

N-W.F.P
UNIVERSITY OF ENGINEERING & TECHNOLOGY
PESHAWAR



N-W.F.P.
Ordinance No. XIII of 1980 and
(Amendment) Ordinance No. IX of 1981

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
LAW DEPARTMENT

NOTIFICATION

Peshawar, the 23rd October, 1980.

No. Legis: 1(11)/80.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information :

THE NORTH-WEST FRONTIER PROVINCE
UNIVERSITY OF ENGINEERING AND TECHNOLOGY
ORDINANCE, 1980

N.W.F.P. ORDINANCE NO. XIII OF 1980

AN ORDINANCE

To constitute the North-West Frontier Province University of Engineering and Technology.

WHEREAS the Faculty of Engineering at Peshawar University has developed to an extent that it requires an autonomous status for its further growth, and for the purpose of improving teaching, research and administration thereof;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance :

CHAPTER — 1
PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

(1) This Ordinance may be called the North-West Frontier Province University of Engineering and Technology Ordinance, 1980.

(2) It shall come into force at once.

2. DEFINITIONS

In this Ordinance, unless there is anything repugnant in the subject or context:—

- (a) "Academic Council" means the Academic Council of the University;
- (b) "Affiliated Institution" means a College of Engineering and Technology or a Polytechnic affiliated to the University but not maintained or administered by it;
- (c) "Authority" means an Authority of the University specified in this Ordinance;
- (d) "Chairman" means the Head of a Teaching Department;
- (e) "Chancellor" means the Chancellor of the University;
- (f) "Commission" means the University Grants Commission;
- * (ff) "Dean" means the Dean of Faculty of Engineering: and
- (g) "Department" means a Department established to teach a branch of learning;
- (h) "Government" means the Government of the North-West Frontier Province;
- (i) "Prescribed" means prescribed by the Statutes, Regulations or Rules;
- (j) "Professor Emeritus" means a retired Professor working in a Faculty in an honorary capacity.

° Amendment Ordinance No. IX of 1981.

- (k) "Statutes", "Regulations", and "Rules" means respectively the Statutes, the Regulations and the Rules made or deemed to have been made under this Ordinance;
- (l) "Syndicate" means the Syndicate of the University;
- (m) "Teachers" include Professors, Associate Professors, Assistant Professors, Lecturers* and Research Staff engaged whole-time by the University for teaching at the University and such other persons as may be recognised to be teachers by the Syndicate;
- (n) "Teaching Department" means a teaching Department maintained and administered by the University, or recognised by the University;
- (o) "University" means the North-West Frontier Province University of Engineering and Technology as constituted under this Ordinance; and
- (p) "Vice-Chancellor" means the Vice-Chancellor of the University.

° Amendment Ordinance No. IX of 1981.

CHAPTER — II
THE UNIVERSITY

3. INCORPORATION

(1) The North-West Frontier Province University of Engineering and Technology shall be constituted in accordance with the provisions of this Ordinance.

(2) The University shall consist of:—

- (i) the Chancellor, the Vice-Chancellor;
- (ii) the members of the Syndicate, the Academic Council, and other Authorities of the University;
- (iii) University Teachers and Professors Emeritus; and
- (iv) such other officers as may be prescribed.

(3) The University shall be a body corporate by the name of the North-West Frontier Province University of Engineering and Technology, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) The University shall be competent to acquire and hold property both movable and immovable, and to lease, sell or otherwise transfer any movable or immovable property which may have become vested in it or been acquired by it.

4. POWERS OF THE UNIVERSITY

The University shall have the powers:—

- (a) to provide for instructions and research in, and advancement and dissemination of knowledge of engineering, technology and such other allied subjects as may be prescribed;
- (b) to prescribe courses of studies to be taught in the University;
- (c) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions on persons who have, under the prescribed conditions, been admitted to and passed its examinations;
- (d) to confer, in the prescribed manner, honorary degrees or other academic distinctions on such persons as the Chancellor may approve;

- (e) to confer degrees on persons who have done independent research under prescribed conditions;
- (f) to provide for teaching specified courses of training for persons not being the students of the University and grant certificates and diplomas to such persons;
- (g) to accept the examinations passed or the periods of study spent at other universities or places of learning, as equivalent to examinations or periods of study in the University or withdraw such acceptance;
- (h) to co-operate with other universities or public authorities in such manner and for such purposes as it may determine;
- (i) to create posts in connection with teaching, research, extension, administration, training and for any other purposes related thereto and appoint persons thereto;
- (j) to recognize any teacher of an affiliated institution or such other person as University teacher;
- (k) to affiliate and disaffiliate colleges of Engineering and Technology and Polytechnic;
- (l) to admit colleges of Engineering and Technology and Polytechnic to its privileges and to withdraw such privileges under prescribed conditions;
- (m) to inspect colleges of Engineering and Technology and Polytechnic associated or seeking association with it;
- (n) to institute and award fellowships, scholarships, bursaries, medals and prizes in the prescribed manner;
- (o) to establish Teaching Departments, Faculties, Centres of Excellence, Workshops, Laboratories, Museums and other centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration, as it may determine;
- (p) to control the residence of the students of the University and to institute and maintain Halls of residence and approve any place as hostel or lodging for students;
- (q) to supervise and control the discipline of students of the University, and promote extra-curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;

- (r) to take disciplinary action against, and impose penalty on, student in the prescribed manner;
- (s) to charge and receive such fees and other payments as it may determine;
- (t) to receive and manage property transferred, and grants, bequests, trusts, gifts, donations, endowments and other contributions, made to the University, and invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (u) to make provision for research and advisory services and with these objects to enter into arrangements with other institutions or public bodies under prescribed conditions;
- (v) to enter into, or carry out, vary or cancel contracts;
- (w) to provide for the printing and publication of research and other works;
- (x) to authorise and agree to the mobility of qualified staff among universities, research organizations and the Government or corporate bodies; provided that the rights and privileges of the staff under this arrangement shall be protected;
- (y) to do all such other acts or things, whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University as a place of education, learning and research.

5. JURISDICTION OF THE UNIVERSITY

(1) The University shall exercise the powers conferred on it by or under this Ordinance within the territorial limits of its campus to be determined by the Chancellor, and in respect of the institutions situated in the North-West Frontier Province;

Provided that Government may in consultation with the University, by general or special orders, modify the extent and scope of aforesaid powers of the University with regard to the territorial limits or institutions.

(2) Notwithstanding anything to the contrary contained in any other enactment for the time being in force, no college of Engineering and Technology and Polytechnic institution within the territorial limits of the University shall, save with the consent of the University and the sanction of Government, be associated

in any way with or seek admission to the privileges of any other university and the enactments in force for the time being shall be deemed to have been amended accordingly.

(3) The University may admit to its privileges, under prescribed conditions the colleges of Engineering and Technology and Polytechnic falling within the territorial limits of another university, whether inside or outside Pakistan; provided that the consent of such other university and the sanction of Government is first obtained.

6. TEACHING IN THE UNIVERSITY

(1) All teaching in various courses in the University shall be conducted in the prescribed manner, and it may include lectures, tutorials, discussions, seminars, demonstrations, practical works, in laboratories and workshops and other methods of instruction.

(2) The teaching in any prescribed course in the University shall be organized by such authority as may be prescribed.

(3) The courses and the curricular for teaching in the University shall be such as may be prescribed.

(4) A discipline to be called 'Islamic and Pakistan Studies' shall be offered as a compulsory subject in the University; provided that Non-Muslim students may opt for 'Ethics and Pakistan Studies'.

(5) A degree shall not be awarded to a student unless he has passed the examination in the discipline referred to in subsection (4).

CHAPTER — III
OFFICERS OF THE UNIVERSITY

7. OFFICERS OF THE UNIVERSITY

The following shall be the Officers of the University, namely:

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Registrar;
- * (iii-a) the Dean;
- (iv) Chairmen or Heads of Departments;
- (v) such other persons as may be prescribed by the Regulations to be the Officers.

8. CHANCELLOR

(1) The Governor of the North-West Frontier Province shall be the Chancellor of the University.

(2) The Chancellor shall, when present, preside at the convocations of the University and the meetings of the Syndicate or any other Authority.

(3) If the Chancellor is satisfied that the proceedings of any Authority are not in accordance with the provisions of this Ordinance, the Statutes, the Regulations or the Rules, he may, after calling upon such Authority to show cause why such proceedings should not be annulled, by order in writing, annul the proceedings.

(4) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

(5) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him by the Syndicate or withhold assent or refer them back to the Syndicate for reconsideration.

(6) The Chancellor may after giving an opportunity of showing cause remove any person from the membership of any Authority if such person:—

* Amendment Ordinance No. IX of 1981.

CHAPTER — VI
AFFILIATION OF EDUCATIONAL
INSTITUTIONS TO THE UNIVERSITY

23. AFFILIATION

(1) Subject to this Ordinance, all "Colleges* and Institutions" of Engineering and Technology and Polytechnic in the North-West Frontier Province shall be affiliated to the University.

(2) An institution applying for affiliation to the University shall make an application to the University and shall satisfy it:—

- (a) that the institution is under the management of Government or of a regularly constituted governing body;
- (b) that the financial resources of the institution are sufficient to enable it to make due provision for its continued maintenance and efficient working;
- (c) that the strength and qualifications of the teaching and other staff, and the terms and conditions of their service, are adequate to make due provision for the courses of instruction, teaching or training to be undertaken by the institution;
- (d) that the institution has framed proper rules regarding the efficiency and discipline of its staff and other employees;
- (e) that the building in which the institution is to be located is suitable, and that provision will be made in conformity with the Statutes and the Regulations for:—
 - (i) the residence of students, not residing with their parents or guardians, in the hostels established and maintained by the institution or in hostels or lodging approved by it; and
 - (ii) the supervision and physical and general welfare of students;
- (f) that provision has been made for a library and adequate library services;

* Amendment Ordinance No. IX of 1981.

(g) that where affiliation is sought in any branch of experimental sciences, due arrangements have been made for imparting instruction in that branch of science in properly equipped laboratory, museum and other places of practical work;

(h) that due provision will, so far as circumstances may permit, be made for the residence of the principal and members of the teaching staff in or near the institution or place provided for the residence of students; and

(i) that the affiliation of the institution will not be injurious to the interests of education or discipline of institutions in its neighbourhood.

(3) The application shall further contain an undertaking that after the institution is affiliated, any transference of and changes in the management and in the teaching staff, save in the case of Government Institutions, shall be forthwith reported to the University, and that the teaching staff shall possess such qualifications as are or may be prescribed.

(4) The procedure to be followed in disposing of an application for the affiliation of an institution shall be such as may be prescribed.

(5) The Syndicate may, on the recommendation of the Affiliation Committee, grant or refuse affiliation to institution :

Provided that affiliation shall not be refused unless the institution has been given an opportunity of making a representation against the proposed decision.

24. ADDITION OF COURSES BY AFFILIATED INSTITUTION

Where an institution desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed under sub-section (3) of section 23 shall, so far as may be, be followed.

25. REPORTS FROM AFFILIATED INSTITUTIONS

(1) Every institution affiliated to the University shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the institutions.

(2) The University may call upon any institution affiliated to it to take within a specified period such action as may appear

to the University to be necessary in respect of any of the matters referred to in sub-section (2) of section 23.

26. WITHDRAWAL OF AFFILIATION

(1) If an institution affiliated to the University fails at any time to fulfil any of the requirements mentioned in this Ordinance, or if an institution has failed to observe any of the conditions of its affiliation, or its affairs are conducted in a manner which is prejudicial to the interests of education, the Syndicate may, on recommendation of the Affiliation Committee, and after considering such representation as the institution may wish to make, withdraw either in whole or in part, the rights conferred on the institution by affiliation or modify such rights.

(2) The procedure to be followed for the withdrawal of affiliation shall be such as may be prescribed.

27. APPEAL AGAINST REFUSAL OR WITHDRAWAL OF AFFILIATION

An appeal shall lie to the Chancellor against the decision of the Syndicate refusing to affiliate an institution, or withdrawing in whole or in part, the rights conferred on an institution by affiliation, or modifying such rights, provided that the Chancellor shall not pass any order adversely affecting the institution without giving the institution concerned an opportunity of being heard.

CHAPTER — VII
UNIVERSITY FUND

28. UNIVERSITY FUND

The University shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, contributions, grants and all other sources.

29. RECOVERY OF UNIVERSITY DUES

The University or any person generally or specially authorised by it may apply to the Collector for recovery of any sum due to the University under any bond or otherwise and the Collector shall thereupon proceed to recover the sum due, as if it were an arrear of land revenue.

30. AUDIT AND ACCOUNTS

(1) The accounts of the University shall be maintained in such manner as may be prescribed.

(2) No expenditure shall be made from the funds of the University unless a bill for its payment has been audited by the University Auditors in conformity with the Statutes.

(3) The Annual statement of the accounts of the University signed by the Registrar and the University Auditor shall be submitted to Government within six months of the closing of the financial year.

(4) The accounts of the University shall be audited once a year by Government Auditors appointed by the Auditor General of Pakistan.

(5) The observations of Government Auditor, together with such annotations as the Director Finance may make, shall be presented to the Syndicate and the Commission.

(viii) one Assistant Professor and one Lecturer of the University to be elected by the Assistant Professors and Lecturers of the University, as the case may be, from amongst themselves;

Provided that a Lecturer shall be eligible for election if he has completed a minimum of two years' service in the University;

(ix) three persons of eminence to be nominated by the Chancellor;

(x) one Principal of the affiliated institutions to be nominated by the Chancellor;

(xi) the President of the University Students' Union;

(xii) one Aalim to be nominated by the Chancellor; and

(xiii) one woman to be nominated by the Chancellor.

(2) The members of the Syndicate, other than the *ex-officio* members, shall hold office for three years and if the office of any such member becomes vacant before the expiry of such term, such vacancy, shall be filled in accordance with sub-section (1) and the member appointed to such vacancy shall hold office for the un-expired portion of the term.

(3) The quorum for a meeting of the Syndicate shall be one-half of the total number of members, a fraction being counted as one.

15. POWER AND DUTIES OF THE SYNDICATE

(1) The Syndicate shall be the executive body of the University and shall subject to the provisions of this Ordinance and the Statutes exercise general supervision over the affairs and property of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provision of this Ordinance and the Statutes, the Syndicate shall have the powers:—

(a) to determine the form, provide for the custody and regulate the use, of the common seal of the University;

(b) to hold, manage, receive, acquire in any manner or transfer by sale or otherwise any movable or immovable property, on behalf of the University;

(c) to hold, administer and, control funds on behalf of the University and after giving due regard to the advice of

the Finance and Planning Committee, invest such funds in Government securities or in such other manner as may be prescribed;

- (d) to consider and pass the annual and revised budget estimates and to reappropriate funds from one major head of expenditure to another;
- (e) to cause to be maintained books of accounts of all financial transactions including the assets and liabilities of the University;
- (f) to enter into contracts, vary, carry out and cancel contracts on behalf of the University;
- (g) to provide buildings and other premises, libraries, furniture, apparatus, equipment and such other things as may be required for the University;
- (h) to establish and maintain halls of residence or hostels for students and approve any place as hostel or lodging for students;
- (i) to affiliate and dis-affiliate colleges of engineering and technology and polytechnic;
- (j) to admit colleges of engineering and technology and polytechnic to the privileges of the University and withdraw such privileges;
- (k) to cause inspections to be made of affiliated institutions and the teaching departments;
- (l) to create posts in connection with teaching, research, extension, administration training and for any other purpose related thereto;
- (m) to appoint, on the recommendation of the Selection Board, University Teachers and employees to posts carrying Grade 17 and above;
- (n) to appoint Emeritus Professors on such terms and conditions as may be prescribed;
- (o) to suspend, punish and remove from service, officers (other than the Vice-Chancellor), teachers and other employees in the prescribed manner;
- (p) to appoint members to the Authorities in accordance with the provisions of this Ordinance;
- (q) to confer, subject to the approval of the Chancellor, honorary degrees in accordance with the conditions as may be prescribed;

- (r) to propose drafts of Statutes for submission to the Chancellor;
- (s) to consider and approve the Regulations proposed by the Academic Council, or frame Regulations after calling for the advice of the Academic Council;
- (t) to cause to be prepared annual report as regards the affairs of the University for submission to the Chancellor;
- (u) to furnish report on any matter called for by the Chancellor;
- (v) to deal with the matters concerning the University not provided for, in this Ordinance in any manner it may deem fit; and
- (w) to delegate any of its powers to an Authority or Officer or a Committee or Sub-Committee.

16. ACADEMIC COUNCIL

The Academic Council shall consist of:—

- (i) the Vice-Chancellor (Chairman);
- (ii) the Professors of University including Emeritus Professors;
- *(iii) the Chairmen of the Teaching Departments;
- (iv) four teachers, other than professors, to be nominated by the Chancellor on the recommendations of the Vice-Chancellor;
- (v) the principals of Affiliated institutions;
- (vi) three persons from amongst eminent engineers and scientists to be nominated by the Chancellor; and
- (vii) the President of the University Students Union as associate member to attend exclusively to matters concerning students welfare.

(2) Members of the Academic Council, other than *ex-officio* members, shall hold office for two years and if the office of any such member becomes vacant before the expiry of such term, such vacancy shall be filled in accordance with sub-section (1), and the member appointed to such vacancy shall hold office for the un-expired portion of the term.

(3) The quorum for a meeting of the Academic Council shall be one-third of the total number of members, a fraction being counted as one.

17. POWERS AND DUTIES OF THE ACADEMIC COUNCIL

(1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Ordinance, the Statutes and the Regulations, have the powers to lay down proper standards of instructions, research and examinations and to regulate and promote the academic life of the University and the "Affiliated Institutions".

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Ordinance the Statutes and the Regulations, the Academic Council shall have the powers:—

- (a) to advise the Syndicate on academic matters;
- (b) to regulate the teaching, research and examinations;
- (c) to regulate the admission of students to the courses of studies and examinations of the University;
- (d) to regulate the award of studentships, scholarships, medals and prizes;
- (e) to regulate the conduct and discipline of the students of the University;
- (f) to propose to the Syndicate schemes for the constitution and organization of Faculties, Teaching Departments and Board of Studies;
- (g) to initiate Regulations for consideration and approval of the Syndicate;
- (h) to propose Regulations annually, on the recommendations of any Board of Studies, prescribing the courses of studies, the syllabi and the outlines of text for all University examinations; provided that if the recommendations of such Board are not received by the prescribed date, the Academic Council may, subject to the approval of the Syndicate, permit such Regulations to continue for the next following year;
- (i) to recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (j) to appoint members to the Authorities in accordance with the provisions of this Ordinance; and

(k) to perform such other functions as may be prescribed by the Syndicate.

18. CONSTITUTION, FUNCTIONS AND POWERS OF OTHER AUTHORITIES

The constitution, functions and powers of the Authorities for which no specific provision has been made in this Ordinance shall be such as may be prescribed.

19. COMMENCEMENT OF TERM

Where a member has been elected, appointed or nominated, to any Authority or body for any fixed term under this Ordinance, such term shall unless the date of its commencement has been prescribed, be reckoned from the date of appointment or nomination as the case may be.

CHAPTER — V
STATUTES REGULATIONS AND RULES

20. STATUTES

(1) Statutes may be made to provide for and regulate all or any of the following matters, namely:—

- (a) the scales of pay and other terms and conditions of service of Officers, teachers and other employees of University and institution of the pension, insurance, gratuity, provident fund and benevolent fund for such officers, teachers and employees;
- (b) the conduct and discipline of the University, including Officers and teachers;
- (c) the constitution, powers and duties of the Authorities and conduct of elections to such Authorities and matters related thereto;
- (d) the maintenance of the register of registered graduates;
- (e) the affiliation and disaffiliation of institutions and matters related thereto;
- (f) the admission of institutions to the privileges of the University and the withdrawal of such privileges;
- (g) the establishment of academic divisions;
- (h) the powers and duties of officers, teachers and other employees of the University;
- (i) the conditions for appointment of Emeritus Professor;
- (j) the conditions on which the University may enter into arrangements with public bodies or other organisations for purposes of research and advisory services;
- (k) the general scheme of studies including the duration of courses and the number of subjects and papers for examinations;
- (l) the award of honorary degrees; and
- (m) the other matters which ought or are required to be prescribed by Statutes.

(2) The Syndicate shall make a proposal for any Statutes to the Chancellor who may, after considering the proposal, approve it with or without any modifications or refer it back to the Syndicate for reconsideration or reject it;

Provided that the Statutes, affecting the constitution or powers of any Authority shall not be proposed until such Authority has been given an opportunity of expressing its opinion in writing on the proposal.

21. REGULATIONS

(1) Subject to the Statutes, the Regulations may be made in respect of all or any of the following matters:—

- (a) the courses of studies for degrees, diplomas and certificates of the University;
- (b) the manner and method of teaching conducted in the University and * "affiliated institutions";
- (c) the admission of students to the University and conditions under which they are allowed to take courses and examinations of the University and become eligible for the award of degrees, diplomas and certificates;
- (d) the conduct of examinations;
- (e) the fees and other charges to be paid by students for admission to the courses of studies and the examinations of the University;
- (f) the conduct and discipline of students of the University;
- (g) the residence of the students of the University or the institutions and fees for residence in halls of residence and hostels and approval of hostels and lodgings for students;
- (h) conditions for carrying out independent research for acquiring a degree;
- (i) the institution of fellowships, scholarships, medals and prizes;
- (j) the institution of stipends and free and half free studentships;
- (k) the academic costume;
- (l) the use of the library;

* Amendment Ordinance No. IX of 1981.

- (m) the formation of Teaching Departments and Boards of Studies; and
 - (n) other matters which, under this Ordinance or Statutes, are to be or may be prescribed by Regulations.
- (2) The Academic Council shall prepare and submit the Regulations to the Syndicate, which may approve them with or without modification or refer them back to the Academic Council for reconsideration or reject them.

22. RULES

(1) Any Authority or body of the University may make Rules consistent with this Ordinance, Statutes and Regulations, to regulate the conduct of its business and the time and place of its meetings and other matters related thereto.

(2) The Syndicate may direct for amendment or repeal of any rules made by Authority or body :

Provided that if any such Authority or body is dissatisfied with such direction given by the Syndicate, it may appeal to the Chancellor whose decision shall be final.

- (i) has become of unsound mind;
- (ii) has become subject to any incapacity which prevents him from functioning as member of such Authority; or
- (iii) has been convicted by a court of law of an offence involving moral turpitude; or
- (iv) leaves Pakistan for more than one year.

9. VISITATION

(1) The Chancellor may cause an inspection or inquiry to be made in respect of any affair or matter directly or indirectly concerned with the University and appoint one or more persons to conduct such inspection or enquiry.

(2) The Syndicate shall be given a notice of an inspection or enquiry under sub-section (1) and shall be entitled to be represented at such inspection or enquiry.

(3) After the inspection or inquiry is completed, the Chancellor shall cause his views as to result thereof to be communicated to the Syndicate, and after ascertaining the reactions of the Syndicate, the Chancellor may advise the Syndicate to take such action or refrain from doing such thing, within such time, as he may specify in this behalf.

(4) Where the Syndicate fails to carry out the advice of the Chancellor given under sub-section (3) within the specified time, the Chancellor may, after considering the explanation or representation, if any, made by the Syndicate, issue such directions as he deems fit and it shall be the duty of the Vice-Chancellor to ensure due compliance of such directions.

10. VICE-CHANCELLOR

(1) The Vice-Chancellor shall be appointed by the Chancellor on such terms and conditions as the Chancellor may determine and shall hold office during the pleasure of the Chancellor for a term not exceeding four years.

(2) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Chancellor shall make such arrangement for the performance of the duties of the Vice-Chancellor as he may deem fit.

11. POWERS AND DUTIES OF THE VICE-CHANCELLOR

(1) The Vice-Chancellor shall have the powers and perform the duties as hereinafter mentioned.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall ensure that the provisions of this Ordinance, the Statutes, the Regulations and the Rules are faithfully observed, shall promote the general efficiency and good order of the University and shall have all powers necessary to exercise control and enforce discipline over all officers, teachers and other employees and students of the University.

(3) The Vice-Chancellor shall, in the absence of the Chancellor, preside at a convocation of the University and shall, if present, preside at the meetings of the Authorities of which he is the Chairman and be entitled to attend and preside at any meeting of any other Authority or body of the University.

(4) The Vice-Chancellor may, in an emergency, which in his opinion requires immediate action, take such action as he may consider necessary and shall, as soon thereafter as possible, report his action to the Authority or other body which in the ordinary course would have dealt with the matter.

(5) The Vice-Chancellor shall also have the powers:—

- (i) to create and fill posts temporarily for a period not exceeding six months;
- (ii) to sanction all expenditure provided for in the approved budget, and to reappropriate funds within the same major head of expenditure;
- (iii) to sanction by re-appropriation an amount not exceeding twenty thousand rupees for an unforeseen item not provided for in the budget, and report it to the Syndicate at the next meeting;
- (iv) to appoint examiners for all examinations of the University after receiving panels of names from the relevant Authorities;
- (v) to make such arrangements for the scrutiny of papers, marks and results as he may consider necessary;
- (vi) to direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examination and administration, and such other activities in the University, as he may consider necessary for the purpose of the University;
- (vii) to appoint employees upto Grade 16 in the National Pay Scales;

(viii) to delegate, subject to such conditions, if any, as may be prescribed, any of his power under this Ordinance to an officer or other employees of the University;

(ix) in his discretion to refuse to a person or to exclude a person from the privileges of the University; provided that an appeal against such orders shall lie to the Syndicate whose decision shall be final; and

(x) to exercise and perform such other powers and functions as may be prescribed.

*11-A. DEAN

(1) The Dean shall be appointed by the Chancellor from amongst the three most senior Professors in the Faculty of Engineering.

(2) The Dean shall be academic head of the Faculty and shall hold office for a period of three years.

(3) The Dean shall:—

- (i) ensure proper implementation of the Statutes, Regulations and Rules relating to various departments;
- (ii) coordinate the work of Board of Studies and the Advanced Studies and Research Board in various departments;
- (iii) advise the Vice-Chancellor on matters relating to teaching, research, academic programmes, extension and other developmental projects;
- (iv) present candidates for admission to degree, except honorary degrees, in courses falling within the purview of the Faculty; and
- (v) perform such other duties and exercise such other powers as may be assigned to, or vested in, him by the Syndicate or the Vice-Chancellor from time to time.

12. OTHER OFFICERS

Subject to the provisions of this Ordinance, the terms and conditions of service and powers and duties of other officers of the University shall be such as may be prescribed.

* Amendment Ordinance No. IX of 1981.

CHAPTER — IV
AUTHORITIES OF THE UNIVERSITY

13. **AUTHORITIES OF THE UNIVERSITY**

The following shall be the Authorities of the University namely —

- (i) The Syndicate;
- (ii) The Academic Council;
- (iii) The Board of Studies;
- (iv) The Selection Board;
- (v) The Advanced Studies and Research Board;
- (vi) The Finance and Planning Committee;
- (vii) The University Discipline Committee;
- (viii) Such other authorities as may be prescribed by the Statutes.

14. **THE SYNDICATE**

* (1) The Syndicate shall consist of:—

- (i) The Vice-Chancellor (Chairman);
 - (ii) One member of the Provincial Assembly to be nominated by the Speaker of the Assembly;
 - (iii) The Chief Justice of the Peshawar High Court or a Judge of the High Court nominated by him;
 - (iv) The Secretary to Government of the North-West Frontier Province, Education Department, or his nominee not below the rank of an Additional Secretary.
- ** (iva) The Secretary to Government of the North-West Frontier Province, Finance Department or his nominee not below the rank of an Additional Secretary.
- (ivb) The Secretary to Government of the North-West Frontier Province, Services and General Administration Department, or his nominee not below the rank of an Additional Secretary;
 - (v) One nominee of the University Grants Commission.
 - (vi) The Dean;
 - (vii) One Professor and one Associate Professor of the University to be elected by the Professors and Associate Professors of the University, as the case may be, from amongst themselves;

* Amendment Ordinance No. IX of 1981.

** Amendment approved by the Provincial Assembly / Governor NWFP vide letter No SO (AB) EDU / 2 - 1/96 dt 22 - 12 - 1996

CHAPTER — VIII
GENERAL PROVISIONS

31. **FIRST STATUTES**

Notwithstanding anything contained in this Ordinance, the Statutes set out in the Schedule shall be deemed to be the Statutes framed under section 20 and shall remain in force until they are amended or replaced by new Statutes framed in accordance with this Ordinance.

* 32. **TRANSFER OF OFFICERS, ETC. TO OTHER EDUCATIONAL INSTITUTIONS OF GOVERNMENT DEPARTMENTS**

Any Officer, teacher or other employee of the University shall, as the Chancellor may direct, serve in a Government department or an educational or research institution in the public interest :

Provided that the terms and conditions offered to him shall not be less favourable than those admissible to him in the University and that full benefit of his previous service shall be allowed to him :

Provided further that, in the case of a teacher, such direction shall be issued after consulting the Syndicate.

* 33. **FILLING OF POST IN THE UNIVERSITY BY OFFICERS IN SERVICE OF GOVERNMENT OR TEACHERS OR EMPLOYEES OF OTHER EDUCATIONAL INSTITUTIONS**

The Chancellor may place the services of an employee of Government or any other University or an educational or research institution at the disposal of the University in the public interest :

Provided that the terms and conditions offered to him shall not be less favourable than those enjoyed by him immediately before his services are placed at the disposal of the University

* Amendment Ordinance No. IX of 1981.

and that full benefit of his previous service shall be allowed to him :

Provided further that, in the case of a teacher, the Chancellor may consult the Selection Board of the University before placing his services at the disposal of the University.

34. OPPORTUNITY TO SHOW CAUSE

No officer, teacher or other employee of the University holding a permanent post shall be reduced in rank, or removed or compulsorily retired from service unless he has been given reasonable opportunity of showing cause against such action :

Provided that nothing in this section shall apply to a case where any such officer, teacher or other employee is convicted of an offence involving moral turpitude or where, in the opinion of the competent authority, it is not reasonably practicable to give him such an opportunity of showing cause.

35. APPEAL AND REVIEW BY THE SYNDICATE

(1) Where any officer (other than the Vice-Chancellor), teacher or other employee of the University has been punished or any of the terms and conditions of his service has been varied to his disadvantage by an order passed by the Vice-Chancellor or any other competent authority, the appeal against such order shall lie to the Syndicate, provided that where the order has been made by the Syndicate, the aggrieved person may, instead of filing appeal, apply to the Syndicate for review of that order, provided that the Syndicate shall not pass any order on the appeal or the review petition, as the case may be, unless the person concerned is given an opportunity of being heard.

(2) The appeal or application for review under sub-section (1) shall be routed through the Vice-Chancellor who shall place it before the Syndicate along with his views and such appeal or application shall be disposed of by the Syndicate as it deems fit.

36. AGE OF SUPERANNUATION

An officer, teacher or other employee of the University shall retire from service:—

- (i) on such date, after he has completed twenty-five years of service qualifying for pension or other retirement benefits, as the competent authority may direct; or

- (ii) where no direction is given under clause (i), on the completion of sixty years of age.

EXPLANATION— In this section 'competent authority' means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank to the Officer, teacher or other employee concerned.

37. PENSION, INSURANCE, GRATUITY, PROVIDENT FUND AND BENEVOLENT FUND

The University may, in such manner and subject to such conditions as may be prescribed, institute pension, insurance, gratuity, provident fund and benevolent fund for the benefit of its officers, teachers and other employees :

Provided that if any provident fund instituted under this section, the provisions of the Provident Fund Act, 1925 (Act XIX of 1925), shall apply to such fund as if it were the Government provident fund.

38. COMMENCEMENT OF TERM OF OFFICE OF MEMBERS OF AUTHORITIES

When a member of a newly constituted Authority is elected, appointed or nominated, his term of office, as fixed under this Ordinance shall commence from such date as may be prescribed.

* 38-A. MEMBER OF AN AUTHORITY TO CEASE TO BE MEMBER IN CERTAIN CIRCUMSTANCES

An elected, appointed or nominated member of any authority shall cease to be a member if he:—

- (a) absents himself, without the leave of such Authority from three consecutive meetings thereof; or
- (b) accepts any assignment which involves his absence from the University for a period of six months or more.

39. FILLING OF CASUAL VACANCIES IN AUTHORITIES

Any casual vacancy among the elected, appointed or nominated members of any Authority shall be filled, as soon as conveniently may be, by the person or the body who elected, appointed or nominated the member whose place has become vacant and the person elected, appointed or nominated to the

²⁶ Amendment Ordinance No. IX of 1981.

vacancy shall be a member of such Authority for the residue of the terms for which the persons whose place he fills would have been a member.

40. FILLING OF VACANCIES IN AUTHORITIES IN CERTAIN CIRCUMSTANCES

Where a vacancy in the membership of an Authority cannot be filled because of:—

- (a) the office, the holder whereof was to be a member of the Authority *ex-officio* having ceased to exist; or
- (b) the organization, institution for other body, other than the University, having either ceased to exist or to function; or
- (c) the occurrence of other circumstances in which it has become impracticable to fill the vacancy.

the vacancy shall be filled in such manner as the Chancellor may direct.

41. DISPUTE ABOUT MEMBERSHIP OF AUTHORITIES

(1) Notwithstanding anything to the contrary contained in this Ordinance a person nominated or elected to an Authority of the University shall cease to be the member of such Authority as soon as he ceases to hold the position by virtue of which he was nominated or elected.

(2) If a question arises whether any person is entitled to be a member of any Authority, the matter shall be referred to a Committee consisting of the Vice-Chancellor, the Judge of the High Court and the nominee of the Commission who are members of the Syndicate and the decision of this Committee shall be final and binding.

42. PROCEEDINGS OF AUTHORITIES NOT INVALIDATED BY VACANCIES

No act, proceedings, resolution or decision of any Authority shall be invalid by reason of any vacancy in, or any defect in the constitution of, or in the election, appointment or nomination of any member of the Authority.

43. STUDENTS UNION

(1) There shall be a Union of the students of the University which shall be represented on the Syndicate by the office-bearer mentioned in clause (xi) of sub-section (1) of section 14.

(2) The constitution, functions and privileges of the University Students' Union and other matters related thereto shall be such as may be prescribed by Statutes after taking into consideration any proposals drawn up by the body consisting of the Presidents of the Students' Unions of the affiliated colleges/institutions.

44. BAR OF JURISDICTION

No court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done or purported to have been done or intended to be done under this Ordinance.

45. IDEMNITY

No suit or legal proceedings shall lie against Government, the University or any authority, officer or employee of Government or the University or any person, in respect of anything which is done or purported to have been done or is intended to, or has been done in good faith under this Ordinance.

46. SAVING

The Faculty of Engineering at the University of Peshawar shall be deemed to have been the Faculty established under this Ordinance, and —

- (a) everything done, action taken, obligations and liabilities, incurred, persons appointed or authorised, fellowships or scholarships instituted and orders issued by the Faculty or the Institute shall be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, appointed or authorised, instituted or issued by the University established under this Ordinance;
- (b) all moneys and properties, held by the Faculty, except the building and fixtures, immediately before the commencement of this Ordinance, shall stand transferred to the University;
- (c) if any difficulty arises as to the funds, property or premises to be retained by the University, it shall be referred to the Chancellor for decisions;
- (d) any rules made by the Faculty in so far as they are not inconsistent with the provisions of this Ordinance.

- shall continue to be in force until they are repealed, rescinded or modified under this Ordinance; and
- (e) all employees of the Peshawar University serving in the Faculty of Engineering before coming into force of this Ordinance shall stand transferred for service under the University on such terms and conditions as the University may determine :

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

47. TRANSITIONAL PROVISIONS

(1) Notwithstanding anything contained in this Ordinance, the Syndicate shall start functioning as soon as the Chancellor has made nomination of its members.

(2) Until such time as the Chancellor may determine the location of the University, it shall continue to function on the premises in the possession of the Faculty of Engineering at the time of coming into force of this Ordinance on such term and conditions as the Chancellor may determine in consultation with the Vice-Chancellor of the University of Peshawar.

48. REMOVAL OF DIFFICULTIES

(1) If any difficulty arises as to the first constitution or reconstitution of any Authority upon coming into force of this Ordinance or otherwise in giving effect to the provisions of this Ordinance, the Chancellor may, on the recommendation of the Vice-Chancellor, give appropriate directions to remove such difficulty.

(2) Government may, by notification in the official Gazette, authorise the University of Peshawar to exercise the powers of University under this Ordinance for such period from the date of commencement of this Ordinance, and in respect of such matters, as may be specified in the said notification.

THE SCHEDULE

THE FIRST STATUTES

1. TEACHING DEPARTMENT

The University shall have the following Teaching Departments at the B.Sc. level :

- (1) the Department of Civil Engineering;
- (2) the Department of Mechanical Engineering;
- (3) the Department of Electrical Engineering;
- (4) the Department of Mining Engineering;
- (5) the Department of Agricultural Engineering;
- (6) the Department of Basic Sciences and Islamiat; and
- (7) such other Departments at B.Sc. or M.Sc. level as may be prescribed.

2. CHAIRMAN

* (1) Each Department shall have a Chairman who shall be appointed by the Syndicate on the recommendation of the Vice-Chancellor from amongst the three most senior Professors and Associate Professors of the Department for a period of three years :

Provided that in the Department in which there is no Professor or Associate Professor, the Department shall be looked after by the Dean of the Faculty of Engineering with the help and assistance of the most senior teacher of the Department; and

(2) The Chairman of a Department shall plan, organize and supervise the work of the Department.

3. BOARDS OF STUDIES

There shall be a separate Board of Studies for each Department.

- (2) Each Board shall consist of —
- (i) The Chairman of the Department;
 - (ii) all Professors and Associate Professors in the Department;

* Amendment Ordinance No. IX of 1981.

- (iii) one University teacher other than Professor or Associate Professor to be appointed by the Vice-Chancellor;
 - (iv) three teacher other than University teachers to be appointed by the Academic Council; and
 - (v) one expert to be appointed by the Vice-Chancellor.
- (3) The term of office of members of the Board of Studies, other than *ex-officio* members, shall be two years.
- (4) The quorum for a meeting of the Board of Studies shall be one-half of the number of members, a fraction being counted as one.
- (5) The Chairman of the Department shall be the Chairman and Convener of the Board of Studies.
- (6) The functions of the Board of Studies shall be as follows :
- (a) to advise the Authorities on all academic matters connected with instruction, research and examination in the subjects included in the Department;
 - (b) to propose curricula and syllabi for all the degrees and diplomas and certificate courses;
 - (c) to suggest a panel of names of examiners in the subject or subjects concerned; and
 - (d) to perform such other functions as may be prescribed by the Regulations.

4. SELECTION BOARD

- (1) The Selection Board shall consist of —
- (a) the Vice-Chancellor who shall be its Chairman;
 - (b) the Chairman of the Provincial Public Service Commission or a member nominated by him;
 - (c) the Chairman of the Department concerned;
 - (d) one member of the Syndicate, one member of the Academic Council and three eminent engineers or scientists to be appointed by the Chancellor, none of whom is an employee of the University; provided that when Board meets for selection of officers other than teachers, one of the Chairmen of Departments will be selected by the Vice-Chancellor;

(2) Members other than *ex-officio* members, shall hold office for two years.

(3) The quorum for meeting of the Selection Board shall be four.

(4) No member who is a candidate for the post to which appointment is to be made shall take part in the proceedings of the Board.

(5) In selecting candidates for the posts of Professors and Associate Professors, the Selection Board shall coopt or consult three experts in the subject concerned and, in selecting candidates for the other teaching posts, two experts in the subject concerned, to be nominated by the Chancellor from a standing list of experts for each subject approved by the Syndicate on the recommendations of the Selection Board and revised from time to time.

5. FUNCTIONS OF THE SELECTION BOARD

(1) The Selection Board shall consider all applications for teaching and other posts received in response to an advertisement in case of direct appointments and shall recommend the names of suitable candidates for appointments to such posts.

(2) The Selection Board may recommend to the "Syndicate" the grant of higher initial pay in a suitable case for reasons to be recorded.

(3) The Selection Board may recommend the appointment of an eminently qualified person to a professorship in the University on terms and conditions which may differ in any particular case from those prescribed.

(4) Selection Board shall consider all cases of promotions of officers of the University and recommend the names of suitable candidates for such promotions.

6. THE FINANCE AND PLANNING COMMITTEE

The Finance and Planning Committee shall consist of —

- (i) the Vice-Chancellor who shall be its Chairman;
- (ii) one member of the Syndicate to be appointed by the Syndicate;

* Amendment Ordinance No. IX of 1981.

- (iii) the Secretary to Government in the Department of Finance or his nominee not below the rank of an Additional Secretary;
 - (iv) the Secretary to Government in the Department of Communication and Works or his nominee not below the rank of Additional Secretary;
 - (v) the Secretary to Government in the Planning and Development Division or his nominee not below the rank of an Additional Secretary;
 - (vi) the Secretary to Government in the Department of Education, or his nominee not below the rank of an Additional Secretary;
 - (vii) two experts to be nominated by the Chancellor; and
 - (viii) one University teacher to be nominated by the Vice-Chancellor.
- (2) The term of office of the members, other than the *ex-officio* members, shall be two years.
- (3) The quorum for a meeting of the Finance and Planning Committee shall be five.
- (4) The functions of the Finance and Planning Committee shall be —
- (i) to consider the annual statement of accounts and the annual and revised budget estimates and advise thereon;
 - (ii) to review periodically the financial position of the University;
 - (iii) to advise the Syndicate on all matters relating to planning, development, Finance, investments and accounts of the University;
 - (iv) to prepare short-term and long-term academic development plans;
 - (v) to prepare staff and resource development plans; and
 - (vi) to perform such other functions as may be prescribed by Statutes.

7. UNIVERSITY DISCIPLINE COMMITTEE

- (1) The University Discipline Committee shall consist of five senior teachers to be nominated by the Vice-Chancellor, including the officer incharge of student affairs, by whatever name called, who shall also be its Secretary.

- (2) The Chairman of the Committee shall be nominated by the Vice-Chancellor from amongst the members of the Committee.

- (3) The term of office of members of the Committee, other than *ex-officio* members, shall be two years.

- (4) The quorum for a meeting of the University Discipline Committee shall be three members.

- (5) The functions of the Committee shall be —

- (i) to deal with all inter-institute cases of indiscipline in the University;
- (ii) to propose regulations relating to the conduct of University students, maintenance of discipline and action for breach of discipline;
- (iii) to suspend, expel or rusticate students on the basis of the inquiry conducted under the Rules or Regulations; and
- (iv) to perform such other functions as may be prescribed.

8. INSTITUTIONAL DISCIPLINE COMMITTEE

Each Officer Incharge of the Hostel or Head of a University Department shall appoint a Discipline Committee consisting of three teachers of the University to deal with cases of indiscipline of its own students as may be prescribed.

LIEUTENANT GENERAL FAZLE HAQ
Governor of North-West Frontier Province.

Peshawar,
Dated 22nd October, 1980.

FAIZ MUHAMMAD KHAN,
Secretary to the Government N.W.F.P.,
Law Department.