



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 18 /05/2012

No.PA/ Khyber Pakhtunkhwa/Bills/2012/ 21229 The Khyber Pakhtunkhwa Universities Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 11th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA UNIVERSITIES ACT, 2012 (KHYBER PAKHTUNKHWA ACT NO. X OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 18th May, 2012)

AN
ACT

to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa to further improve their governance and management by ensuring accountability, transparency and giving due representation to all stakeholders in decision making, so as to enhance the quality of higher education in the Province of the Khyber Pakhtunkhwa.

It is hereby enacted as follows:

CHAPTER -I **PRELIMINARY**

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Universities Act, 2012.

(2) The provisions of this Act shall come into force with respect to the Universities listed in the Schedule on such date as may be specified by Government by notifications published in the official Gazette as the date of repeal of the Act or Ordinance constituting each of the University specified in the Schedule.

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(3) This Act shall apply to all Universities established by Government after the commencement of this Act.

2. **Definitions.**---In this Act, unless the context otherwise requires, the following expression, shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Academic Council" means the Academic Council of the University;
- (b) "affiliated college" or "affiliated institution" means a college or institution affiliated to the University, but not maintained or administered by it;
- (c) "Authority" means any of the Authorities of the University specified in section 18;
- (d) "Chairperson" means the head of a Teaching Department;
- (e) "Chancellor" means the Chancellor of the University;
- (f) "college" means a constituent college or an affiliated college;
- (g) "Commission" means the Higher Education Commission set up by the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (h) "constituent college" or "constituent institution" means a college or institution, maintained and administered by the University;
- (i) "Dean" means the head of a Faculty;
- (j) "Director" means the head of an institute established as constituent institution by the University by Statutes or Regulations in terms of the powers delegated by this Act;
- (k) "Faculty" means an administrative and academic unit of the University consisting of one or more Teaching Departments, as prescribed;
- (l) "Government" means the Government of the Khyber Pakhtunkhwa;
- (m) "institution" means a constituent institution or an affiliated institution;
- (n) "Officer" means an Officer of the University;
- (o) "prescribed" means prescribed by Statutes, Regulations or Rules made under this Act;
- (p) "Principal" means the head of a college;
- (q) "Pro-Chancellor" means Pro-Chancellor of the University;
- (r) "Professor Emeritus" and "Honorary Professor" means a retired Professor working in a Faculty in the capacity of an Emeritus or Honorary Professor;

- (t) "Search Committee" means the Search Committee set up by the Chancellor under sub-section (2) of section 12;
- (u) "Senate" means the Senate of the University;
- (v) "Statutes", "Regulations" and "Rules" mean respectively the Statutes, Regulations and Rules made under this Act;
- (w) "Syndicate" means the Syndicate of the University;
- (x) "Teaching Department" means a Teaching Department maintained and administered, or recognized by the University in the manner prescribed;
- (y) "Teachers" include Professors, Associate Professors, Assistant Professors, Lecturers and Research staff engaged whole time by the University for teaching degree, honours or post-graduate classes, and such other persons as may be declared to be teachers by the Regulations;
- (z) "University" means any University specified in the Schedule to which this Act has been made applicable through notification in the official Gazette or any other university which is added in the list of universities mentioned in the Schedule ; and
- (aa) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER -II THE UNIVERSITY

3. **Establishment and Incorporation of the University.**---(1) The universities listed in the Schedule shall, from the dates of publication in the official Gazette of notifications in this behalf, stand reconstituted in accordance with the provisions of this Act.

(2) The Government may set up such universities as are considered appropriate by making an amendment in the Schedule through appropriate legislation and the provisions of this Act shall apply to each University set up after the commencement of this Act.

(3) The University shall consist of-

- (a) the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the members of the Senate, the Deans, the Principals of the constituent colleges, the Directors, the Chairperson, the Registrar, the Controller of Examination, the Treasurer, the Teachers and students of the University, the Librarian, the Auditor and such other officers as may be prescribed; and
- (b) the members of the Syndicate, the Academic Council, Board of Studies, the Board of Faculties, constituent colleges, constituent institutions and other Authorities of the University.

(4) The University shall be a body corporate by such name as may be notified and shall have perpetual succession and a common seal, and may sue and be sued by the existing name:

Provided that universities set up prior to the commencement date shall, continue to be described by the existing names unless changed in accordance with any law for the time being in force.

(5) 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 or been acquired by it.

(6) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the powers to employ Officers, Teachers and other employees on such terms and conditions as may be prescribed.

(7) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held in trust by or for any of the universities listed in the Schedule and liabilities legally subsisting against such universities shall pass to the University reconstituted under this Act.

4. Jurisdiction of the University.---The University shall exercise the powers conferred on it by or under the Act within the territorial limits or technical limits, as the case may be, shall be notified by Government from time to time:

Provided that Government may, by general or special order, modify scope of the aforesaid powers of the University with regards to the territorial limits or technical limits:

Provided further that the University may admit to its privileges, under prescribed conditions, colleges or postgraduate institutions, within the territorial limits of other University, whether inside or outside Pakistan; provided that the consent of such other University is first obtained.

5. University open to all.---The University shall be open to persons of either sex of whatever religion, creed, caste, race, class, colour or domicile, who are academically qualified for admission to the courses of study offered by the University, and no such person shall be denied the privileges of the University on the ground of sex, religion, creed, caste, race, class, colour or domicile.

6. Powers of the University.---The University shall have the powers to-

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- (i) provide for education and scholarship in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
 - (ii) prescribe courses of studies to be conducted by it, colleges and intuitions;
 - (iii) hold examinations and to award and confer degrees, diplomas certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
 - (iv) prescribe the terms and conditions of employment of the Officers, Teachers and other employees of the University and to lay down terms and conditions that may be different from those applicable to Government servants in general;
 - (v) engage, where necessary, persons on contracts of specified duration and to specify the terms of such engagement;
 - (vi) confer honorary degrees or other distinctions on approved persons in the prescribed manner;

- (vii) provide for such instruction for persons not being students of the University as it may prescribe, and to grant certificates and diplomas to such persons;
- (viii) institute programmes for the exchange of students and teachers between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (ix) provide career counseling and job search services to students and alumni;
- (x) maintain linkages with alumni; *Graduate*
- (xi) develop and implement fund-raising plans;
- (xii) provide and support the academic development of the Faculty;
- (xiii) confer degrees on persons who have carried on independent research under prescribed conditions;
- (xiv) affiliate and disaffiliate educational institutions under prescribed conditions;
- (xv) inspect colleges and institutions affiliated or seeking affiliation with it;
- (xvi) accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
- (xvii) co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;
- (xviii) institute Professorships, Associate Professorships, Assistant Professorships and Lecturerships and any other posts and to appoint persons thereto;
- (xix) create posts for teaching, research, extension, administration and other related purposes and to appoint persons thereto;
- (xx) recognize selected members of the teaching staff of affiliated colleges or affiliated institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;
- (xxi) institute and award financial assistance to students in need of fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxii) establish teaching departments, schools, colleges, faculties, institutes, campuses, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;

- (xxiii) ✓ provide for separate residences of the students of the University and the constituent colleges for male and female constituent;
- (xxiv) maintain order, discipline and security on the campuses of the University, constituent colleges and constituent institutions;
- (xxv) promote the extra curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;
- (xxvi) demand and receive such fees and other charges as it may determine;
- (xxvii) make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (xxviii) enter into, carry out, vary or cancel contracts;
- (xxix) receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xxx) provide for the printing and publication of research and other works; and
- (xxxi) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning, and research.

7. **Teaching and Examinations.**---(1) All recognized teaching in various courses in the University, affiliated colleges and affiliated institutions shall be conducted in the prescribed manner, and it may include lectures, tutorials, discussions, seminars, demonstrations as well as practical work in laboratories and workshops and other methods of instructions including, but not limited to, voices, graphics, text, dynamic, content, and data structures of all types whether they are in electronic, visual, auditory, optical or any other form.

(2) The teaching in any prescribed course in the University, colleges and institutions shall be organized by such Authority as may be prescribed.

(3) The courses and the curricula for teaching in the University, colleges and institutions shall be such as may be prescribed.

(4) A discipline to be called "Islamic and Pakistan Studies" shall be offered, as a compulsory subject at the Bachelor's level, in the University, colleges and institutions; provided that non-Muslim students may opt for "Ethics and Pakistan Studies".

(5) The University may associate and engage external examiners not employed by the University for conduct of examinations or evaluation of candidates as and when necessary.

(6) The degree, diploma or certificate at the University shall only be granted to a student after he has fulfilled the prescribed requirements for the same.

(7) In the performance of his functions under this Act, the Chancellor shall act in the same manner as the Governor of the Khyber Pakhtunkhwa acts under Article 105 of the Constitution of the Islamic Republic of Pakistan.

10. **Removal from the Senate.**---(1) The Chancellor may, upon the recommendations of the Senate, remove any person from the membership of the Senate.

(2) The Chancellor shall remove any person, except the Vice-Chancellor, from the membership of the Senate on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Senate:

Provided that before passing such resolution the Senate shall provide the member concerned a fair hearing.

11. **Vice-Chancellor.**---(1) There shall be a Vice-Chancellor of the University who shall be an eminent academician, a distinguished administrator or a former public office-holder and shall be appointed on such terms and conditions as may be prescribed.

(2) **The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions of the University and for ensuring that the provisions of this Act, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the Officers, Teachers and other employees of the University.**

(3) The Vice-Chancellor may, in an emergency that in his opinion requires immediate action, ordinarily not in the competence of the Vice-Chancellor, take such action and forward, within seven days, a report of the action taken to the members of Emergency Committee of the Senate, to be set up by the Statutes. The Emergency Committee may direct such further action as is considered appropriate.

Provided that such action of the Vice Chancellor shall be subject to the final approval of the relevant authority in its next meeting:

Provided further that the Vice Chancellor shall not perform any legislative act of making Statutes, Regulation and Rules by exercising his emergency powers under this section.

(4) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any Authority or body of the University.

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

(a) direct Officers, Teachers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in or for the University as he may consider necessary for the purposes of the University;

(b) sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate in the next meeting;

(c) create, re-designate and fill contract, temporary posts for a period not exceeding one year;

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- (d) make appointments of employees of the University in BPS-1 to 16 in such manner as may be prescribed by the Statutes. All such appointments should be reported to Syndicate during its next meeting;
- (e) suspend, punish and remove, in accordance with prescribed procedure, from service, the Officers, Teachers and other employees of the University;
- (f) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer of the University;
- (g) appoint examiners or reviewers and paper setters for all examinations of the University on the recommendations of the relevant Boards of Studies of Department and constituent institutions;
- (h) appoint foreign and local referees for evaluation of candidates for faculty positions from the panel of names recommended by the Syndicate; and
- (i) exercise and perform such other powers and functions as may be prescribed.

(6) The Vice-Chancellor shall preside at the Convocation of the University in the absence of the Chancellor and the Pro-Chancellor.

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of the closure of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to the following namely:-

- (a) academics;
- (b) research;
- (c) administration; and
- (d) finances.

(8) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Senate, to all Officers and teachers and shall be published in such numbers as are required to ensure its wide circulation.

12. Appointment and Removal of the Vice-Chancellor.---(1) The Vice-Chancellor shall be appointed by the Chancellor, on advice of Government, from a panel of three candidates proposed by the Search Committee.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by Chancellor and shall consist of-

- (a) the Minister for Higher Education of the Khyber Pakhtunkhwa, who shall be Convener of the Search Committee;
- (b) the chairman of relevant Standing Committee of the Provincial Assembly of Khyber Pakhtunkhwa;
- (c) the Chief Secretary, Government of the Khyber Pakhtunkhwa;
- (d) three eminent members of the society, with experience in education, administration or social work.

- (e) two eminent educationists;
- (f) the Secretary of the relevant Administrative Department of the Government; and
- (g) the Secretary to the Government, Higher Education, Archives and Libraries Department.

(3) The members mentioned in clauses (d) and (e) of sub-section (2) shall be nominated by the Chancellor while the members mentioned in clauses (a), (b), (c), (f) and (g) shall be members of the Search Committee by virtue of their offices.

(4) The Search Committee shall remain in existence till such time as a new Vice-chancellor is appointed by the Chancellor.

(5) The Vice-Chancellor shall be appointed for a renewable tenure of four years on terms and conditions prescribed by Statutes. The tenure of an incumbent Vice-Chancellor may be renewed by the Chancellor on the basis of his performance and on receipt of a resolution of the Senate in support of such renewal:

Provided that the Chancellor may call upon the Senate to reconsider such resolution once.

(6) Where the Chancellor is of the view that the Vice-Chancellor should be removed, he may make a reference to the Senate stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross-misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Senate shall, pursuant to a resolution in this behalf passed by two-third of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided that prior to a resolution for the removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(7) The Senate may pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor, the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct including misuse of position for personal advantage of any kind.

(8) 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, within fifteen days, make such arrangements for the performance of the duties of the Vice-Chancellor as he may deem fit.

13. **Registrar.**---(1) There shall be a Registrar of the University who shall be the Principal Administrative Officer of the University.

(2) The Registrar shall be appointed by the Syndicate, on recommendation of the Selection Board, or by deputation from amongst the Officers or Teachers in BPS-19 or above.

(3) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be such as may be prescribed.

(4) The Registrar shall be full time officer of the University and shall

- (a) act as Secretary of the Senate, Syndicate, Academic Council, Selection Board and such other authorities, bodies and committees as prescribed by or under this Act;
- (b) subject to the decision of authorities, he shall have the power to enter into agreements, sign documents and authenticate records on behalf of the university;
- (c) be the custodian of records, the common seal and such other property of the University as the Syndicate may commit to his charge;
- (d) conduct elections to various authorities in a manner prescribed by statutes;
- (e) to prepare and update the Handbook of Statutes, Regulations and Rules approved by authorities, bodies or committees from time to time, and make them available to public, all respective members of the authorities and officers of the university; and
- (f) exercise such other powers and perform such other duties as prescribed by or under the Act or assigned to him, from time to time, by the Vice-Chancellor.

(5) The term of office of the Registrar shall be three ^{years} and may be renewed from time to time:

Provided that the Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of inefficiency or misconduct, in accordance with the prescribed procedure, before completion of his tenure.

14. Treasurer.---(1) There shall be a Treasurer of the University and shall be appointed by the Syndicate, on recommendation of the Selection Board, or by deputation from amongst the Officers or Teachers in BPS-19 or above, on such terms and conditions as may be prescribed:

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be such as may be prescribed.

(3) The Treasurer shall-

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare the annual and revise budget estimates of the University and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;
- (c) ensure that the funds of the University are expended on the purposes for which they are provided;
- (d) have the account of the University audited annually so as to be available for submission to the Senate within six months of the close of the financial year; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be three years and may be renewed from time to time.

Provided that the Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

15. **Controller of Examinations.**---(1) There shall be a Controller of Examinations, and shall be appointed by the Syndicate on the recommendation of selection Board, or by deputation from amongst the Officers/Teachers in BPS-19 or above, on such terms and conditions as may be prescribed.

(2) The Controller of Examinations shall be a full time officer of the University and shall be responsible for all matters connected with the conduct of examinations and perform such other duties as may be prescribed.

(3) The term of office of the Controller of Examinations shall be three years and may be renewed from time to time:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

16. **Auditor.**---(1) There shall be an Internal Auditor of the University to be appointed by the Syndicate, on such terms and conditions as may be determined by it.

(2) The Internal Auditor shall be responsible for pre-auditing of all bills and documents for all payments to be made by the University.

17. **Other Officers.**---Subject to the provisions of this Act, the terms and conditions of service and the powers and duties of other officers of the University shall be such as may be prescribed.

CHAPTER -IV **AUTHORITIES OF THE UNIVERSITY**

18. **Authorities.**---(1) The following shall be the Authorities of the University-

(a) Authorities established by this Act,-

- (i) The Senate;
- (ii) The Syndicate;
- (iii) The Academic Council; and

(b) Authorities to be established by the Statutes-

- (i) Boards of Faculties;
- (ii) Boards of Studies;
- (iii) Selection Board;
- (iv) Advance Studies and Research Board;
- (v) Finance and Planning Committee;
- (vi) Affiliation Committee;
- (vii) Discipline Committee for Students; and
- (viii) such other authorities as may be prescribed.

19. **Senate.**---(1) The Senate shall consist of the following:

(a) the Chancellor who shall be the Chairperson of the Senate;

(b) the Pro-Chancellor;

- (c) the Vice-Chancellor;
- (d) one Dean to be nominated by the Chancellor;
- (e) one member of the Provincial Assembly of the Khyber Pakhtunkhwa to be nominated by the Speaker of the said Assembly;
- (f) Chief Justice Peshawar High Court, Peshawar or his nominee not below the rank of a High Court Judge;
- (g) Secretary of the relevant Administrative Department of Government;
- (h) the Secretary to Government, Higher Education Department, or his nominee not below the rank of Additional Secretary;
- (i) the Secretary to Government, Finance Department, or his nominee not below the rank of Additional Secretary;
- (j) the Secretary to Government, Establishment Department, or his nominee not below the rank of Additional Secretary;
- (k) the Chairman, Higher Education Commission or his nominee not below the rank of Director General; and
- (l) one person from amongst the alumni of the University to be nominated by the Chancellor;
- (m) three persons from the academic community of the Province of the Khyber Pakhtunkhwa or the country, other than an employee of the University, at the level of professor or Principal, to be appointed by the Chancellor;
- (n) four University Teachers, including one Professor, one Associate Professors, one Assistant Professors and one Lecturers to be elected by teachers of their respective cadres from amongst themselves; and
- (o) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, industry, agriculture, science, technology and engineering with a view to reflecting a balance across the various fields, to be nominated by the Chancellor;

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Senate.

- (2) Members of the Senate, other than ex-officio members, shall hold office for three years.
- (3) The Senate shall meet at least twice in a calendar year.
- (4) In the absence of the Chancellor, meetings of the Senate shall be presided over by such member of the Senate other than employee of University as the Chancellor

(5) Unless otherwise described by this Act, all decisions of the Senate shall be taken on the basis of the opinion of majority of the members present. In the event of the members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.

(6) The quorum for a meeting of the Senate shall be two-third of its members, a fraction being counted as one.

20. Powers and functions of the Senate.---(1) The Senate shall have the power of general supervision over the University and shall hold the Vice-Chancellor and the Authorities accountable for all the functions of the University. The Senate shall have all powers of the University not expressly vested in an Authority or Officer by this Act and all other powers not expressly mentioned in this Act that are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers, the Senate shall have the powers to-

- (a) hold, control according to the laid down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of movable and immovable property;
- (b) transfer and accept transfer of movable and immovable property on behalf of the University;
- (c) institute schemes, directions and guidelines for the terms and conditions of appointment of all Officers, Teachers and other employees of the University;
- (d) to make appointments of members of the Syndicate, Academic Council, other than ex-officio members, in accordance with the provision of this Act;
- (e) approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (f) oversee the quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;
- (g) approve strategic plans;
- (h) approve financial resource development plans of the University;
- (i) consider the drafts of Statutes proposed by the Syndicate and deal with them in the manner as provided for in section 28;

Provided that the Senate may frame a Statutes or Regulations on its own initiative and approve it after calling for the advice of the Syndicate or the Academic Council, as the case may be;

- (j) recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;
- (k) appoint Emeritus Professors and Meritorious Professors on such terms and conditions as may be prescribed; and

- (l) to recommend to the Chancellor removal of any person, except the Vice-Chancellor, from the membership of any Authority, if such person-
 - (i) has become of unsound mind; or
 - (ii) has become incapacitated to function as member of such Authority; or
 - (iii) has been convicted by a court of law for an offence involving moral turpitude; and
 - (iv) has been proven guilty of misconduct under the Statutes made for ensuring efficiency and discipline in the University.

(3) The Senate may, subject to the provisions of this Act, delegate all or any of its powers and functions, to any Authority, committee, Officer at its additional campus, if any, for the purpose of exercising such powers and performing such functions in relation to such peripheral campuses, and for this purpose the Senate may create new posts or positions at the peripheral campuses.

21. Visitations.---(1) The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the University.

(2) The Chancellor may also cause an inspection or inquiry to be made in respect of any matter directly or indirectly concerned with the University and, from time to time, appoint such expert or experts in the manner prescribed, for purposes of carrying out the inspection of various matters connected with the University.

(3) The Chancellor shall communicate the Senate his views with regards to the results of such inspection or inquiry and shall, after ascertaining the views thereon of the Senate, advise the Senate on action to be taken.

(4) The Senate shall communicate to the Chancellor such action, if any, as has been taken or may propose action to be taken upon the results of the inspection or inquiry.

22. Syndicate.---(1) The Syndicate shall consist of,-

- (a) the Vice-Chancellor, who shall be its Chairperson;
- (b) Chief Justice Peshawar High Court, Peshawar or his nominee not below the rank of a High Court Judge.
- (c) one Dean to be appointed by the Vice Chancellor;
- (d) Secretary of the relevant Administrative Department of Government;
- (e) the Secretary to Government, Higher Education Department, or his nominee not below the rank of Additional Secretary;
- (f) the Secretary to Government, Establishment Department, or his nominee not below the rank of Additional Secretary;
- (g) the Secretary to Government, Finance Department, or his nominee not below the rank of Additional Secretary;

- (h) two Principals (*preferably one male and one female*) of affiliated colleges in public sector to be nominated by the Chancellor from a panel recommended by the Higher Education Department;
 - (i) one Professor, One Associate Professor, One Assistant Professor and One Lecturer of the University to be elected by teachers of their respective cadres in the prescribed manner;
 - (j) one Principal of the constituent colleges to be elected from amongst themselves in the prescribed manner;
 - (k) nominee of Higher Education Commission;
 - (l) one Chairman/ Director of the Department / Institute / Centre to be elected from amongst themselves in the prescribed manner;
 - (m) three persons of eminence to be nominated by the Chancellor; and
 - (n) two members of the Senate to be elected by the Senate.
- (2) The members of the Syndicate, other than ex-officio members, shall hold office for three years.
- (3) The quorum for a meeting of the Syndicate shall be two-third of the total number of its members, a fraction being counted as one.
- (4) The Syndicate shall meet at least once in each quarter of the year.

23. Powers and functions of the Syndicate.---(1) The Syndicate shall be the executive body of the University and shall, subject to the provisions of this Act and the Statutes, exercise general supervision over the affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, the Statutes, the Syndicate shall have the powers to-

- (a) consider the annual report, the statements of Accounts, the annual and revised budget estimates and to submit these to the Senate;
- (b) recommend to the Senate the transfer and accept of movable and immovable property on behalf of the University;
- (c) enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (*Act II of 1882*), or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;

- (g) administer any funds placed at the disposal of the University for specified purposes;
- (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the affairs of the University;
- (i) establish and maintain halls of residence and hostels, as far as possible;
- (j) affiliate or disaffiliate educational institutions;
- (k) arrange for the inspection of colleges, institutions and the Teaching Departments;
- (l) institute Professorships, Associate Professorships, Assistant Professorships, Lecturer ships, and other teaching posts or to suspend or abolish such posts;
- ✓ (m) subject to this Act, appoint Teachers and other officers on the recommendation of the Selection Board in BPS-17 and above.
- (n) create, suspend or abolish such administrative or other posts as may be necessary;
- (o) prescribe the duties of Officers, Teachers and other employees of the University;
- (p) report to the Senate on matters with respect to which it has been asked to report;
- (q) propose drafts of Statutes for submission to the Senate;
- (r) regulate the conduct and discipline of the students of the University;
- (s) take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any Authority or Officer or a committee; and
- (u) perform such other functions as have been assigned to it by the provisions of this Act or the Statutes made thereunder.

24. Academic Council---(1) The Academic Council shall consist of-

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Chairperson;
- (c) the Deans;
- (d) the Professors Emeritus and Meritorious Professors;
- (e) eight University Teachers, including two Professors, two Associate Professors, two Assistant Professors and two Lecturers to be elected by teachers of their own order from amongst themselves;

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- (f) two Principals, preferably one female, of affiliated colleges, one each from public and private sector, to be nominated by the Secretary to Government, Higher Education Department;
 - (g) four members of the Senate to be elected by the Senate;
 - (h) one Principal of the constituent college, to be nominated by the Senate;
 - (i) the Director Admissions;
 - (j) the Controller of Examinations; and
 - (k) the Registrar, who shall be its member-cum-secretary.
- (3) Members of the Academic Council, other than ex-officio, shall hold office for three years.
- (4) The Academic Council shall meet at least once in six months.
- (5) The quorum for meetings of the Academic Council shall be one-half of the total number of members, a fraction being counted as one.

25. Powers and duties of the Academic Council.---(1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the Statutes, have the powers to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University, colleges and institutions.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act and the Statutes, the Academic Council shall have the powers to-

- (a) advise the Syndicate on academic matters;
- (b) to regulate and lay down standards for the conduct of teaching, research, examinations and students discipline;
- (c) propose to the Syndicate schemes for the constitution and organization of Faculties, Teaching Departments and Boards of Studies;
- (d) institute programmes for the continued professional development of University Teachers at all levels;
- (e) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (f) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (g) make Regulations on the recommendations of the Board of Faculties, Advance Studies and Research Board and the Board of Studies, prescribing the schemes of studies, the syllabi and mode of examinations:

Provided that if the recommendations of the Board of a Faculties or Board of Studies or Advanced Studies...

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- (h) prepare an annual report on the academic performance of the University;
 - (i) appoint member to various authorities in accordance with the provisions of this Act; and
 - (j) perform such other functions as may be prescribed by Regulations.

26. **Constitution, function and powers of other Authorities.**---The constitution, functions and powers of other Authorities for which no specific provisions, or insufficient provisions, have been made in this Act shall be such as may be prescribed by the Statutes.

27. **Appointment of Committees by certain Authorities.**---The Senate, the Syndicate, the Academic Council and other Authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the Authorities appointing the committees.

CHAPTER -V
STATUTES, REGULATIONS AND RULES

28. **Statutes.**---(1) Subject to the provisions of this Act, Statutes, may be made, to regulate or prescribe all or any of the following matters, namely:

- (a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Senate shall be prepared;
- (b) the University fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;
- (d) the scales of pay and other terms and conditions of service of officers, Teachers and other employees of University;
- (e) the maintenance of the register of registered graduates;
- (f) affiliation and disaffiliation of educational institutions and related matters;
- (g) the conduct of elections for membership of the Authorities of the University and related matters;
- (h) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (i) the establishment of Faculties, Teaching Departments, constituent institution, constituent colleges and other academic divisions;
- (j) the powers and duties of Officers and Teachers;
- (k) conditions under which the University may enter into agreements with other institutions or with public bodies for purposes of research and advisory services;

- (l) conditions for appointment of Emeritus Professors and Meritorious Professors, award of honorary degrees;
- (m) constitution of emergency committee or other committees as may be required;
- (n) efficiency and discipline of University employees;
- (o) constitution, functions and powers of the Authorities of the University; and
- (p) all other matters which by this Act are to be or may be prescribed or regulated by Statutes.

(2) The draft of Statutes shall be proposed by the Syndicate to the Senate which may approve or pass it with such modifications as the Senate may deem fit or may refer back to the Syndicate, as the case may be, for reconsideration of the proposed draft:

Provided that Statutes concerning any of the matters mentioned in clauses (a) and (n) of sub-section (1) shall be initiated and approved by the Senate, after seeking the views of the Syndicate:

Provided further that the Senate may initiate Statutes with respect to any matter in its power or with respect to which a Statute may be framed in terms of this Act and approve such Statutes after seeking the views of the Syndicate.

29. **Regulations.**---(1) Subject to the provisions of this Act and the Statutes, the Academic Council may make Regulations, for all or any of the following matters-

- (a) the courses of study for degrees, diplomas and certificates of the University;
- (b) the manner in which the teaching referred to in sub-section (1) of section 7 shall be organized and conducted;
- (c) the admission, registration and expulsion of students to and from the University;
- (d) the consideration under which students shall be admitted to the courses and the examinations of the University and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) the use of the Library;
- (l) the formation of Faculties, Teaching Departments and Board of Studies; and
- (j) all other matters which by this Act or the Statutes made there under are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Syndicate which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. Regulations proposed by the Academic Council shall not be effective unless these are approved by the Syndicate.

30. **Amendment and repeal of Statutes and Regulations.**---The procedure for adding to, amending or repealing the Statutes and Regulations shall be the same as prescribed respectively for framing or making Statutes and Regulations.

31. **Rules.**---The Authorities and other bodies of the University may make Rules, consistent with this Act, the Statutes or the Regulations, to regulate the conduct of their business and the time and place of meetings and related matters.

32. **Affiliation of educational institution.**---(1) An educational institution seeking affiliation to the University shall satisfy that the-

- (a) educational institution is under the management of Government or a regularly constituted governing body;
- (b) financial resources of the educational institution are sufficient to ensure its continued maintenance and efficient working;
- (c) strength and qualifications and the terms and conditions of service of the teaching and other staff of the educational institution are satisfactory for the purpose of teaching the prescribed courses;
- (d) educational institution has framed proper rules governing the conduct and discipline of its employees;
- (e) building of the educational institution is suitable and commodious for its requirements;
- (f) educational institution has or can make a provision in the prescribed manner, as far as possible, for the residence of students not residing with their parents or guardians, and their supervision and physical and general welfare;
- (g) educational institution has a provision for a library and adequate library services;
- (h) educational institution has properly equipped laboratories, museums and other places of practical work required for courses of studies taught therein; and
- (i) educational institution has or can make provisions for residence of its Heads and other members of the teaching staff.

(2) The application for affiliation shall further contain an undertaking by educational institution that after it is affiliated, any changes in management or teaching staff shall forthwith be reported to the University and that the teaching staff shall possess such qualification as are, or may be, prescribed.

(3) The Syndicate shall after considering the recommendations of the Affiliation Committee, dispose of the application for affiliation in accordance with such procedure as may be prescribed and may grant or refuse affiliation; provided that affiliation shall not be refused, unless the educational institution has been given an opportunity of making a representation against the proposed

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33. **Extension of Affiliation.**---When an affiliated educational institution desires to alter or expand the courses of studies, number of seats and fee structure in respect of which it is granted affiliation, the procedure prescribed for affiliation of college shall, as far as possible, be followed.

34. **Inspection and Reports.**---(1) Every affiliated educational institution shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the educational institution.

(2) The University may call upon any affiliated educational institution to take, within a specified period, such action in respect of any matter mentioned in sub-section (1) as the University may deem fit.

35. **Disaffiliation.**---(1) If an educational institution affiliated to the University has failed to fulfill any requirement of this Act or has failed to observe any of the conditions of affiliation or its affairs are conducted in a manner prejudicial to the interest of education, the Syndicate may, in the prescribed manner, and after considering any representation that the educational institution may wish to make, modify or withdraw all or any of the privileges conferred on the educational institution by the affiliation.

(2) Where any educational institution has been refused affiliation or all or any of the privileges conferred on any educational institution by affiliation have been modified or withdrawn under sub-section (1), it may, within the prescribed period, apply for review to the Syndicate against such refusal and the application shall be disposed of in such manner as may be prescribed.

CHAPTER -VI
UNIVERSITY FUND

36. **University Fund.**---There shall be a Fund of the University to be called the University Fund to which shall be credited all money received by it from fees, donations, trusts, bequests, endowments, contributions, grants and other sources.

37. **Recovery of University Dues.**---All dues of the University shall be recoverable as arrears of land revenue.

38. **Audits and accounts.**---(1) The Accounts of the University shall be maintained and audited in such form and in such manner as may be prescribed.

(2) The Teaching Departments and all other bodies designated as such by the Syndicate in terms of Statutes shall be independent cost centers of the University with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it:

Provided that re-appropriation from one head of expenditure to another may be made by the head of a cost centre in accordance with and to the extent prescribed by the Statutes.

(3) All funds generated by a Teaching Department, constituent colleges or other unit of the University through consultancy, research or other provision of service shall be credited to the University fund:

Provided that the Teaching Department, constituent college or other unit concerned may be allowed enhanced budget allocation equivalent to a part of the funds generated in accordance with prescribed terms and procedure.

(4) No expenditure shall be made from the funds of the University unless the necessary payments has been issued.

- (5) Provision shall be made for an internal audit of the finances of the University.
- (6) The University shall cause to carry out audit of its accounts by the Auditor-General of Pakistan.

CHAPTER -VII
GENERAL PROVISIONS

39. **Opportunity to show cause.**---Except otherwise provided by law, 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 for cause arising out of any act or omission on the part of the person concerned, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

40. **Appeal.**---Where an order is passed punishing any Officer (other than the Vice-Chancellor), Teacher or other employee of the University or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by the Vice Chancellor or any other Officer or Teacher of the University, have the right to appeal to the Syndicate against the order, and where the order is passed by the Syndicate, have the right to appeal to the Chancellor.

Provided that such appeal shall be submitted to the Vice Chancellor, who shall place it before the next meeting of the Syndicate or the Chancellor, as the case may be, with his views.

Provided further that no order shall be passed on the said appeal unless the person concerned is given an opportunity of being heard.

41. **Service of the University.**---(1) All persons employed by the University in accordance with the terms and conditions of service prescribed by Statutes shall be persons in the service of Pakistan for the purposes of any court or tribunal set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan:

Provided that any provision as regards the terms and conditions of employment of persons in the service of Pakistan in general or in comparable employment notwithstanding the service of persons employed by the University shall be entirely governed by the terms and conditions prescribed by the relevant Statutes.

(2) An Officer, Teacher or other employee of the University shall retire from service on the attainment of such age or tenure of service as may be prescribed.

42. **Benefits and Insurance.**---(1) The University shall constitute for the benefit of its officers, teachers and other employees schemes, as may be prescribed, for the provision of post-employment benefits as well as health and life insurance while in service.

(2) Where any provident fund has been constituted under this Act, the provisions of the Provident Funds Act, 1925 (XIX of 1925), shall apply to such funds as if it were the Government Provident Fund.

43. **Commencement of term and termination of membership of Authority.**---(1) When a member of a newly constituted Authority is elected, appointed or nominated, his term of office, as fixed under this Act, shall commence from the date of notification.

(2) Where a member who has accepted any other assignment which necessitate his absence from the University for a period of six months or more, or absents himself from two consecutive meetings without the leave of such authority, he shall be deemed to have resigned and vacated his seat.

44. **Filling of casual vacancies in Authorities.**---Any casual vacancy among the members of any Authority shall be filled in the same manner and by the same person or Authority that had appointed the member whose place has become vacant and the person appointed to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

45. **Flaws in the constitution of Authorities.**---Where there is a flaw in the constitution of an Authority, as constituted by this Act, the Statutes or the Regulations on account of the abolition of a specified office under Government or because an organization, institution or other body outside the University has been dissolved or has ceased to function, or because of some other similar reason, such flaw shall be removed in such manner as the Senate may direct.

46. **Proceedings of Authorities not invalidated by the vacancies.**---No act, resolution or decision of any Authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de-facto member of the Authority, whether present or absent.

47. **Removal of Difficulties.**---(1) If any question arises as to the interpretation of any of the provisions of this Act or giving effect to the same, it shall be placed before a committee constituted by the Chancellor.

(2) Where this Act makes any provision for anything to be done, but no provision or insufficient provision has been made in respect the authority by whom, or the time at which, or the manner in which, it shall be done, by such authority, at such time, or in such manner as shall be prescribed by the Statutes.

48. **Repeal and Savings.**---(1) The Acts, Ordinances or other legislative instruments constituting the universities listed in the Schedule shall stand repealed from such dates as may be notified by the Government in the official Gazette:

Provided that Government may save, through appropriate provision in the repealing notifications, such parts of the Acts, Ordinances or other legislative instruments constituting the universities listed in the Schedule as are necessary for preservation of such specific features that are essential given the nature of the University and are not in conflict with the management and governance structure laid down by this Act or for continuation of the legal status of an institute, college or other constituent unit of the University as on the date of the notification in the official Gazette.

(2) Notwithstanding the repeal envisaged by sub-section (1),-

(a) everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, scholarships, studentship, or exhibitions instituted, affiliations or privileges granted and orders issued under any of the provisions of the repealed Acts, Ordinances, other legislative instruments or the Statutes, the Regulations and the Rules made or deemed to have been made there under, shall, if not inconsistent with the provisions of the Act or the Statutes, the Regulations or the Rules made under this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, acquired, appointed, authorized, conferred, created, made, instituted, granted and issued under this Act, and any documents referring to any of the provisions of the repealed Acts, Ordinances, other legislative instruments or the Statutes

- (b) all institutes, colleges or other constituent units of the University functioning in terms of the provisions of the repealed Acts, Ordinances or other legislative instruments shall continue to function in terms of the relevant repealed provisions till such time that the Senate through Statutes have prescribed otherwise; and
- (c) any Statutes, Regulations, or Rules made or deemed to have been made under the repealed Acts, Ordinances or other legislative instruments shall, if not inconsistent with the provisions of this Act, be deemed to be Statutes, Regulations or Rules made under the Act having regard to the various matters which by this Act have to be regulated or prescribed by Statutes, Regulations and Rules respectively and shall continue to be in force until they are repealed, rescinded or modified in accordance with the provisions of this Act.

49. **Bar of Jurisdictions.**---No Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done in good faith or purported to have been done or intended to be done under this Act.

50. **Indemnity.**---No suit or legal proceedings shall lie against the University or any Authority, Officer, teacher or employee of the University or any person in respect of anything which is done in good faith or purported to have been done or intended to be, or has been, done under this Act.

51. **Tripartite Mobility.**---(1) Any Officer, Teacher or other employees 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.

(2) 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 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.

SCHEDULE*(See sub-section(2) of section 1)*

List of existing Universities to which this Act may be applied through notification in the official Gazette

1. The Gomal University.
2. The Khyber Pakhtunkhwa University of Engineering & Technology, Peshawar.
3. The Khyber Pakhtunkhwa Agricultural University. *Agri: Deptt*
4. The Hazara University.
5. The Kohat University of Science & Technology.
6. The Shaheed Benazir Bhtutto Women University.
7. The University of Science and Technology Bannu.
8. The Islamia College, Peshawar.
9. The Abdul Wali Khan University, Mardan. *Health Deptt.*
10. The Khyber Medical University.
11. The Bacha Khan University Charsadda.
12. The University of Haripur.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa