

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P-III

G A Z E T T E

## **KHYBER PAKHTUNKHWA**

**PUBLISHED BY AUTHORITY**

**PESHAWAR TUESDAY, 14TH DECEMBER, 2010.**

### **PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA**

#### **NOTIFICATION**

Dated Peshawar, the 14th December, 2010.

No. PA/KP/Bills/2010/47256.—The University of Peshawar (Amendment) Bill, 2010 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 6<sup>th</sup> December, 2010 and assented to by the Governor of the Khyber Pakhtunkhwa on 10<sup>th</sup> December, 2010 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

#### **THE UNIVERISTY OF PESHAWAR (AMENDMENT) ACT, 2010.**

**(KHYBER PAKHTUNKHWA ACT NO. XIX OF 2010)**

*(first published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa  
(Extraordinary), dated the 14-12-2010).*

AN

ACT

*further to amend the University of  
Peshawar Act, 1974.*

**Preamble.**---WHEREAS it is expedient further to amend the University of Peshawar Act, 1974 (N.-W.F.P. Act No. II of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the University of Peshawar (Amendment) Act, 2010.

(2) It shall come into force at once.

2. Substitution of section 19 of N.-W.F.P. Act No. II of 1974.---In the University of Peshawar Act, 1974 (N.-W.F.P. Act No. II of 1974), hereinafter referred to as the said Act, for section 19, the following shall be substituted, namely:

"19. Senate.---(1) The body responsible for the governance of the University shall be described as the Senate, and shall consist of,-

- (a) the Chancellor, who shall be its Chairperson;
- (b) the Vice-Chancellor;
- (c) the Secretary to Government, Higher Education Department, or his nominee, not below the rank of an Additional Secretary;
- (d) the Secretary to Government, Finance Department or his nominee, not below the rank of an Additional Secretary;
- (e) the Secretary to Government, Establishment Department or his nominee, not below the rank of an Additional Secretary;
- (f) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, architecture, agriculture, science, technology and engineering with a view to reflecting a balance across the various fields:

Provided that the special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Senate;

- (g) one person from amongst the alumni of the University;
- (h) two persons from the academic community of the Province of the Khyber Pakhtunkhwa, other than an employee of the University, at the level of Professor or Principal of a college, to be appointed by the Chancellor;
- (i) four University Teachers; and
- (j) one person nominated by the Higher Education Commission.



(2) The members of the Senate described against clauses (h), (i) and (j) of sub-section (1) may be increased by the Senate through Statutes subject to condition that the total membership of the Senate does not exceed twenty-one, and the increase is balanced, to the extent possible, across the different categories, specified in sub-section (1).

(3) All appointments to the Senate shall be made by the Chancellor. Appointments of persons described in clause (i) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Vice-Chancellor:

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

Provided further that as regards the University Teachers described in clause (i) of sub-section (1), the Senate shall prescribe a procedure for appointment.

(4) Members of the Senate, other than ex-officio members, shall hold office for a period of three years. One-third of the members, other than ex-officio members, of the first restructured Senate, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One half of the remaining members, other than ex-officio members, of the first restructured Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than ex-officio members, shall retire from office on the expiration of the third year:

Provided that no person, other than an ex-officio member, may serve on the Senate for more than two consecutive terms:

Provided further that the University Teachers appointed to the Senate may not serve for two consecutive terms.

(5) The Senate shall meet at least twice in a calendar year and the service on the Senate shall be on honorary basis. The members of the Senate may, however, be reimbursed actual expenses, if any, incurred by them in connection with the affairs of the Senate in the manner prescribed.

(6) The Registrar shall be the Secretary of the Senate.

(7) In the absence of the Chancellor, meetings of the Senate shall be presided over by such member, as the Chancellor may, from time to time, nominate. The member so nominated shall be the convener of the Senate.

(8) Unless otherwise prescribed by this Act, all decisions of the Senate shall be taken on the basis of the opinion of a 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.

(9) The quorum for a meeting of the Senate shall be fifty per centum of its membership, a fraction being counted as one.”

3. Substitution of section 20 of N.-W.F.P. Act No. II of 1974.---In the said Act, for section 20, the following shall be substituted, namely:

“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) approve the proposed annual work plan, the annual and revised budgets, the annual report and the annual statement of account;
- (b) hold, control on lay 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 immovable property;
- (c) oversee the quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;
- (d) approve the appointment of the Deans, Professors, Associate Professors, Assistant Professors, Lecturers and Administrative officers in BPS-17 and above and such other senior faculty and senior administrators as may be prescribed;
- (e) institute schemes, directions and guidelines for the terms and conditions of appointment of all the officers, teachers and other employees of the University;
- (f) approve strategic plans;
- (g) approve financial resource development plans of the University;
- (h) consider the drafts of Statutes and Regulations proposed by the Syndicate and Academic Council and deal with them in the manner as provided for in section 27 and 28, as the case may be;



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;

- (i) 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;
- (j) recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;
- (k) make appointment to members of the Syndicate, other than ex-officio members, in accordance with the provisions of this Act;
- (l) make appointment of members of the Academic Council, other than ex-officio members, in accordance with the provisions of this Act;
- (m) remove any person 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;
- (n) appoint Emeritus Professors on such terms and conditions as may be prescribed; and
- (o) determine the form, provide for the custody and regulate the use of the common seal of the University.

(3) The Senate may, subject to the provisions of this Act delegate all or any of the powers and functions of any Authority, officer or employee of the University at its main campus, to any Authority, committee, officer or employee as 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.

4. Substitution of section 21 of N.-W.F.P. Act No. II of 1974.---In the said Act, for section 21, the following shall be substituted, namely:

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

- (a) the Vice-Chancellor, who shall be its Chairperson;
- (b) one Member of the Provincial Assembly of the Khyber Pakhtunkhwa, nominated by the Speaker of such Assembly;
- (c) the Deans of the Faculties of the University;
- (d) the Secretary to Government, Higher Education Department or his nominee;
- (e) two principals (one each from public and private sectors) of affiliated colleges to be nominated by the Chancellor from a panel recommended by the Higher Education Department;
- (f) one Professor, one Associate Professor, One Assistant Professor and one Lecturer of the University, who are not members of the Senate, to be elected by the University Teachers in accordance with the procedure to be prescribed by the Senate;
- (g) two principals of the constituent colleges (one male and one female);
- (h) three persons of eminence to be nominated by the Chancellor;
- (i) the Registrar;
- (j) the Treasurer; and
- (l) the Controller of Examinations.

(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 fifty per centum 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."

. Substitution of section 22 of N.-W.F.P. Act No. II of 1974.---In the said Act, for section 22, the following shall be substituted, namely:



"22. 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 and directions of the Senate, the Syndicate shall have the powers to-

- (a) consider the annual report, the annual and revised budget estimates and to submit theses to the Senate;
- (b) transfer and accept transfer of movable 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 Trust Act, 1882 (Act No. 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;
- (f) receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the University;
- (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 or approve or license hostels lodgings or lodgings for the residence of students;
- (j) recommend to the Senate affiliation or disaffiliation of colleges;
- (k) arrange for the inspection of Colleges and the Teaching Departments;

- (l) institute Professorships, Associate Professorships, Assistant Professorships, Lectureships and other teaching posts or to suspend or abolish such posts;
- (m) create, suspend or abolish such administrative or other posts as may be necessary;
- (n) prescribe the duties of officers, teachers and other employees of the University;
- (o) report to the Senate on matters with respect to which it has been asked to report;
- (p) appoint members to various Authorities in accordance with the provisions of this Act;
- (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."

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

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(AMANULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa