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PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 24th October, 2009.

No.PA/NWFP/Bills/2009/38482.—The Abdul Wali Khan University, Mardan Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 9th October, 2009 and assented to by the Governor of the North-West Frontier Province on 20th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE ABDUL WALI KHAN UNIVERSITY, MARDAN ACT, 2009.

(N-W.F.P. ACT NO. XVIII OF 2009)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary), Dated the 24th October, 2009).

AN
ACT

*to provide for the establishment of a University
to be known as the Abdul Wali Khan University, Mardan.*

Preamble.---WHEREAS it is expedient to provide for the establishment of a University to be known as the Abdul Wali Khan University, Mardan and for matters connected therewith and ancillary thereto, in the manner hereinafter appearing;

It is hereby enacted as follows:-

CHAPTER -I
PRELIMINARY

1. Short title and commencement.---(1) This Act may be called the Abdul Wali Khan University, Mardan Act, 2009.

(2) It shall come into force at once.

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) "college" means a constituent college or an affiliated college;
- (e) "Chairperson" means head of a Teaching Department;
- (f) "Chancellor" means the Chancellor of the University;
- (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 college or institution, maintained and administered by the University;
- (i) "Dean" means the Dean of a Faculty;
- (j) "Department" means a teaching department maintained and administered, or recognized by the University in the manner prescribed;
- (k) "Director" means the head of an institute established as a constituent institution by the University by Statutes or Regulations in terms of the powers delegated by this Act;
- (l) "Faculty" means an administrative and academic unit of the University consisting of more than one department, as prescribed;
- (m) "Government" means the Government of the North-West Frontier Province;
- (n) "Institution" means a constituent institution or an affiliated institution;
- (o) "Officer" means an Officer of the University specified in this Act;

- (p) "prescribed" means prescribed by Statutes, Regulations or Rules made under this Act;
- (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;
- (s) "Principal" means the head of a college;
- (t) "Regulation", "Rules" and "Statutes" mean respectively the Regulations, Rules and Statutes made under this Act;
- (u) "Representation Committees" means a Representation Committees constituted under section 26;
- (v) "Review Panel" means the Review Panel set up by the Chancellor in accordance with the provisions contained in clause (a) of sub-section (6) section 9;
- (w) "Search Committee" means the Search Committee set up by the Chancellor under sub-section (2) of section 12;"
- (x) "Syndicate" means the Syndicate of the University;
- (y) "Schedule" means a Schedule to this Act;
- (z) "Senate" means the senate of the University"
- (aa) "Teachers" includes 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;
- (ab) "Teaching Department" means a constituent institute, college or Department, where teaching or research is being undertaken;
- (ac) "University" means the Abdul Wali Khan University, Mardan established at Mardan under this Act; and
- (ad) "Vice Chancellor" means the Vice-Chancellor of the University.

CHAPTER -II

THE UNIVERSITY

3. **Establishment and Incorporation of the University.**---(1) There shall be established a University to be known as Abdul Wali Khan University, Mardan.

(2) The University shall consist of:-

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

(3) The University shall be a body corporate by the name of Abdul Wali Khan University, Mardan having perpetual succession and a common seal and may, by the said name, sue and be sued.

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

(5) 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 as may be prescribed, subject to the terms of this Act and the Higher Education Commission Ordinance, 2002 (LIII of 2002). In particular, and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have power to question the policy underlying the allocation of resources approved by the senate in the annual budget of the University.

4. **Jurisdiction of the University.**---The University shall exercise the powers conferred on it by or under this Act within the territorial limits of the North-West Frontier Province and in respect of such other educational institutions as may apply to the University for exercise of its powers.

5. **University open to all.**---(1) The University shall be open to persons of either sex of whatever religion, race, creed, 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 only of sex, religion, creed, caste, race, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten per cent per annum on an annualized basis from the last such increase may not be made except in special circumstances, and only with the approval of the Chancellor.

(3) The University shall institute financial aid programmes for students in need on merit basis, to the extent considered feasible by the Senate subject to the resources available.

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

- (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 and the colleges;
- (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 governments servants in general;
- (v) engage, where necessary, persons on contract of specified duration and to specify the terms of each engagement;
- (vi) confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (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;
- (xi) develop and implement fund-raising plans;
- (xii) provide and support the academic development of the faculty of the University;
- (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 other educational 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 Lecturer ships and any other posts and to appoint persons thereto;
- (xix) create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xx) recognize selected members of the teaching staff of affiliated colleges or educational 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 fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxii) establish teaching departments, schools, colleges, faculties, institutes, 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 for male and female students of the University and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;
- (xxiv) maintain order, discipline and security on the campuses of the University and the colleges;
- (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 and 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 and colleges or 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 and colleges and Institutions; provided that non-Muslim students may opt for "Ethics and Pakistan Studies".

(5) The University may associate external examiners for conduct of examinations 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 said degree, diploma or certificate.

CHAPTER -III **OFFICERS OF THE UNIVERSITY**

8. Officers of the University.---The following shall be the Officers of the University, namely:

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Vice-Chancellor;
- (d) the Deans;
- (e) the Principals of the constituent colleges;
- (f) the Chairpersons of the Teaching Departments;
- (g) the Registrar;
- (h) the Directors;
- (i) the Controller of Examinations;
- (j) the Treasurer;
- (k) the Librarian; and
- (l) such other persons as may be prescribed to be Officers of the University.

9. **Chancellor and Pro-Chancellor.**---(1) The Governor of the North-West Frontier Province shall be the Chancellor of the University and the Chairperson of the Senate.

(2) The Chancellor shall, when present, preside at the meetings of the Senate and the Convocation of the University.

(3) The Minister of Higher Education Department, Government of the North-West Frontier Province, shall be the Pro-Chancellor of the University and shall aid and advise the Chancellor in such manner as may be required by the Chancellor. The Pro-Chancellor shall, in the absence of the Chancellor, preside at the Convocation of the University.

(4) The members of the Senate as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by the Representation Committee set up for this purpose or the Search Committee established in accordance with this Act and the Statutes, as the case may be.

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

(6) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may-

- (a) as regards proceedings of the Senate, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued:

Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed he may, after calling upon the Senate to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Senate. The report of the Review Panel shall be submitted within such time as may be prescribed by the Chancellor. The Review Panel shall be drawn from persons of eminence in academics and in the fields of law, accountancy and administration; and

- (b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Senate, direct the Senate to exercise powers under section 20.

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

10. **Removal from the Senate.**---(1) The Chancellor may, upon the recommendation of the Review Panel, remove any person from the membership of the Senate on the ground that such person:

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Senate; or

- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has been guilty of misconduct, including use of position for personal advantage of any kind, or gross inefficiency in the performance of functions.

(2) The Chancellor shall remove any person from the membership of the Senate on a resolution calling for the removal of such person supported by at least two-third of the membership of the Senate and after consultation with Pro-Chancellor:

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

Provided further that the provisions of this section shall not be applicable to the Vice-Chancellor in his capacity as a member of the Senate.

11. Vice-Chancellor.---(1) There shall be a Vice-Chancellor of the University who shall be an eminent academic or a distinguished administrator 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 shall, if present, be entitled to attend any meeting of any Authority or body of the University.

(4) 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 seventy-two hours, 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.

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

- (i) direct Teachers, Officers 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;
- (ii) 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 at the next meeting;

- (iii) create, re-designate and fill adhoc or contract, temporary posts for a period not exceeding one year;
- (iv) make appointments of such categories of employees of the University and in such manner as may be prescribed by the Statutes with consent and approval of the Government;
- (v) suspend, punish and remove, in accordance with prescribed procedure, from service Officers, Teachers and other employees of the University except those appointed by or with the approval of the Senate above;
- (vi) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an Officer or Officers of the University; and
- (vii) to 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 close 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:

- (i) academics;
- (ii) research;
- (iii) administration; and
- (iv) finances.

(8) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Senate, to all Officers and University 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 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 Chief Secretary, Government of the North-West Frontier Province, who shall be Convener of the Search Committee;
- (b) three eminent members of the society, with experience in education, administration or social work;
- (c) two members of the Senate, who are nominee of the Chancellor but not employees of the University; and

(d) the Secretary to Government, Higher Education Department.

(3) The members mentioned in clauses (b) and (c) of sub-section (2) shall be nominated by the Chancellor from a panel recommended by the Pro-Chancellor while the members mentioned in clauses (a) and (d) 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 three years on terms and conditions prescribed by Statutes. The tenure of an incumbent Vice-Chancellor shall 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 on advice of the Pro-Chancellor may call upon the Senate to reconsider such resolution once.

(6) The Senate may, pursuant to resolution in this behalf passed by two-third 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.

(7) Where the Chancellor and Pro-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 may, 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.

(8) A resolution recommending the removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Senate for reconsideration.

(9) 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 may appoint one of the Deans/ Officer of the University to officiate as Vice-Chancellor.

(10) The Government may remove Vice-Chancellor at any time on report of his conduct.

13. **Registrar.**---(1) There shall be a Registrar of the University to be appointed by the Senate on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed:

Provided that till such time as the Senate under this Act is fully constituted, the appointment shall be made by the Chancellor on the recommendation of the Vice-Chancellor.

(2) 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.

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

- (a) be the administrative head of the administration branch of the University and be responsible for the provision of secretariat support to the Authorities of the University;
- (b) be the custodian of the Common Seal and the academic records of the University;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner;
- (e) conduct elections of members to the various authorities in the prescribed manner;
- (f) be the Secretary of the Senate, the Syndicate, the Academic Council, Advanced Studies and Research Board, the Selection Board and such other committees/bodies as may be prescribed; and
- (g) perform such other duties as may be specified by the Vice-Chancellor and other authorities of the University from time to time.

(4) The term of office of the Registrar 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 Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

14. Treasurer.---(1) There shall be a Treasurer of the University to be appointed by the Senate on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed:

Provided that till such time as the Senate under this Act is fully constituted, the appointment shall be made by the Chancellor on the recommendation of the Vice-Chancellor.

(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 be the chief financial officer of the University and 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 Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

15. Controller of Examinations.---(1) There shall be a Controller of Examinations to be appointed by the Senate on the recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed:

Provided that till such time as the Senate under this Act is fully constituted, the appointment shall be made by the Chancellor on the recommendation of the Vice-Chancellor.

(2) The minimum qualifications necessary for appointment to the post of the Controller of Examinations shall be such as may be prescribed.

(3) 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.

(4) 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 Senate 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.

(3) The audit of the University shall be conducted by the Auditor-General of Pakistan or his nominee as per G.F.R and other rules in vogue.

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, namely:

- (a) Authorities established by this Act:-
 - (i) The Senate
 - (ii) The Syndicate; and
 - (iii) The Academic Council.
- (b) Authorities to be established by the Statutes:-
 - (i) Graduate and Research Management Council;
 - (ii) Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at the level of the Department, the Faculty or the University;
 - (iii) Career Placement and Internship Committee of each Faculty;
 - (iv) Search Committee for the appointment of the Vice-Chancellor;
 - (v) the Representation Committees for the purposes of section 26;
 - (vi) Faculty Council;
 - (vii) Departmental Council;
 - (viii) the committees or sub-committees set up under sub-section (2); and
 - (ix) such other Authorities as may be prescribed.

(2) The Senate, the Syndicate and the Academic Council may set up such other committees or sub-committees, by whatever name described, as are considered desirable and appropriate through Statutes or Regulations.

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 chairperson of the Senate or in his absence Pro-Chancellor;

- (aa) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Secretary to Government, Higher Education Department, or his nominee not below the rank of Additional Secretary;
- (d) the Secretary to Government, Finance Department, or his nominee not below the rank of Additional Secretary;
- (e) the Secretary to Government, Establishment Department, or his nominee not below the rank of Additional Secretary;
- (f) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering with a view to reflecting a balance across the various fields nominated by the Government;

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 by the Chancellor;
- (h) two persons from the academic community of the Province of the North-West-Frontier or the country, other than an employee of the University, at the level of professor or Principal of a college, to be appointed by the Chancellor in consultation with the Pro-Chancellor;
- (i) four University Teachers; and
- (j) one person nominated by the Commission.

(2) The numbers of 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 in consultation with the Pro-Chancellor. Appointments of persons described in clauses (h) and (i) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Representation Committee set up in terms of section 26 and in accordance with procedure as may be prescribed:

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:

Provided also that the Senate may alternatively prescribe that appointment of University Teachers to the Senate shall also be in the manner provided by this sub-section for the persons described in clauses (g) and (h) of sub-section (1).

(4) Members of the Senate, other than ex-officio members shall hold office for 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 twice in a calendar year, however, for the initial two years, the Senate shall meet quarterly 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. The Registrar shall be the Secretary of the Senate.

(6) In the absence of Chancellor the meeting of the Senate shall be presided over by the Pro-Chancellor.

(7) 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.

(8) The quorum for a meeting of the Senate shall be two-third of its membership, 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) approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;

- (b) 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;
- (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 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 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 the Academic Council and deal with them in the manner as provided for in sections 29 and 30, as the case may be;

Provided that the Senate may frame a Statute or Regulation 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) appointment of members of the Academic Council, other than ex-officio members, in accordance with the provisions of this Act;
- (m) appoint Emeritus Professors on such terms and conditions as may be prescribed;
- (n) 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; 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 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 or Pro-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 or Pro-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 Pro-Chancellor, who shall be its Chairperson;
- (aa) the Vice-Chancellor of the University;
- (b) one member of the Provincial Assembly nominated by the Speaker of the 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 of Government;
- (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 from a panel recommended by Pro-Chancellor;
- (i) the Registrar;
- (j) the Treasurer; and
- (k) the Controller of Examinations.

(2) The members of the Syndicate, other than ex-officio members, shall hold office for three years.

(3) As regards the members referred to in clause (f) of the sub-section (1) the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 26. Appointment of persons proposed by the Representation Committee may be made by the Senate on the recommendation of the Vice-Chancellor.

(4) 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.

(5) The Syndicate shall meet at least once in each quarter of the year.

23. Powers and duties 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 these to the Senate;
- (b) transfer and accept transfer 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;

- (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 Departments;
- (l) institute Professorships, Associate Professorships, Assistant Professorships, Lecturer ships, 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 there under.

24. **Academic Council.**---(1) There shall be an Academic Council of the University consisting of the following:

- (a) the Vice-Chancellor who shall be its Chairperson;

- (b) the Deans of Faculties and such Heads of Departments as may be prescribed;
- (c) the Directors of Advance Studies, Research and Technological Development;
- (d) five members representing the Departments, constituent institutions and constituent colleges to be elected in the manner prescribed by the Senate;
- (e) two Principals of affiliated colleges, one each from public and private affiliated colleges;
- (f) five Professors including Emeritus Professors;
- (g) the Registrar;
- (h) the Controller of Examinations; and
- (i) the Librarian.

(2) The Senate shall appoint the members of the Academic Council, other than the ex-officio members, on the recommendation of the Vice-Chancellor:

Provided that as regards the five professors and the members representing the Departments, constituent institutions and the constituent colleges, the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 26. Appointment of persons proposed by the Representation Committee may be made by the Senate on the recommendation of the Vice-Chancellor.

(3) Members of the Academic Council 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 two-thirds 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 and the colleges.

(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) approve the policies and procedures pertaining to the quality of academic programmes;
- (b) approve academic programmes;

- (c) approve the policies and procedures pertaining to students related functions including admissions, expulsions, punishments, examinations and certification;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) recommend the policies and procedures for affiliation of other educational institutions;
- (f) propose to the Syndicate schemes for the constitution and organization of Faculties, Teaching Departments and Boards of Studies;
- (g) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (h) institute programmes for the continued professional development of University Teachers at all levels;
- (i) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (j) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (k) propose, from time to time, Regulations to the Senate on the recommendations of the Board of Faculties and the Board of Studies, prescribing the courses of studies, the syllabi and examinations:

Provided that if the recommendations of the Board of a Faculty or Board of Studies are not received by the prescribed date, the Academic Council may, subject to the approval of the Senate, permit the existing Regulation to continue for the following year;

- (l) prepare an annual report on the academic performance of the University; and
- (m) perform such functions as may be prescribed by Regulations.

26. **Representation Committees.**---(1) There shall be a Representation Committee constituted by the Senate through Statutes for recommendation of persons for appointment to the Senate in accordance with the provisions of sections 19.

(2) There shall also be a Representation Committee constituted by the Senate through Statutes for the recommendation of persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of sections 22 and 24.

(3) Members of the Representation Committee for the purposes of sub-section (1) shall consist of:

- (a) three members of the Senate who are not University Teachers;
 - (b) two persons nominated by the Vice-Chancellor amongst the University Teachers;
 - (c) one person from the academic community, not employed by the University, at the level of professor or Principal to be nominated by the Chancellor; and
 - (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Senate.
- (4) Members of the Representation Committee for the purpose of sub-section (2) shall consist of: -
- (a) two members of the Senate who are not University Teachers; and
 - (b) three University Teachers to be appointed by the Chancellor on recommendation of the Vice-Chancellor.
- (5) The tenure of the Representation Committees shall be three years provided that no member shall serve for more than two consecutive terms.
- (6) The working procedures of the Representation Committees shall be such as may be prescribed.
- (7) There may also be such other representation committees set up by any of the other Authorities of the University as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the University.
27. **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.
28. **Appointment of Committees by certain Authorities.**---(1) 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.
- (2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by Statutes or Regulations.

CHAPTER -V **STATUTES, REGULATIONS AND RULES**

29. **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 University employees;
- (e) the maintenance of the register of registered graduates;
- (f) affiliation and disaffiliation of educational institutions and related matters;
- (g) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (h) the establishment of Faculties, Departments, institutes, colleges and other academic divisions;
- (i) the powers and duties of Officers and Teachers;
- (j) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (k) conditions for appointment of Emeritus Professors and award of honorary degrees;
- (l) efficiency and discipline of University employees;
- (m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;
- (n) the constitution and procedure to be followed by the Search Committee for appointment of the Vice-Chancellor;
- (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 with such modifications as the Senate may think 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 (l) 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 a Statute 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 Statute after seeking the views of the Syndicate.

30. 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, namely:

- (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 and expulsion of students to and from the University;
- (d) the conditions 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;
- (i) the formation of Faculties, 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 Senate which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A Regulation proposed by the Academic Council shall not be effective unless it receives the approval of the Senate.

(3) Regulations regarding or incidental to matters contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Senate without the prior approval of the Syndicate.

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

32. Rules.---(1) The Authorities and the other bodies of the University may make Rules, consistent with this Act, Statutes or the Regulations, to regulate any matter relating to the affairs of the University for which detailed provisions have been provided for by this Act or which is not required to be regulated by Statutes or Regulations, including rules to regulate the conduct of business and the time and places of meetings and related matters.

(2) Rules shall become effective upon approval by the Syndicate.

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

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

(2) The application 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 decision.

34. **Extension of Affiliation.**---When an affiliated college desires to add to the courses of studies in respect of which it is granted affiliation, the procedure prescribed for affiliation of college shall, as far as possible, be followed.

35. **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.

36. **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**

37. **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. All cash University Fund shall be deposited in a Bank, where the Bank of Khyber would be given preference, within 24 hours of the receipt of such payment.

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

39. **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 a bill for its payments has been issued by the head of the cost centre concerned in accordance with the Statutes and the Treasurer has verified that the payment is provided for in the approved budget of the cost centre, subject to the authority to re-appropriate the fund available to the head of the cost centre.

(5) Provision shall be made for an internal audit of the finances of the University.

(6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law in force, the annual audited statement of accounts of the University shall be prepared in conformity with the Generally Accepted Accounting Principals (GAAP) by a reputed firm of Chartered Accountants and signed by the Treasurer. The annual audited statement of accounts so prepared shall be submitted to the Auditor General of Pakistan for his observations.

(7) The observations of the Auditor General of Pakistan, if any, together with such annotations as the Treasury may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year.

CHAPTER -VII GENERAL PROVISIONS

40. 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.

41. Appeal to the Syndicate and the Senate.---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 any Officer or Teacher of the University other than the Vice-Chancellor, have the right to appeal to the Syndicate against the order, and where the order is passed by the Vice-Chancellor, have the right to appeal to the Senate.

42. 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, 1973:

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.

43. 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 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.

44. Commencement of Term of Office of Members 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 such date as may be prescribed.

(2) Where a member who without adopting prescribed procedure remains absent from the University for a month he shall be deemed to have resigned and vacated his seat.

45. Filling of casual vacancies in Authorities.---Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently may be, 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.

46. 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.

47. 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.

48. First Statutes.---Notwithstanding anything to the contrary contained in this Act, the Statutes, set out in the Schedule appended to this Act shall be deemed to be the Statutes framed under section 29 of this Act and shall continue to remain in force until amended or repealed.

49. Removal of Difficulties.---(1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Pro-Chancellor for interpretation.

(1A) The interpretation made by the Pro-Chancellor shall be placed before the Chancellor, whose decision thereon shall be final.

(2) If any dispute arises in giving effect to any of the provisions of this Act, the Chancellor may make such order after obtaining the views of the Senate, not inconsistent with the provisions of this Act, as may appear to him to be necessary for removing the difficulty.

(3) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects 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 the Chancellor may direct after obtaining the views of the Senate.

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

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

52. Power to acquire Officers, Teachers or employees to serve under Government or any other Organization.---(1) Notwithstanding anything contained in this Act:

- (a) the Senate may, after consultation with the Syndicate and in the public interest, direct that any Officer, University Teacher or other employee of the University shall serve in any post under Government or any other university or an educational or research institution and such direction shall be binding on the Officer, Teacher or other employee concerned; and
- (b) the Senate may, on the advice of the Syndicate, direct any post in the University to be filled by appointing an employee of Government or any other university or an educational or research institution.

(2) Where any appointment or transfer has been made under this section, the terms and conditions of service of the appointee or transferee shall not be less favorable than those admissible to him immediately before such appointment or transfer and he shall be entitled to all benefits of his post of service.

53. First appointment of Vice Chancellor.---The first Vice Chancellor of this University shall be appointed by the Chancellor of this University on the recommendation of Government as soon after the commencement of this Act as possible.

54. Transitional Provision.---Till such time the University frames its own Rules, Regulations and Statutes, the rules, regulations and statutes made by the University of Peshawar shall, mutatis mutandis, be followed by the University in administering its affairs.

55. Repeal.---The Abdul Wali Khan University, Mardan Ordinance, 2009 (N.-W.F.P. Ord. No. V of 2009) is hereby repealed.

SCHEDULE **STATUTES**

(see section 29 and 48)

1. Faculties.---The University shall initially include the following Academic Units:

- (i) Faculty of Chemical Science;

- (ii) Faculty of Physical and Numerical Sciences;
- (iii) Faculty of life Sciences;
- (iv) Faculty of Management and Social Sciences;
- (v) Faculty of Religious and Legal Studies;
- (vi) Faculty of Languages and Literature; and
- (vii) such other Faculties as may be determined by Statutes.

2. **Board of Faculties.**---(1) There shall be a Board of each Faculty, which shall consists of:

- (i) the Dean;
- (ii) the Professor and the Chairpersons of the Teaching Departments and Directors of Institutions;
- (iii) one Associate Professor, one Assistant Professor, and one Lecturer to be nominated by rotation in order of merit form each Department/Institute constituted in the Faculty; and
- (iv) three teachers to be nominated by the Academic Council by reason of their specialized knowledge of the subjects which, through not assigned to the Faculty, have in opinion of the Academic Council, important bearing on the subjects assigned to the Faculty.

(2) The members mentioned at sub-clauses (iii) and (iv) of clause (1) shall hold office for three years.

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

3. **Powers and functions of the Board of Faculty.**---The Board of each Faculty shall, subject to the general control of the Academic Council and the Syndicate, have the Powers to-

- (i) co-ordinate the teaching, publication and research work in the subjects assigned to the Faculty;
- (ii) scrutinize the recommendations of the Board of Studies comprised in the Faculty in regard to the appointment of paper setters and examiners, except for research examinations and to forward the panels of suitable paper setters and examiners for each examination to the Vice-Chancellor;
- (iii) consider any other academic matter relating to report thereon to the Academic Council; and

- (iv) perform such other functions as may be assigned to it.

4. **Dean.**---(1) There shall be a Dean of each Faculty, who shall be the Chairperson and Convener of the Board of Faculty.

(2) The Dean of each Faculty shall be appointed by the Chancellor from amongst the three senior most Professors in the Faculty for a period of two years and shall be eligible for re-appointment; provided that if no Professor is available in a Faculty, a Professor from some other Faculty may act as a Dean till a Professor of the Faculty itself is appointed.

(3) The Dean shall present candidates for admission to degrees, except honorary degrees, in the course falling within the purview of the Faculty.

(4) The Dean shall exercise such administrative and academic powers as may be delegated to him.

5. **Teaching Department/Institute and Chairperson/ Director.**---(1) There shall be a Teaching Department/ Institute for each subject or a group of subjects, as may be prescribed by Regulations and each Teaching Department/ Institute shall be headed by a Chairperson/Director.

(2) The Chairperson of a Teaching Department/Director of an Institute shall be appointed by the Syndicate on the recommendations of the Vice Chancellor from amongst the three senior most Professors of the Department/Institute for a period of two years and shall be eligible for re-appointment:

Provided that in a Department/Institute where there are less than three Professors, the appointment shall be made from amongst the three senior most Professors, and Associate Professors of the Department/Institute:

Provided further that in a Department/Institute in which there is no Professor or Associate Professor, no such appointments shall be made and the Department/Institute shall be looked after by the Dean of the Faculty with the assistance of the senior most teacher of the Department/ Institute.

(3) The Chairperson of Department/Director of the Institute shall plan, organize and supervise the work of the Department/Institute and shall be responsible to the Dean for the work of his Department/Institute.

6. **Board of Studies.**---(1) There shall be a separate Board of Studies for each subject or groups, as may be prescribed by Regulations.

(2) Each Board of the Studies shall consist of:

- (i) the Chairperson/Director of the Teaching Department/Institute;
- (ii) all Professors and Associate Professors in the Teaching Department/Institutes;
- (iii) two University Teachers, other than Professors or Associate Professors, to be appointed by the Academic Council;

- (iv) three teachers, other than the University teachers, to be appointed by the Vice Chancellor from affiliated colleges/affiliated institutions; and
- (v) one Assistant Professor and one Lecturer to be appointed by rotation in order of merit from the Department concerned:

Provided that in the case of professional subjects which are taught in the affiliated colleges or affiliated institutions only and not in the University, the Board of Studies shall consist of-

- (a) two Principals of the colleges, Directors of the Institutes, concerned; and
- (b) two experts to be appointed by the Vice Chancellor.

(3) The term of office of members of the Board of Studies, other than ex-officio members, shall be three years.

(4) The quorum for meetings of the Board of Studies shall be one-half of members, a fraction being counted as one.

(5) The Chairperson of the Teaching Department concerned shall be the Chairperson and Convener of the Board of Studies. Where in respect of a subject there is no University Teaching Department, Chairperson shall be appointed by the Vice Chancellor.

(6) The functions of the Board of Studies shall be to-

- (i) advice the Authorities on all academic matters concerning instructions, publications, research and examinations in the subjects concerned;
- (ii) propose the curricula and syllabi for all degree, diploma and certificate courses in the subjects concerned;
- (iii) suggest a panel of names of paper setters and examiners in the subjects concerned; and
- (iv) to perform such other functions as may be prescribed by Regulations.

7. **Advanced Studies and Research Board.**---(1) The Advanced Studies and Research Board shall consist of:

- (i) the Vice Chancellor (Chairperson);
- (ii) the Dean of Faculty concerned and Directors of Institutes;
- (iii) three University Professors other than Deans to be appointed by the Syndicate;
- (iv) Principal of constituent college;

- (v) three University teachers, having research qualifications and experience to be appointed by the Academic Council; and
- (vi) three teachers from affiliated colleges/ affiliated institutions having research qualifications to be appointment by the Academic Council.

(2) The term of office of members of the Advanced Studies and Research Board, other than ex-officio members, shall be two years.

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

(4) The functions of the Advanced Studies and Research Board shall be to-

- (i) advise the Authorities on all matters connected with the promotion of Advanced Studies and Research in the University;
- (ii) consider and report to the Authorities on the institution of research degrees in the University;
- (iii) propose Regulations regarding the award of research degrees;
- (iv) appoint supervisors for postgraduate research students and to approve titles and synopses of their theses dissertations;
- (v) recommend panels of names of examiners for evaluation of their thesis and other research examinations; and
- (vi) perform such other functions as may be prescribed by Statutes.

8. **Selection Board**.---(1) The Selection Board shall consist of-

- (i) the Vice-Chancellor (Chairperson);
- (ii) one Vice-Chancellor of a university in a public sector to be appointed by the Chancellor;
- (iii) the Chairman or a member of the North-West Frontier Province Public Service Commission or his nominee;
- (iv) the Dean of the Faculty concerned;
- (v) the Chairperson of the Teaching Department/ Director of the Institute and Principal of the constituent college concerned; and
- (vi) one member of the Syndicate and head of the concerned section.

(2) The members, other than ex-officio members, shall hold office for three years.

(3) The quorum of Selection Board in case of selection of a Professor/Associate Professor and other teachers shall be four and three respectively. In case of selection of officers other than teachers, the Selection Board shall consist only of members mentioned at sub-clauses (i), (ii), (iii) and (iv) of clause (1) and the quorum shall be three.

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

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

9. Functions of the Selection Board.---(1) The Selection Board for teaching and other posts shall consider the applications received in response to an advertisement and recommend to the Syndicate the names of suitable persons for appointment to teaching or other posts as the case may be and may also recommend-

- (i) the grant of a higher initial pay in suitable cases for reasons to be recorded;
- (ii) the appointment of an eminent qualified person to a position in the University on terms and conditions other than those prescribed; and
- (iii) cases of award of increments or cash award on the basis of research contribution as prescribed.

(2) In the event of unresolved difference of opinion between the Selection Board and the Syndicate, the matter shall be referred to the Chancellor whose decision shall be final;

10. Finance and Planning Committee.---(1) The Finance and Planning Committee shall consist of-

- (i) the Vice-Chancellor (Chairperson);
- (ii) a representative of the Commission;
- (iii) one member of the Syndicate to be appointed by the Syndicate;
- (iv) two members of Academic Council to be nominated by the Academic Council;
- (v) the Secretary to Government, Higher Education Department or his nominee not below the rank of an Additional Secretary;
- (vi) the Secretary to Government, Finance Department or his nominee not below the rank of an Additional Secretary;

- (vii) one Dean to be nominated by the Vice-Chancellor;
- (viii) the Registrar; and
- (ix) the Director Finance/Treasurer (Secretary).

(2) The term of office members of the Finance and Planning, other than ex-officio members, shall be two years.

(3) The quorum for a meeting of the Finance and Planning Committee shall be five members.

11. Functions of Finance and Planning Committee.---The functions of Finance and Planning Committee shall be to-

- (i) consider the annual statement of accounts and the annual and revised budget estimates and advise the Syndicate thereon;
- (ii) review periodically the financial position of the University;
- (iii) advise the Syndicate on all matters relating to planning, development, finance, investment and accounts of the University; and
- (iv) perform such other functions as may be prescribed.

12. Affiliation Committee.---(1) The Affiliation Committee shall consists of-

- (i) the Vice Chancellor (Chairperson);
- (ii) two Professors to be nominated by the Academic Council;
- (iii) the Secretary to Government, Science & Technology and Information Technology Department or his nominee not below the rank of an Additional Secretary; and
- (iv) the Director of Higher Education (colleges), North-West Frontier Province.

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

(3) The Affiliation Committee may co-opt experts not exceeding three.

(4) The quorum for a meeting of an inspection by the Affiliation Committee shall be three members.

(5) An Officer of the University to be designated by the Vice-Chancellor for this purpose shall act as the Secretary of the Affiliation Committee.

13. Function of the Affiliation Committee.---The functions of the Affiliation Committee shall be to-

- (i) constitute an inspection committee to inspect the educational institution seeking affiliation with or admission to the privileges of the University and to advise the Syndicate thereon; provided that the Affiliation Committee may itself inspect the institution concerned and advise the Syndicate accordingly;
- (ii) inquire into the complaints alleging breach of conditions of affiliation by affiliated colleges/affiliated institution and to advise the Syndicate thereon; and
- (iii) perform such other functions as may be prescribed by Regulations.

14. Discipline Committee.---(1) The Discipline Committee shall consist of:

- (i) a Chairperson to be nominated by the Vice-Chancellor;
- (ii) two Professors to be nominated by the Academic Council;
- (iii) two Professors to be nominated by the Syndicate; and
- (iv) the teacher or officer incharge of Students Affairs by whatever name called Member-cum-Secretary.

(2) The term of office of the member of the Discipline Committee, other than ex-officio member, shall be two years.

(3) The quorum for a meeting of Discipline Committee shall be four members.

15. Functions of the Discipline Committee.---The Functions of the discipline Committee shall be to-

- (i) propose Regulations to the Academic Council relating to the conduct of University students, maintenance of discipline and breach of discipline; and
- (ii) perform such other function as may be assigned to it.

**BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE**

AMANULLAH
Secretary,
Provincial Assembly of NWFP