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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 1ST APRIL, 2013.

NO.PAS/Legis-B-17/2013- The Benazir Bhutto Shaheed Human Resource Research and Development Board Bill, 2013 having been passed by the Provincial Assembly of Sindh on 13th March, 2013 and assented to by the Governor of Sindh on 28th March, 2013 is hereby published as an Act of the Legislature of Sindh.

**THE BENAZIR BHUTTO SHAHEED HUMAN RESOURCE
RESEARCH AND DEVELOPMENT BOARD ACT, 2013.**

SINDH ACT NO. XXXV OF 2013.

**AN
ACT**

to provide for establishment of a Board to be known as the Benazir Bhutto Shaheed Human Resource Research and Development Board;

WHEREAS It is expedient to establish a Board to be known as the Benazir Bhutto Shaheed Human Resource Research and Development Board, to undertake research for development of human resource, in order to provide the range of skills and vocational trainings, for un-employed persons, in the Province of Sindh and provide for matters ancillary thereto; **Preamble.**

It is hereby enacted as follows:-

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Benazir Bhutto Shaheed Human Resource Research and Development Board Act, 2013.
- (2) It extends to the whole of Province of Sindh.
- (3) It shall come into force at once.

Definitions.

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

- (i) "assessment" means the training needs assessment, conducted for the training programs and course under this Act;
- (ii) "Board" means the Benazir Bhutto Shaheed Human Resources Research and Development Board constituted under section 4;
- (iii) "Chairperson" means the Chairperson of the Board;
- (iv) "Controlling Authority" means the Controlling Authority of the Board;
- (v) "Database" means the database developed by the Board;
- (vi) "Development Program" means the Benazir Bhutto Shaheed Youth Development Program;
- (vii) "Fund" means the fund established under this Act;
- (viii) "Government" means the Government of Sindh;
- (ix) "Member" means a member of the Board;
- (x) "prescribed" means prescribed by rules or regulations made under this Act;
- (xi) "Private Training Providers" means an institute prequalified or short listed for providing training for skill development to registered trainees;
- (xii) "rules and regulations" means the rules and regulations respectively made under this Act;
- (xiii) "Secretary" means the Secretary of the Board;
- (xiv) "training course" means a curriculum based on skill development course designed for particular course for learners;

**Constitution of
Board.**

3. (1) There shall be established a Board to be known as the Benazir Bhutto Shaheed Human Resource Research and Development Board, to carry out the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Board shall be at Karachi and it may set-up its offices at such place or places in the Province as it may consider appropriate.

(4) The Board shall, in discharging its functions, act on sound principles to organize skill trainings for human resource development as well as facilitating employment to graduates, and shall be guided by such directions as Government may give, from time to time.

(5) If a question arises whether any matter is of policy or not, the decision of Government shall be final.

4. The Board shall consist of the following:-

**Constitution of
the Board.**

- (i) the Chairperson to be appointed by Controlling Authority, from amongst the eminent scholars or industrialists having at least ten years' experience of vocational training field;
- (ii) the Vice Chairperson to be appointed by Board from amongst the non-official members of the Board;
- (iii) Secretary to Government of Sindh, Labour Department or his representative not below the rank of an Additional Secretary;
- (iv) Secretary to Government of Sindh, Finance Department or his representative not below the rank of an Additional Secretary;
- (v) Secretary to Government of Sindh, Planning and Development Department or his representative not below the rank of an Additional Secretary;
- (vi) Representative of the Karachi Chamber of Commerce and Industry from amongst the eminent industrialists to be appointed by the Board;
- (vii) Representatives of the Sukkur or Larkano Chamber of Commerce and Industry from amongst the eminent industrialists to be appointed by the Board;
- (viii) Representative of the Hyderabad or Mirpurkhas Chamber of Commerce and Industry from amongst the eminent industrialists to be appointed by the Board; and
- (ix) Secretary of the Board;

(2) The Secretary shall act as Secretary of the Board.

(3) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(4) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as Board may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by Board without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(8) The members shall receive such remuneration, fees and allowances and enjoy such privileges as may be determined by Government.

Disqualification of member.

5. (1) No person shall be or shall continue to be a member who -

- (a) is not a citizen of Pakistan;
- (b) is found a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;
- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;
- (g) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Board.

Meetings of the Board.

6. (1) The meetings of the Board shall be regulated by regulations but until regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence Vice-Chairperson or, as the case may be; provided that the meeting shall be held once in a quarter.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

Powers and Functions of the Board.

7. The powers and functions of the Board shall be -

- (i) to approve the annual plans of skill trainings for human resource development;
- (ii) to conduct assessment on annual basis, cause to be published and to prescribe employable skill training courses;
- (iii) to liaise with public and private sector institutes, schools, colleges and universities imparting skill training courses to establish membership based consortium (Human Resource Development Network);

- (iv) to develop and maintain database of the graduates of various training courses and publish annual alumni directory;
- (v) to formulate policies and guidelines to be followed by the institutes for performance against benchmarks;
- (vi) to establish Management Information System based on monitoring and evaluation as a primary source, and to develop and maintain a robust web portal for exchange of information and skill training activities in the Province;
- (vii) to plan, design and develop curricula for its range of employment based training courses including soft skills package of communication and discipline for trainees of various trades to facilitate them to gain employment;
- (viii) to participate in the expressions of interests (EoI) advertised by organization(s) other than the Board, for training and its related activities through competitive bids;
- (ix) to acquire land, buildings and other assets through donation or transfer of rights to the Board and to sell, lease, exchange or otherwise dispose of any property vested in the Board;
- (x) to hold and manage endowment fund non-lapsable consisting of its own budgeted resources, Government grants and other donations;
- (xi) to create and abolish the posts, appoint the staff and define their duties and conditions of services;
- (xii) to enter into contracts and agreements or other instruments as the Board may consider necessary; and
- (xiii) to do all other acts and things which are incidental or are required to further the objectives of the Board.

8. The Controlling Authority of the Board shall be the Chief Minister Sindh or his nominee, who may supervise the affairs of the Board.

Controlling Authority.

9. (1) The Chairperson shall be appointed by the Controlling Authority who shall hold office for a period of three years and on expiry of such term, he shall be eligible for re-appointment for further period as may be specified by the Government.

Chairperson.

(2) Where the office of the Chairperson is vacant temporarily or otherwise, by reason of leave, illness or other cause, for a period not exceeding one year, the Controlling Authority shall make such arrangements for performing the duties of the office of the Chairperson as it may think fit.

(3) It shall be the duty of the Chairperson to ensure that the provisions of this Act and Rules are faithfully observed and carried out.

(4) In any emergency arising out of the administrative business of the Board and requiring in opinion of the Chairperson, immediate action, the Chairperson on the advice of Secretary may take such action as he may deem necessary and shall report the action so taken to the Board in its next meeting for approval.

(5) The Chairperson shall exercise such other powers as may be prescribed.

Appointment of the Secretary.

10. (1) There shall be a full time Secretary of the Board to be appointed by Government on such terms and conditions as it may determine.

(2) The Secretary shall be an eminent professional of known integrity and competence having experience in human resource development, skill and vocational training of both public and private sectors, especially in the context of managing human resources, financial management and program implementation in terms of manpower skills and competence.

(3) The Secretary shall be paid such salary and allowances as may be determined by Government but his salary and allowances shall not be varied to his disadvantage during the term of his office.

Powers of Secretary.

11. The Secretary shall have the powers to -

- (a) exercise administrative control over the day to day functioning of the Board including management, financial management, human resource management and management of academic affairs;
- (b) conduct the official correspondence of the Board for implementation of all the decisions and other business of the Board;
- (c) run the affairs of the Board for attaining its objectives through the executive tier;
- (d) perform such functions and exercise such power as the Board may delegate to him;
- (e) ensure that all grants, donations and contributions are to be deposited in endowment fund;
- (f) act on behalf of the Board in any emergency, subject to the obligation to report such action to the Board at its next meeting; and
- (g) shall exercise such other power and perform such other function as may be assigned to him by the Board.

12. There shall be established a full-fledged organizational tier of the Board, under the Secretary in such manner and with such functions as may be prescribed.

Organizational Tier.

13. The Board may set up such administrative, financial and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.

Committees.

14. (1) The Board may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed.

Appointment of officers and staff.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed.

15. (1) All properties and assets, right and interest of whatever kind, used, enjoyed, possessed, owned or vested in, or held in trust by the Development Program, Provincial Coordination Unit, District Monitoring Unit and Program Management Unit set up under the Development Program and all liabilities legally subsisting against them shall stand transferred to the Board.

Assets and Liabilities and transfer of staff.

(2) All persons serving in the Development Program, Provincial Coordination Unit, District Monitoring Unit and Program Management Unit, in any capacity immediately before the commencement of this Act shall, if they opt to serve the Board, notwithstanding in any law or terms and conditions for their service, stand transferred for service to the Board on the terms and conditions as may be prescribed:

Provided that such terms and conditions shall not be less favourable than the terms and conditions admissible to them immediately before their transfer.

(3) The option under sub-section (2) shall be exercised and submitted to Government within ninety days of the commencement of this Act and the option so exercised shall be final.

16. (1) There shall be established a Fund to be known as the Benazir Bhutto Shaheed Human Resource Development Board Fund which shall vest in the Board with powers to manage and operate it.

Fund.

(2) All receipts of the Board from any source whatsoever including endowments, contribution and annual grants from Government, shall be credited to the Fund.

(3) Government shall provide annual grants to the Board for carrying out the purposes of this Act.

(4) The Board may receive grants from other sources including private sector.

- (5) The Board may invest its funds in investment schemes including Government securities for raising funds.
- (6) The Fund shall be managed and operated in the manner as may be prescribed.
- Audit and accounts.**
17. (1) The Board shall maintain accounts of receipts and expenditure in accordance with the rules.
- (2) The Board shall maintain an internal Audit Division which shall regularly undertake institutional internal check and control.
- (3) The accounts of the Board shall be annually audited through a firm of external Chartered Accountants approved by the Board and the report of the Chartered Accountant along with audited account shall be presented to Government.
- Budget and accounts.**
18. The Board shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.
- Maintenance of accounts.**
19. The Board shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Board which shall include a balance sheet and an account of receipt and expenditure.
- Submission of Reports.**
20. (1) The Board shall submit an annual report to Government in respect of any of its activities and furnish such information as and when required by Government.
- (2) The Board shall post all relevant information in a user-friendly manner on its website.
- Delegation of powers.**
21. The Board may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, member or any officer of the Board.
- Public Servant.**
22. Every employee of the Board including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.
- Validity of proceedings.**
23. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

24. No suit, prosecution, or other legal proceedings shall lie against the Board, the Chairperson or any member, officer, servants, advisers or consultants of the Board in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made thereunder. **Indemnity.**

25. The Board may, with the approval of Government, make rules consistent with this Act for all or any of the following matters, namely:- **Powers to make rules.**

- (i) the constitution, powers and functions of Committees;
- (ii) powers and duties of the officers, advisers, consultants and employees of the Board;
- (iii) service matters including rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;
- (iv) constitution of pension or Provident Fund for the benefit of the officers and other employees of the Board; and
- (v) such other matters as may appear to it necessary for giving effect to the provisions of this Act.

26. The Board may make regulations, not inconsistent with the provisions of this Act and the rules made there under, for carrying out the purposes of this Act. **Power to make regulations.**

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

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH