

# **THE BALOCHISTAN JUDICIAL ACADEMY ACT, 2010**

**(Baln Act II of 2010)**

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# **<sup>1</sup>THE BALOCHISTAN JUDICIAL ACADEMY ACT, 2010**

**(Baln Act II of 2010)**

[30<sup>th</sup> January, 2010]

An Act to provide for the establishment of Judicial Academy in the province of Balochistan.

Preamble.

WHEREAS it is expedient to establish an academy for imparting training to the Judicial Officers and court personnel in order to improve their capacity, professional competency and ethical standards for efficient dispensation of justice in courts and matters ancillary thereto;

It is hereby enacted as follows:

Short title and Commencement.

1. (1) This Act may be called the Balochistan Judicial Academy Act 2010.

(2) It shall come into force at once.

Definitions.

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

(a) “Academy” means the Balochistan Judicial Academy.

(b) “Board” means the Board of Governors of the Academy.

(c) “Chairman” means the Chairman of the Board.

(d) “Vice Chairman” means the Vice Chairman of the Board.

(e) “Director General” means the Director General of the Academy; appointed under section 10.

(f) “Director” means the Director of the Academy.

(g) “Government” means the Government of the Balochistan;

(h) “Judicial Officer” means a District & Sessions Judge, a Sadar/President of Majlis-e-Shoora, a Presiding Officer of a Labour Court, an Additional District & Sessions Judge, a Senior

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<sup>1</sup> This Act was passed by the Balochistan Assembly on 15<sup>th</sup> January, 2010: assented to by the Governor of Balochistan on 25<sup>th</sup> January, 2010: published in the Balochistan Gazette (Extraordinary) No. 4, dated 30<sup>th</sup> January, 2010.

Civil Judge, a Member Majlis-e-Shoora, a Civil Judge, a Judicial Magistrate, a Special Judicial Magistrate, a Qazi, or a Presiding Officer of a court or a tribunal under the administrative control of the High Court of Balochistan;

- (i) "Member" means a member of the Board;
- (j) "Prescribed" means prescribed by the rules made under this Act, and
- (k) "Staff" mean members of the staff of the Academy, including contract employees, part time employees and employees on deputation.

Establishment of the Academy.

3. (1) The Government shall by notification establish an Academy to be called the Balochistan Judicial Academy.

(2) The Academy shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both moveable and immovable and shall by the said name sue and be sued.

(3) The headquarters of the Academy shall be at Quetta.

Aims and Objects.

4. The aims and object of the Academy shall be:

- (a) orientation and training of new Judges, Magistrates, Law Officers, Court Personnel, and any other person or group of persons.
- (b) pre-service and in-service training and education of judges, Magistrates, Law Officers, Court Personnel;
- (c) holding of conferences, seminars, workshops and symposia for improvement of the judicial system and quality of judicial work; and
- (d) publishing of book, journals, research papers, memories and reports etc.

The Board of Governors.

5. (1) The general direction and administration of the Academy and its affairs shall vest in a Board of Governors, which may exercise all powers and do all acts and things relating thereto and as envisaged hereunder in section 6.

(2) The Board of Governors shall consist of the following:-

- |  |                       |
|--|-----------------------|
| (i) The Chief Justice of Balochistan High Court.   | Chairman.             |
| (ii) The Senior Puisne Judge of Balochistan High Court.  | Vice-Chairman.        |
| (iii) The Registrar, Balochistan High Court.   | Member.               |
| (iv) The Secretary, Government of Balochistan, Finance Department.                                   | Member.               |
| (v) The District and Sessions Judge, to be nominated by the Chief Justice of Balochistan High Court. | Member.               |
| (vi) The Secretary, Government of Balochistan Law & Parliamentary Affairs Department.                | Member.               |
| (vii) The Director General.  | Member/<br>Secretary. |

Powers and functions of the Board.

6. For carrying out the aims and objects of the Academy, the Board shall, inter alia:-

- (a) exercise general supervision over the affairs of the Academy,
- (b) lay down the policy, curriculum and program for training and approve courses of the training;
- (c) evaluate and examine the activities of the Academy;
- (d) approve and consider the annual budget and revised budget estimates of the Academy;
- (e) receive grants-in-aid and donations from the Federal Government, Provincial Government

and aid giving agencies, NGOs etc;

- (f) cause proper books of accounts to be maintained for all sums of money received and expended by the Academy and arrange for audit by the Director-General Audit, of Balochistan;
- (g) prescribe the terms and conditions of service of the Director General/Director and members of the Staff;
- (h) create, abolish, suspend and upgrade posts;
- (i) prescribe duties of the members of the staff;
- (j) appoint, suspend, punish, dismiss or remove from service any member of the staff;
- (k) purchase, hire, construct or alter any building for the Academy;
- (l) hold, control and administer the moveable and immovable property, assets and funds of the Academy;
- (m) regulate, determine and administer all matters concerning the Academy;
- (n) affiliate with Provincial judicial academies and the other training and educational institutions; and
- (o) decide any other matter ancillary and incidental to the aims and objects of the Academy.

Delegation of powers.

7. (1) The Board may delegate all or any of its powers and functions under this Act or the Rules or regulations to the Chairman, Vice Chairman, (Senior Puisne Judge) or any member of the Board, the Director General or any member of the staff.

(2) The Director-General may, in any emergency which in his opinion requires immediate action, exercise such powers as he may consider necessary in the circumstance, and shall report the action taken by him for approval of the Board at its next meeting.

Appointment of

8. The Board may appoint advisors, consultants and

advisers,  
consultants and  
experts.

experts for assisting the Board in fulfillment of its aims and objects.

Meetings of the  
Board.

9. (1) The Meeting of the Board shall be called by the Chairman and in his absence by Vice Chairman (Senior Puisne Judge) on such date, time and place as he may specify.

(2) Subject to sub-section (1) the intervening period between two meetings of the Board shall not exceed six months.

(3) The Chairman or, in his absence, the Vice Chairman, shall preside over the meeting of the Board.

(4) The Quorum for the meetings of the Board shall be four members.

(5) The Board may, from time to time, appoint such committees and working groups, from amongst its members or otherwise, as it may consider necessary.

Director-General.

10. (1) The Director-General shall be appointed by the Chairman, on such terms and conditions as may approve by the Board.

(2) The Director General shall be a person who has been a Judge of High Court or a District & Sessions Judge, eligible to be appointed as Judge of High Court.

(3) The management of the Academy shall be carried on by the Director-General under the general directions of the Board.

(4) The Director-General shall be the academic and administrative head of the Academy and shall be responsible for the maintenance of good order and discipline.

(5) The Director-General shall be the Principal Accounting Officer of the Academy.

(6) In absence of the Director General on account of any reason, the Board may depute a Senior Director to act and perform all the functions of the Director General under this Act.

Appointment of  
officers and

11. (1) The appointment of officers and staff of the Academy shall be made by direct recruitment or transfer, or

members of staff of the Academy.

deputation or on contract basis in such manner and on such terms and conditions as may be prescribed by the Board.

(2) All appointments of the members of the staff to posts in basic Pay Scales 1 to 15 shall be made by the Director-General with prior approval of the Chairman.

(3) Appointment of the members of the staff to posts in Basic Pay Scale 16 and above shall be made by the Chairman.

Funds of the Academy.

12. (1) There shall be a fund of the Academy to be known as the "Academy Fund" to which all its income shall be credited and from which all its expenditures shall be met.

(2) The following shall be the sources of income for the Academy Fund:

- (i) Grants from the Federal Government;
- (ii) Grants from the Provincial Government;
- (iii) Sale and other proceeds of the Academy's publications;
- (iv) Aid from national and international agencies; and
- (v) Fees, charges and donations.

(3) The Academy Funds shall vest in the Board and the moneys to the credit of the Fund shall be kept in a scheduled bank with the approval of the Board.

Budget.

13. (1) The Director-General, shall in respect of each financial year, submit for approval of the Board, by such date and in such form as may be prescribed, a statement showing the estimated receipts, the current and development expenditures and the sums required as grant-in-aid from the Federal Government/Provincial Government.

(2) The Director-General shall not incur any expenditure from the Fund, which is not provided for in the Budget approved by the Board.

Annual Reports, etc.

14. (1) Within two months of the conclusion of each financial year, the Director-General shall submit the annual report to the Board in respect of various activities carried out by

the academy during the previous year.

(2) The Board shall publish an annual report.

Power to make  
rules.

15. The Board may, with the prior approval of the Government make rules and regulations for carrying out the purposes of this Act. Such rules and regulations may provide for:—

- (a) The powers and duties of the officers and staff of the Academy.
- (b) The terms and conditions of service of the officers and employees of the Academy, including disciplinary action, grant of leave and retirement of the officers and employees of the Academy;
- (c) The constitution of pension or provident fund or both for the benefit of the officers and employees of the Academy; and
- (d) Such other matters as are required to be prescribed by rules and regulations, for the smooth working of the Academy under this Act.

<sup>1</sup>[Validations.]

<sup>2</sup>[16. All orders made, proceedings taken, acts done, instruction issued, powers exercised, appointments made there under by the any authority in connection with the Balochistan Judicial Academy, which were made, taken, done or purported to have been made, taken, done, issued or exercised immediately before the commencement of the Act, shall be deemed to have been made or issued under this Act, unless rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of the Act or any rules made there under.]

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<sup>1</sup> Added by the Balochistan Judicial Academy (Amendment) Act 2014 (Act XVIII of 2014): passed by the Balochistan Assembly on 28<sup>th</sup> June, 2014: assented to by the Governor of Balochistan on 3<sup>rd</sup> July, 2014 published in the Balochistan Gazette (Extraordinary) No. 104, dated 4<sup>th</sup> July, 2014.

<sup>2</sup> Added *ibid*.