



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 15th May, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/12380.—The Khyber Pakhtunkhwa Universities (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th May, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA UNIVERSITIES (AMENDMENT) ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XXII OF 2015)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 15th May, 2015).

AN
ACT

further to amend the Khyber Pakhtunkhwa Universities Act, 2012.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Universities Act, 2012 (Khyber Pakhtunkhwa Act No. X of 2012), for the purposes hereinafter appearing;

It is hereby enacted as follow:

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Universities (Amendment) Act, 2015.

(2) it shall come into force at once.

2. Substitution of section 10 of Khyber Pakhtunkhwa Act No. X of 2012.--- In the Khyber Pakhtunkhwa Universities Act, 2012 (Khyber Pakhtunkhwa Act No. X of 2012), hereinafter referred to as the said Act, for section 10, the following shall be substituted, namely;

***10. Removal from the Senate**---(1) The Chancellor shall,-

(i) upon the recommendation of the Senate, remove the members of the Senate mentioned in sub-clauses (l), (m), (n), (o), (p), (q), (r) and (s) of sub-section (1) of section 19, from the membership of the Senate, on account of allegation of gross misconduct, in-efficiency, corruption, moral turpitude or physical or mental incapacity, after a resolution passed with simple majority by the Senate:

Provided that before giving recommendation for such removal, the member shall be given an opportunity to show cause against such removal; or

(ii) in case of substantiated allegation of gross misconduct, in-efficiency, corruption, moral turpitude, remove a member from the membership of the Senate, at his own discretion, after giving him an opportunity to show cause against such removal.

(2) The member so removed, shall not be eligible to serve in any Committee, constituted by the Senate and shall not participate to election to any Authority of the University.

(3) Any vacancy created due to removal of a member, shall be filled in accordance with the procedure as provided in this Act.”.

3. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 11,-

(i) for sub-section (1), the following shall be substituted, namely:
“(1) There shall be a Vice-Chancellor who shall be a person of eminence having PhD or equivalent qualification with proven ability and leadership that has made significant contribution to higher education as teacher, researcher and academic administrator and shall be appointed on such qualification and accordance with the procedure provided in the Schedule-II for Appointment of Vice Chancellor.”;

(ii) for sub-section (3), the following shall be substituted, namely:

“(3) Vice-Chancellor may, in an emergency that in his opinion require immediate action not in the competence of the Vice-Chancellor, take such action with the prior approval of an Emergency Committee constituted by Syndicate from amongst its members:

Provided that meeting of the Syndicate shall be convened within fifteen days of the action taken and detailed description of the emergency and merit of the action taken, be presented to the Syndicate for a permanent decision:

Provided further that the action taken by the Vice-Chancellor on the approval of Emergency Committee shall not include-

- (i) framing of Statutes, Regulations, Rules or any other legislative act;**
 - (ii) making any kind of appointments; and**
 - (iii) taking actions which required out of budget implications.”;**
- (iii) In sub-section (5),-**
- (a) for clause (c), the following shall be substituted, namely:**
 - “(c) create, re-designate and on the recommendation of a Committee constituted by the Syndicate fill contract, temporary posts for a period not exceeding one year; provided that no extension shall be granted beyond the period of one year;”;**
 - (b) in clause (d), the semi-colon appearing at the end shall be replaced with colon and thereafter the following proviso shall be added, namely:**

Provided that all Class-IV employees shall be appointed from within the territorial jurisdiction of the University, under section 4 of this Act;”;
 - (c) for clause (e), the following shall be substituted, namely:**
 - “(e) suspend, punish and remove university employees in BPS 1 to 16 from service in accordance with prescribed procedure;”;**
 - (d) after sub-section (8), the following new sub-section shall be added, namely:**

“(9) Vice Chancellor shall be responsible to the Senate for implementation of powers of the University and its authorities.”.

4. **Substitution of section 12 of the Khyber Pakhtunkhwa Act No. X of 2012.**---In the said Act, for section 12, the following shall be substituted, namely:

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

(2) An Academic Search Committee, for the recommendation of persons suitable for appointment as Vice-Chancellor, shall be constituted by the Chancellor on the advice of Government and shall consist of-

(a) An academician of national / international repute with at least 50 international publications who shall be the chairman and convener of the academic search committee to be nominated by the Chief Executive of the Province.

(b) Two of the most eminent educationist of Pakistan outside the province of the Khyber Pakhtunkhwa having academic administrative experience as Chairman/Dean/Vice Chancellor etc.

(c) One eminent academician / researcher of the province of Khyber Pakhtunkhwa with additional experience of working with the industry / Government agencies.

(d) Secretary Higher Education Department of Khyber Pakhtunkhwa will act as the Secretary of the academic search committee.

(3) The process of selection of a new Vice Chancellor shall be initiated six months prior to the expiration of the existing term of the incumbent.

(4) The Academic search committee shall remain in existence for a period of two years from the date of its constitution.

(5) The Academic search committee shall adopt the procedure as provided in Schedule-II for the recommendation of the panel of three suitable candidates.

(6) The Vice Chancellor shall be appointed for a single tenure of three years on market based salary and fringe benefits depending on qualification and experience of the candidate and his or her suitability to the task:

Provided that the tenure of three years may be extended once for another such term on the basis of performance to be evaluated by Government against the key performance indicators to be set up by Government:

Provided further that a Vice Chancellor may work in the same University for a maximum of two such tenures.

(7) The Chancellor shall,-

(i) upon the recommendation of the Senate, remove the Vice-Chancellor, on account of allegation of gross misconduct, in-efficiency, corruption, violation of budgetary provisions, moral turpitude or physical or mental incapacity, after a resolution passed with simple majority by the Senate:

Provided that before giving recommendation for such removal, the Vice-Chancellor shall be given an opportunity to show cause against such removal; or

(ii) in case of substantiated allegation of gross misconduct, in-efficiency, corruption, violation of budgetary provisions, moral turpitude, remove the Vice-Chancellor, at his own discretion, after giving him an opportunity to show cause against such removal.

(8) Notwithstanding anything contained in this Act, at any time, when the office of the Vice-Chancellor is vacant, due to completion of term, insanity or death or any other cause, which requires the appointment of a regular Vice-Chancellor, the Chancellor shall, within fifteen (15) days, appoint an acting Vice-Chancellor from amongst the three senior most teachers of the University, otherwise eligible for appointment as Vice-Chancellor. Such appointment shall remain valid for a maximum period of three months."

5. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 13, for sub-section (2), the following shall be substituted, namely:

"(2) The Registrar shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with such qualification and experience and on such terms and conditions as may be prescribed:

Provided that the Registrar shall not be appointed from the superannuated employees retired from the government /universities service and teaching faculty."

6. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 14, for sub-section (1), the following shall be substituted, namely:

"(1) The Treasurer shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with relevant professional qualification and experience and on such terms and conditions as may be prescribed:

Provided that the Treasurer shall not be appointed from the superannuated employees retired from the government / universities service and teaching faculty."

7. Amendment of section 15 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 15, for sub-section (1), the following shall be substituted, namely:

"(1) The Controller of Examinations shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with such qualification and experience and on such terms and conditions as may be prescribed:

Provided that the Controller of Examinations shall not be appointed from the superannuated employees retired from the government/ universities service and teaching faculty."

8. Substitution of section 16 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, for section 16, the following shall be substituted, namely:

"**16. Auditor.**---(1) There shall be an internal auditor of the University responsible for pre-auditing of all bills and documents for all payments to be made by the University.

(2) The Internal Auditor shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with relevant professional qualification and experience and on such terms and conditions as may be prescribed.

(3) The term of office of the Internal Auditor shall be three years and may be renewed from time to time."

9. Substitution of section 19 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, for section 19, the following shall be substituted, namely:

"**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) a retired Judge of High Court to be nominated by Chief Justice;

- (g) Secretary of the relevant Administrative Department of Government or his nominee not below the rank of an Additional Secretary;
- (h) the Secretary to Government, Higher Education Department, or his nominee not below the rank of an Additional Secretary;
- (i) the Secretary to Government, Finance Department, or his nominee not below the rank of an Additional Secretary;
- (j) the Secretary to Government, Establishment Department, or his nominee not below the rank of an Additional Secretary;
- (k) the Chairman, Higher Education Commission or his nominee not below the rank of Director General;
- (l) two eminent or distinguished graduates of the University who are not its employees 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 Professor, one Assistant Professor and one Lecturer to be elected by teachers of their respective cadres from amongst themselves;
- (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 create diversity and balance across the various fields, to be nominated by the Chancellor;
- (p) two industrialists to be nominated by Government;
- (q) one philanthropist to be nominated by Government;
- (r) one nominee of Khyber Pakhtunkhwa Chamber of Commerce and Industry;
- (s) one principal of an affiliated college to be nominated by the Department of Higher Education, Archives and Libraries;

Provided that at least four female of them would be from the nominated or appointed categories; and

- (t) two University Administrative Officers to be elected from amongst all the Administrative Officers in the prescribed manner.
- (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 may, from time to time, nominate. The member so nominated shall be the convener of the Senate.
- (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 total members a fraction being counted as one; excluding the vacant, non-existent categories, wherever applicable.

10. Amendment of section 20 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 20, in sub-section 2,-

- (i) in clause (e), after the word "work", the words "including key performance indicators" shall be inserted;
- (ii) in clause (k), the word "and", appearing at the end shall be deleted;
- (iii) in clause (l), in sub-clause (iv), the full-stop appearing at the end shall be replaced by semi-colon and thereafter, the word "and" shall be added; and
- (iv) after clause (l), as so amended, the following new clause shall be added, namely:
 - "(m) annul by order in writing the proceedings of any Authority or officer, if the Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, Statutes or Regulations, after calling upon such Authority or officer to show cause why such proceedings should not be annulled."

11. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 21, in sub section (2), for the words "in the manner prescribed", the words "as deem appropriate" shall be substituted.

12. Amendment of section 22 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 22,-

(i) in sub-section (1),-

(a) for clause (b), the following shall be substituted, namely:

“(b) a retired judge of the Peshawar High Court to be nominated by the Chief Justice, Peshawar High Court;”;

(b) for clause (c), the following shall be substituted, namely:

“(c) one Dean to be elected by the Deans from amongst themselves in the prescribed manner;”;

(c) for clause (k), the following shall be substituted, namely:

“(k) one nominee of the Commission not below the rank of an advisor or member;”;

(d) in clause (m), the word “and” appearing at the end shall be deleted;

(e) in clause (n), the full-stop appearing at the end shall be replaced by semi-colon;

(f) after clause (n), as so amended, the following new clause shall be added, namely:

“(o) one Vice-Chancellor from private sector universities to be appointed by the Chancellor out of a panel, recommended by the Higher Education, Archives and Libraries Department; and

(p) two University Administrative Officers to be elected from amongst all the Administrative Officers in the prescribed manner.”

(ii) for sub-section (3), the following shall be substituted, namely:

“(3) The quorum for a meeting of the Syndicate shall be two third of its appointed or nominated members, excluding the vacant non-existent categories, where applicable.”.

13. Amendment of section 23 of the Khyber Pakhtunkhwa Act No. X of 2012.---in the said Act, in section 23, in sub-section (2), after clause (m), the following new clauses shall be inserted, namely:

“(m-i) suspend, punish and remove from service, the Officers and Teachers of the University in Basic Pay Scale 17 and above in accordance with the prescribed procedure;

(m-ii) promote the officers of the administrative cadre to the next higher scale of pay, after taking into consideration their eligibility, efficiency and performance on the previously held posts, length of service and availability of vacancy in the manner as may be prescribed;”.

14. Amendment of section 24 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 24, in sub-section (1), for clause (e), the following shall be substituted, namely:

“(e) one Professor, one Associate Professor, one Assistant Professor and One lecturer to be elected from amongst themselves in the prescribed manner;”;

15. Amendment of section 28 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 28, in sub-section (2), in the second proviso, the full-stop appearing at the end shall be replaced by colon and thereafter, the following new proviso shall be added, namely:

“Provided also that the draft of Statutes concerning any of the matters mentioned in clauses (c) and (d) of sub-section (1), shall be forwarded to the Chancellor and shall not be effective until it has been approved by the Chancellor.”.

16. Amendment of section 32 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 32, after sub-section (3), the following new sub-section may be added, namely:

“(4) The application for affiliation of the private sector educational institution, imparting higher education shall be preceded with provisional registration of the institute concerned with Higher Education Regulatory Authority (HERA) as per requirements of Commission.”.

17. Amendment of section 36 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, the existing section 36, shall be re-numbered as sub-section (1) of section 36 and after sub-section (1) as so re-numbered, the following new sub-section may be added, namely;

“(2) The Fund shall be utilized for such purposes as may be prescribed.”.

18. Amendment of section 38 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 38, after sub-section (6), the following new proviso may be added, namely:

“Provided further that the University shall also cause to carry out its yearly academic, administrative and financial audit by a third party of national or international repute:

Provided also that the government shall have the power to carry out financial and performance audit of all activities carried out by the universities out of the funds provided by National and Provincial exchequer, grants and loans whether local or foreign, in such a manner, as deemed appropriate.”

19. Amendment of section 40 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, at the end of section 40, the following new proviso shall be inserted, namely:

“Provided further that when the Syndicate is considering the appeal of an employee punished by the Vice Chancellor, the Vice Chancellor should not be a part of the proceedings and the meeting of the Syndicate shall be chaired by a senior member of the Syndicate instead of the Vice Chancellor”.

20. Insertion of new section in the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, after section 46, the following new sections shall be inserted, namely:

“46A. Bar on membership.---“No Vice Chancellor of a provincial public sector University shall be a member of more than one Senate, one Syndicate and one Selection Board of any other Public Sector University”.

“46B. Transitional period---(1) All the Universities, having no Statutes, Regulations and Rules shall, after the commencement of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2015, within a period of one year, make Statutes, Rules and Regulations for the University:

Provided that until Statutes, Rules and Regulations are made, the Statutes, Rules and Regulations of the University of Peshawar shall be applicable.

(2) In case of up gradation of a Campus into a new full-fledged University, Statutes, Regulations and Rules of the parent University shall be followed till such time the newly established University makes its own Statutes, Rules and Regulations.”.

21. Deletion of Sections 51 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, the existing section 51 shall be deleted.

22. Amendment in the Schedule to the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act,-

(i) the existing Schedule shall be named as Schedule-I and in Schedule-I, as so renamed, after serial No.14, the following new entries shall be added, namely:

“(15) University of Technology, Nowshera”;

“(16) The University of Peshawar”;

“(17) The University of Swabi for Women”;

“(18) Abbottabad University of Science and Technology”;

“(19) Women University, Mardan”.

- (ii) after Schedule-I, as so renamed, the following new Schedule shall be appended to the said Act.

“Schedule-II
Schedule for appointment of Vice Chancellor

1. Government of Khyber Pakhtunkhwa; hereby---

- (a) Specifies that the person being recommended by the Committee shall possess the essential qualification and experience as set out in part 'A' of the schedule; and may possess desirable experience, expected skill and competencies as set out in Part B and Part C, respectively of the said Schedule;
- (b) Directs the manner in which the application shall be submitted shall be such as set out in Part D of the said Schedule;

PART 'A'

2. Essential Qualification and Experience----

- (a) For general universities (e.g. University of Peshawar), earned Doctorate in any discipline and good academic record. However, for specialized universities Doctorate should be in the field that the university specializes in e.g.;
- (i) For Khyber Medical University, MBBS or equivalent medical degree from a foreign university with fellowship in relevant specialization or PhD in a relevant discipline;
- (ii) For University of Engineering and Technology, PhD in a field of engineering;
- (iii) For Agricultural University, PhD in a field of agriculture;
- (b) Experience in the field of Higher Education of at least 20 years in teaching and research in a university / well-established institution of repute at the undergraduate and post-graduate level;
- (c) Minimum of forty research publication in peer-reviewed international research journals (with Impact factors of above 1.0 in the case of candidates in the fields of agriculture, science or engineering);

- (d) At least 10 years of administrative/postdoctoral research experience in the field of Higher Education;
- (e) Experience to supervise PhD students leading to successful grant of PhD degree(s) to student(s).
- (f) Execution of at least one major research project;
- (g) Experience of working with international bodies or international exposure through participation in workshops, seminars or conferences held outside the country;
- (h) Experience of organizing events such as workshops, seminars, conference at an international level within the country in the field of higher education;
- (i) Demonstrated experience in leadership;

PART 'B'

3. Desirable Experience---

- (a) Experience of working on the Statutory Authorities of a university such as Board of Studies, Academic Council, Syndicate or Management Council or Executive Council of Board of Management etc.;
- (b) Demonstrable experience of handling Quality issues, assessment and accreditation procedures, etc.;
- (c) Experience at the state or national or international level in handling developmental issues outside the university environment. International experience to be preferred;

PART 'C'

4. Expected Skills and Competencies---

a. Technical Skills---

- i. Openness towards technology and a deep conviction regarding its potential applications in a knowledge-based settings;
- ii. Reasonably high level of comfort in the use of technology;

b. Managerial Skills---

- i. Ability to anticipate issues and problems and prepare advance strategic plans;
 - ii. Ability to generate resources and allocate the same appropriately;
 - iii. Capacity to work effectively under pressure and manage work and resources within tight deadlines;
 - iv. Good understanding of financial management including revenue generation, planning and fiscal control;
- c. Alignment with corporate objectives and State as well as National level priorities---
- i. Ability to identify the needs of the communities in key sectors;
 - ii. Deep understanding of the challenges before the National and how Higher Education can respond to developmental needs;
 - iii. Demonstrable understanding of curriculum development issues, especially those relating to widening participation and social inclusion;
- d. Leaderships skills---
- i. Exceptional ability to motivate a diverse group of stakeholders;
 - ii. Keen desire to further the mission and goals of the organizations;
 - iii. Ability to think strategically and innovatively and maintain a board perspective;
 - iv. Ability to lead by personal example with openness to new ideas and a consultative approach in implementation of the same;
- e. Interpersonal communication and collaborative skills-
- i. Demonstrable success in developing and executing National and International collaborative arrangements;
 - ii. Ability to interact effectively and persuasively with a strong knowledge-base at senior levels and in large forums as well as on a one-to-one basis;
 - iii. Evidence of being an active member of professional bodies and association in pertinent fields;

PART 'D'

5. Procedure for the Academic search committee for considering prospective candidates---
- a. The Academic search committee may identify on its own or on recommendations of eminent academicians the prospective candidates.
 - b. Apart from this, the Academic search committee may also consider applications received by it.
 - c. The prospective candidates/applicants must provide a detailed chronological Resume that reflects their qualification, experience and achievements. Additionally, they should provide a summary description of fulfilling the essential requirements and justifying their competency for the position of Vice-Chancellor in the context of the specific skills and competencies listed herein to facilitate the Academic search committee to judge competency / suitability of the candidate.
 - d. After short listing in a transparent manner (selection criteria and score of each candidate to be displayed on the provincial web portal) Academic search committee shall interview the short listed candidates and present three names to the Chief Minister for consideration and selection. Recommendations should be supported by a detailed summary carrying quantified score.
 - e. Chief Minister should send the name of desirable person out of the ones short listed by the academic search committee to the Chancellor for formal approval."

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**