform its functions in such a

manner as it may be specified necessary for this purpose.

(3) The Controlling Authority may at any time suspend a member, an officer or an employee of the Commission as may be prescribed.

Secretariat.

16. (1) The Commission shall have a Secretariat at Quetta.

(2) The Secretariat shall comprise the Secretary of the Commission/Chief Executive Officer; and such other officers and staff as may be determined from time to time, by the Commission with prior approval of the Controlling Authority.

(3) Irrespective of its composition the Commission may hire the services of technical and professional experts on contract basis.

Powers of the Chief Executive Officer.

17. (1) The Chief Executive Officer shall be the principal executive and academic officer of the Commission Secretariat/office; and shall be responsible to perform all such functions as provided in the Act, rules or regulations; or as may be assigned to him by an authority under any of the provisions of this Act.

(2) It shall be the duty of Chief Executive Officer to ensure that the provisions of this Act and the regulations and rules and directions of the controlling authority and in doing so he shall exercise all power necessary for this purpose.

(3) The Chief Executive Officer with the approval of Commission may appoint a person against the post on need basis for a period of three months.

(4) In case of any urgency the Chief Executive Officer may take such action as he may deem necessary and shall report to Commission at its next meeting for approval.

(5) The Chief Executive Officer shall perform such other duties as may be assigned to him by the Commission/Controlling Authority.

(6) The Chief Executive Officer shall exercise such other powers as may be prescribed by rules or regulations.

Officers and Staff.

18. (1) The Government shall appoint a Chief Executive Officer of the Commission for a term of three years which may

be extended for further two years.

(2) The other officers and staff of the Commission shall be comprised of such posts as already exist/ created in the service of the Commission i.e. before the commencement of this Act; and the posts as may hereafter be determined by the Commission in consultation with the Controlling Authority/ Finance Department.

(3) All the appointments, terms and conditions of the posts mentioned hereinabove sub-sections shall be as prescribed by rules.

Inclusion of Private Educational Institutes.

19. (1) It shall be mandatory for all private educational institutions registered with the Department of Education or any other Authority constituted under a law by the Government, to participate in the examination conducted by the Commission.

(2) No Board of Intermediate and Secondary Education shall register any student from any school, in Grade 9 or 10 for Secondary School Examination without an 8th Class Examination Passed Certificate from the Commission (BAEC).

Public Servants.

20. Chief Executive Officer, officer or employee of the Commission, authorized to perform or exercise any function or power under this Act shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

Fund.

21. (1) There shall be a Fund of the Commission to be known as the Balochistan Assessment and Examination Commission Fund.

(2) The Fund shall consist of, —

(a) any contribution or grants made by the Federal Government, Provincial Government or a local government;

(b) income, including income from fees, investments, bank-deposits, profits, donations, trust, bequests, endowments, grants and contributions from organizations or agency whether national or international or from any other source.

(c) sale proceeds of the property of the Commission, which must be decided by Commission in accordance with the finance rules; *and*

(3) The Fund shall be kept in such custody, and shall be regulated and utilized in accordance with prevailing Government financial rules.

Budget and
accounts.

22. (1) The Chief Executive Officer shall prepare the budget for financial year and submit it before the Commission for approval.

(2) The Chief Executive Officer shall not incur any expenditure from the Fund without prior approval of the Commission.

(3) The Commission shall maintain accounts, income, expenditures, assets and liabilities in such form and manner as may be prescribed by Government.

(4) A statement of accounts of Commission shall be submitted to Government once in a year, with in six months of the closing of the financial year.

Audit.

23. (1) The Auditor General of Pakistan shall annually audit the accounts of the Commission.

(2) The Government, in addition to the Audit under sub-section (1), shall cause the accounts of the Commission annually audited by a Chartered Accountant or any other authority sub-ordinate to it.

(3) The Chief Executive Officer, with the approval of the Commission, shall submit to the Government the annual statement of accounts and audit report within six months of the closing of financial year.

Annual report.

24. The Commission shall submit an annual report to the Government which shall include, —

(a) a comprehensive statement of the work and activities of the Commission;

(b) recommendations to improve the standards, curricula, textbooks, examinations teaching and

learning strategies required for quality of education; *and*

(c) statement of accounts and audit report.

- Regulations. 25. The Commission may, by notification in the official Gazette, not inconsistent with the provisions of Act or rules, make regulations for the purpose of giving effect to the provisions of the Act.
- Rules. 26. The Government may, by notification in the official Gazette, not inconsistent with the provisions of Act, make rules for carrying out the purposes of this Act.
- Policy. 27. Subject to the provision of this Act the Chief Executive Officer may by notification in the official Gazette, issue policy of the Commission with a prior approval of the Controlling Authority.
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