

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P. 111

G A Z E T T E

North-West Frontier Province

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
LAW DEPARTMENT.

NOTIFICATION

23rd November, 2002.

No. Legis:1(11)97.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:-

THE GANDHARA UNIVERSITY ORDINANCE, 2002.

N.-W.F.P. ORDINANCE NO. LIV OF 2002.

AN ORDINANCE

*to provide for the establishment of a University at Peshawar
in the name of Gandhara University.*

WHEREAS it is expedient to provide for the establishment of a University at Peshawar in the name of Gandahra University, in the private sector, and for matters ancillary thereto;

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

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended upto date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**— (1) This Ordinance may be called the Gandhara University Ordinance, 2002.

(2) It shall come into force at once.

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

(a) "Board of Governors" means the Board of Governors constituted under section 20;

- (b) "Board of Trustees" means the Board of Trustees of the Trust appointed under section 19;
- (c) "Chancellor" means the Chancellor of the University;
- (d) "Dean" means Dean of a Faculty or institution of the University;
- (e) "HEC" means the Higher Education Commission established under the Higher Education Commission Ordinance, 2002;
- (f) "prescribed" means prescribed by rules or regulations made under this Ordinance;
- (g) "section" means a section of this Ordinance;
- (h) "Trust" means the Begum Muhammad Naseer Trust created through a proper Trust Deed, duly registered with the Sub Registrar, Peshawar, and entered in "Bahi" No. 1, volume 1324, page 279 on the 27th November, 1979;
- (i) "University" means the Gandhara University established under section 3; and
- (j) "Vice Chancellor" means the Vice Chancellor of the University.

3. **Establishment and incorporation of the University.**— (1) There shall be established a University at Peshawar to be called the "Gandhara University", consisting of—

- (a) the Chancellor, the Vice Chancellor, the Deans and other members of Board of Governors;
- (b) the members of such councils, committees and other bodies as the Board of Governors may constitute or the Board of Trustees may direct;
- (c) the teachers and students of the University and its constituent units; and
- (d) such other officers and members of the staff as may, from time to time, be specified by the Board of Governors.

(2) The University shall be a body corporate by the name of Gandhara University, having perpetual succession and a common seal, with power, among others, to acquire, hold and dispose of any property or investment belonging to the University and shall by the said name sue and be sued.

4. **Powers and functions of the University.**— The University shall have the powers to:-

- (a) provide for instruction in such branches of learning as it may deem fit and make provision for the advancement and dissemination of knowledge in such manners as it may determine;
- (b) admit and examine students;
- (c) prescribe courses of studies and curricula for the branches of learning in the University;

- (d) 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 examination under prescribed conditions;
- (e) confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (f) affiliate and dis-affiliate education institutions under prescribed conditions;
- (g) establish faculties, teaching departments, research institutes and other learning centers in the ordained branches of learning and to provide support to other facilities for education, professional training and research;
- (h) inspect colleges and other educational institutions affiliated or seeking affiliation with it;
- (i) cooperate with other Universities and public authorities in such manner and for such purpose as it may determine;
- (j) create such academic or administrative posts in connection with the affairs of the University as it may deem necessary and to approve appointments to such posts as it may specify, including the posts of directors and professors;
- (k) institute and award fellowships, scholarships, exhibitions, bursaries, medals and prizes under prescribed conditions;
- (l) control the residence of the University, to institute and maintain residence, approve hostels and lodgings;
- (m) supervise and control the discipline of the students of the University and the colleges, to promote the extra curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;
- (n) demand and receive such fees and other charges as it may determine;
- (o) enter into, carry out, vary or cancel contracts;
- (p) receive and manage property transferred and grants, bequests, trusts, gifts, donations, endowments and other contributions made to the University and invest and funds representing such property, grants, bequests, trusts, gifts, donations, endowments or contribution in such manner as it may deem fit.
- (q) provide for the printing and publication of research and other works;
- (r) undertake such research as it may determine in the ordained branches;
- (s) appoint members of various bodies and committees as may be necessary for academic and administrative activities and to appoint such officers and staff and prescribe terms and conditions and powers and duties of such officers and staff;
- (t) establish academic linkages and collaborative activities with other institutions for the betterment of academic standard; and

- (u) do all acts and things as may be required to further the aims and objects of the University.

5. **University open to all.**— The University shall be open to persons of either sex, in segregated institutions, 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 privilege on the ground only of sex, religion, race, creed, class, colour or domicile.

6. **Patron.**— The Governor of the North-West Frontier Province shall be the Patron of the University.

7. **Officers of the University.**— The following shall be the officers of the University:

- (a) the Chancellor;
- (b) the Vice Chancellor;
- (c) the Deans;
- (d) Heads of teaching departments/principals of constituent colleges;
- (e) the Registrar;
- (f) the Director of Finance;
- (g) the Controller of Examinations;
- (h) the Resident Auditor;
- (i) the Director Planning & Development;
- (j) the Librarian; and
- (k) such other persons as may be prescribed to be the officers of the University.

8. **The Chancellor.**— (1) The Board of Trustees shall, in consultation with the Patron, appoint the Chancellor of the University on such terms and conditions as it may determine.

(2) The term of the office of the Chancellor shall ordinarily be three years; provided that there will be no bar to appoint a Chancellor for a second or subsequent term.

(3) The Chancellor shall, when present, preside at the convocation of the University and all the other meeting.

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

(5) The Board of Trustees may, in consultation with the patron, remove the Chancellor, if he,

- (a) has become of unsound mind; or
- (b) has been incapacitated to function as member of such authority; or
- (c) has been convicted by a court of law in Pakistan of an offence involving mortal turpitude.

9. **Visitation.**— (1) The Chancellor may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the University and shall direct any person or persons to inquire into or carry out inspection of:

- (a) the University, its buildings, laboratories, libraries and other facilities;
- (b) any institution, department, school, college or hostel maintained by the University;

- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examinations and other matters of the University; and
- (e) such other matter as may be specified by him.

(2) The Chancellor shall communicate to the Board of Governors his views with regard to the result of an inspection or inquiry and shall, after ascertaining the views of the said Board, advise on the action to be taken by it.

(3) The Board of Governors shall, within such time as may be specified by the Chancellor, communicate to him such action as has been taken or proposed to be taken as a result of an inspection or inquiry.

(4) Where the Board of Governors does not, within the time specified, take action to the satisfaction of the Chancellor, the Chancellor may issue such directions as he thinks fit and the Board of Governors shall comply with all such directions.

10. *Vice Chancellor.*— (1) The Vice Chancellor shall be appointed by the Chancellor for a period of three years on such terms and conditions as the Chancellor may determine; provided that on the expiry of the period of three years his term of appointment may be extended by a period not exceeding three years.

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

11. *Duties and powers of the Vice Chancellor.*— (1) The Vice Chancellor shall be the principal executive and academic officer of the University and shall be responsible for implementation of the provisions of this Ordinance, the statutes, the regulations and the rules and execution of the policies and the programmes of the University.

(2) The Vice Chancellor shall, in the absence of the Chancellor, preside at any meeting of any other authority or body of the University.

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

(4) In particular and without prejudice to the generality of the foregoing powers, the Vice Chancellor shall also have the powers:

- (a) to create and fill temporary posts for a period not exceeding six months;
- (b) to sanction all expenditures provided for the approved budget, and to re-appropriate funds within the same major head of expenditure;
- (c) to sanction by re-appropriation an amount not exceeding fifty thousand rupees for an unforeseen item not provided for in the budget and report it to the Board of Governor as the next meeting;
- (d) to appoint paper setter and examiners for all examinations of the University after receiving panels of names from the relevant authorities;

- (e) to make such arrangements for the scrutiny of papers, grades and results as he may consider necessary;
- (f) to direct teaches, officers and other employees of the University to take up such assignments in connection with teaching, research, examination, administration and such other activities in the University as he may consider necessary in connection with the affairs of the University;
- (g) to appoint employees of such categories in respect of which powers have been delegated to him by the Board of Governors;
- (h) to delegate, subject such conditions, if any, as may be prescribed, any of his powers under this Ordinance, to an officer or other employee of the University; and
- (i) to exercise and perform such other powers and functions as may be prescribed or assigned to him by the Board of Governors.

12. **Appointment of certain officers of the University.**— The following officers of the University shall be appointed by the Vice Chancellor with the prior approval of the Board of Trustees:

- (a) the Registrar;
- (b) the Director Finance;
- (c) the Director Planning and Development;
- (d) the Controller of Examinations; and
- (e) the Resident Auditor.

(2) The terms and conditions of service of the officers appointed under subsection (1) shall be such as may be determined by the Board of Trustees.

13. **Registrar.**— (1) The Registrar shall be whole time officer of the University.

(2) The registrar shall be the custodian of the common seal and the academic records of the University and shall perform such duties and responsibilities as may be prescribed.

14. **Director Finance.**— The Director Finance shall be a whole time officer of the University and shall—

- (a) manage the property, finances and investments of the University;
- (b) prepare the annual and revise budget estimates of the University and present them to the board of Governors;
- (c) ensure that the funds of the University are expended for the purposes for which they were provided; and
- (d) perform such other duties as may be prescribed.

15. **Director Planning and Development.**— The Director Planning and Developed shall be a whole time officer of the University and shall be responsible for planning and development of the University.

16. **Controller of Examination.**— The Controller of Examination shall be a whole time officer of the University and shall be responsible for all matters connected with the conduct of examination and perform such other duties as may be prescribed.

17. **The Resident Auditor.**— The Resident Auditor shall be a whole time officer of the University and shall be responsible for pre-audit of all payment to be made from the University.

18. **Authorities.**— The following shall be the authorities of the University:

- (a) the Board of Trustees;
- (b) the Board of Governors;
- (c) the Academic Council;
- (d) the Board of Faculties;
- (e) the Board of Studies;
- (f) the Selection Board;
- (g) the Board of Advanced Studies and Research;
- (h) the Board of Advanced Studies and Research;
- (i) the Finance and Planning Committee;
- (j) the Discipline Committee as may be prescribed by the statutes.

19. **Board of Trustees.**— The Board of Trustees shall consists of the founder of the Trust and other members as given below:-

- (a) Professor Surgeon Muhammad Kabir (Founder/Trustee)
- (b) Mrs. Roeda Kabir (Trustee)
- (c) Mrs. Samir Khan Kabir (Trustee)
- (d) Mr. Farhad Khan Kabir (Trustee)

20. **The Board of Governors.**— (1) There shall be a Board of Governors consisting of—

- (a) The Chancellor, who shall be its Chairman;
- (b) the Vice Chancellor;
- ✓ (c) the Chief Justice of Peshawar High Court or a Judge of the High Court nominated by him;
- ✓ (d) the Chairman, HEC or a whole time member of the Commission nominated by it;
- ✓ (e) the Chairman, North-West Frontier Province Public Service Commission, or a whole time member of the Commission nominated by the Chairman of the said Commission;

- (f) ✓ the President Chairman of the Pakistan Medical & Dental Council or a whole time member nominated by the President/Chairman;
- (g) Secretary to Government, Health Department;
- (h) Secretary to Government, Education Department;
- (i) Secretary to Government, Finance Department;
- (j) ✓ the Chairman, Pakistan Engineering Council or a whole time member nominated by the Chairman;
- (k) ✓ a nominee of Pakistan Institute of Chartered Accountants of Pakistan; ✓
- (l) ✓ a nominee of Pakistan Institute of Cost and Management Accountants of Pakistan; and ✓
- (m) Deans of Faculties of the University.

(2) The Registrar shall be the Secretary of the Board of Governors.

21. **Meetings of the Board of Governors.**— (1) The Board of Governors shall meet at least four times in a year on the dates to be fixed by the Vice Chancellor; provided that a special meeting may be called at any time on the direction of the Chancellor or on a requisition made by not less than four members of the Board of Governors to consider matter of urgent nature.

(2) Not less than 21 clear days notice shall be given to the members of the Board of Governors for a meeting of the said Board; provided that for special meeting, ten clear days notice shall suffice.

(3) The agenda of a special meeting shall be restricted to the matter or matters for which the meeting is called.

(4) The quorum for a meeting of the Board of Governors shall be one-third of its total members, a fraction being counted as one.

(5) The decision of the Board of Governors shall be expressed in terms of the views of the majority of members; provided that in case of equality of votes, the Chairman shall have a record of casting vote.

(6) The minutes of the meeting shall be approved by the Board of Trustees.

(7) In the absence of the Chancellor, the Vice Chancellor shall preside at the meetings.

22. **Powers and duties of the Board of Governors.**— (1) The Board of Governors shall be the executive body of the University and shall, subject to the provisions of this Ordinance and the statutes, exercise general supervision over the affairs and management of the property of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provision of this Ordinance, the statutes and prior approved of the Board of the Trustees, the Board of Governors shall have the powers—

- (a) to hold, control administer the property and funds of the University;

- (b) to govern and regulate, with due regards to the advice of the Finance and Planning Committee, the finances, accounts and investments of the University and for that purpose, to appoint such agents as it may think fit;
- (c) to consider annual and revised budget estimates and to forward the same to the Board of Trustees for approval, along with its recommendations;
- (d) to re-appropriate funds from one major head of expenditure to another;
- (e) to transfer and accept transfer of movable or immovable property on behalf of the University;
- (f) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (g) to cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (h) to receive and manage any property transferred and grants, bequests, donations, endowments and other contributions made to the University;
- (i) to administer any funds placed at the disposal of the University for specified purposes;
- (j) to determine the form, provide for the custody and regulate the use of the common seal of the University;
- (k) to provide the buildings, libraries, premises, furniture, apparatus, equipments and other means required for carrying out the work of the University;
- (l) to establish and maintain halls of residence and hostels or approve hostels or lodgings for the residence of students;
- (m) to affiliate and disaffiliate educational institutions;
- (n) to institute Professorship, Associate Professorship, Assistant Professorship, Lectureship and other teaching posts or to suspend or abolish any such posts;
- (o) to create, suspend or abolish such administrative, clinical, research or other posts as may be necessary;
- (p) to make appointments on the recommendations of the Selection Board to the posts of teachers, officers and such other cadres as may be determined by the Board of Governors;
- (q) to appoint emeritus Professors on such terms and conditions as may be prescribed;
- (r) to confer honorary degrees in the fields of ordained discipline in accordance with the conditions prescribed;
- (s) to prescribe the duties of officers, teachers, and other employees of the University;

- (t) to suspend, punish and remove from service officers (other than the Vice Chancellor), teachers and other employees in the manner prescribed;
- (u) to appoint members to the various Authorities in accordance with the provisions of this Ordinance;
- (v) to propose statutes for submission to, and approval of, the Chancellor;
- (w) to consider and approve the regulations made by the Academic Council under section 26;
- (x) to regulate, determine and administer all other matters concerning the University, and to this end exercise all other powers not specifically mentioned in this Ordinance and the statutes;
- (y) to delegate any of its powers to an Authority or Officer or a Committee or Sub Committee; and
- (z) to perform such other functions as may be assigned to it by the statutes.

23.

Academic Council.— (1) The Academic Council shall consist of—

- (a) the Chancellor who shall be the Chairman of the Council;
- (b) the Vice Chancellor;
- (c) the Deans;
- (d) the Controller of Examinations; and
- (e) the Registrar, who shall also act as Secretary of the Council.

(2) Members appointed by nomination shall hold office three years and shall be eligible for re-nomination.

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

24. Powers and duties of the Academic Council.— (1) The Academic Council shall be the highest academic body of the University and shall, subject to the provisions of this Ordinance and the statutes, have the powers to lay down a proper standards of instruction, scholarship, research and examinations, and to regulate and promote the academic life of the University.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Academic Council shall have the powers—

- (a) to advise the Board of Governors on academic matters;
- (b) to regulate the admission of students to the courses of studies and examinations;
- (c) to propose to the Board of Governors, schemes for the constitution and organization of Faculties, Teaching Departments, Institutes and Board of Studies;
- (d) to consider or formulate proposals for the planning and development of teaching and research in the University; and

- (e) to make regulations on the recommendations of the Board of Faculties and the Board of Studies prescribing the courses of studies and the syllabi for all University examinations; provided that, if the recommendations of Board of Faculties and the Board of Studies are not received by the prescribed date, the Council may, subject to the approval of the Board of Governors, continue for the next year the courses of studies already prescribed for an examination;
- (f) to recognize the examinations of other University of examining bodies as equivalent to the corresponding examinations of the University; and
- (g) to perform such other functions as may be prescribed by the statutes.

STATUTES, REGULATIONS AND RULES

25. **Statutes.**— (1) Subject to the provisions of this Ordinance, the Board of Governors shall make statutes to regulate all or any of the following matters, namely:

- (a) terms and conditions of service of employees of the University, including scales of pay, constitution of pensions, insurance, gratuity, provident fund, benevolent fund and other fringe benefits;
- (b) terms and conditions of contractual appointment of teachers, researchers and officers;
- (c) establishment of Faculties, Teaching Departments and other academic units and divisions;
- (d) affiliation and disaffiliation of established institutions and related matters;
- (e) powers and duties of officers and teachers;
- (f) conditions under which the University may enter into arrangements with other public or private organizations for purposes of instruction, research and other scholarly activities;
- (g) conditions of appointment of Professors Emeritus;
- (h) award of honorary degrees;
- (i) standards of evaluation of efficiency and exercising disciplinary measures over the employees of the University;
- (j) acquisition and administration of properties and investments of the funds of the University; and
- (k) all other matter which under this Ordinance are required to be or may be prescribed or regulated by the statutes.

(2) The draft of the statutes shall be submitted for approval to the Board of Trustees, which shall have the power to approve the statutes without modifications or refer it back to the Board of Governors for re-consideration on the lines indicated in that behalf.

(3) No statutes shall be valid unless approved by the Board of Trustees.

26. Regulations.— (1) Subject to the provisions of the Ordinance and the statutes, regulations may be made for all or any of the following matters—

- (a) the courses of studies for degrees, diplomas and certificates of the University;
- (b) the admission of students to the University;
- (c) the conditions under which students shall be admitted and shall become eligible for the award of degrees, diplomas and certificates;
- (d) the conduct of examinations;
- (e) fees and other charges to be paid by the students for admission to the courses examinations of the University;
- (f) the conduct and discipline of students of the University;
- (g) conditions of residence of the students of the University or the colleges, including the levying of fees for residence in the hall of residence and hostels;
- (h) approval of hostels and lodgings;
- (i) conditions under which a person should carry on independent research to entitle him to a degree;
- (j) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (k) the institution of stipends and free and half-free assistantships;
- (l) the academic costumes;
- (m) the use of library;
- (n) the formation of Teaching Departments and Board of Studies; and
- (o) all other matters which by this Ordinance and the statutes are to be or may be prescribed by regulations.

(2) The regulations shall be prepared by the Academic Council and shall be submitted to the Board of Governors which may approve them or withhold approval or refer them back to the Academic Council for reconsideration.

(3) A regulation prepared by the Academic Council shall not be valid, unless it receives the approval of the Board of Governors.

27. Rules.— (1) The Authorities and the other bodies of the University may rule consistent with this Ordinance, the statutes and the regulations, to regulate the conduct of their business and the time and place of meeting and related matters; provided that the Board of Governors with prior approval of the Board of Trustees may direct the amendments or the annulment of any rules, made by any Authority or body under this section;

(2) The Board of Governors with the prior approval of the Board of Trustees may make rules to regulate any matter to the affairs of University which has not been specifically provided for by this Ordinance, the statutes or the regulations.

28. **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 the statutes and the regulations.

29. **Affiliation of educational institutions to the University.**— (1) An educational institution, whether within or from out-side Pakistan, applying for affiliation to the University, shall fulfil the following conditions:

- (a) that the educational institution is under the management of the Government or of a legally constituted body;
- (b) that the financial resources of the educational institutions are sufficient to enable it to make due provision for its continued maintenance and efficient working;
- (c) that the strength and qualifications of the teaching and the other staff and the terms and conditions of their service are adequate to make due provisions for the courses of instruction, teaching or training to be undertaken by the educational institution;
- (d) that the educational institution has framed proper rules regarding the efficiency and discipline of its staff and other employees;
- (e) that the building in which the educational institution is located is suitable;
- (f) that the library, laboratories and such other teaching and research aids are sufficiently provided for, as are necessary for the maintenance of the standards of teaching and research in the institution.

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

(3) The procedure to be followed in disposing of an application for the affiliation Committee, grant or refuse to grant affiliation to an educational institution.

(4) The Board of Governors may, on the recommendation of the Affiliation Committee, grant or refuse to grant affiliation to an educational institution.

THE UNIVERSITY FUND

30. **The University fund, audit and accounts.**— (1) The University shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources, if any.

(2) Capital and recurrent expenditure of the University shall be met from the contributions made by any foundation/association/society and any other source, including other universities and individuals, and from the income derived from such sources.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University or which may involve an activity not included in the programmes for the time being, shall be accepted without the prior approval of the Board of Governors.

(4) Notwithstanding anything contained in the foregoing sub-section, the Board of Trustees shall be overall responsible for the monetary requirements of the University.

(5) The accounts of the University shall be maintained in such form and manner as may be determined by the Board of Governors and shall be audited each year within four months of the closing of the financial year of the University by a Chartered Accountant appointed by the Board of Governors.

(6) The accounts, together with the report of the auditor thereon, shall be submitted to the Board of Trustees for approval.

(7) The auditor's report shall certify that the report has complied with the standards of audit and certification laid down by the Institutes of Chartered Accountants of Pakistan.

GENERAL PROVISION

31. **Retirement from services.**— An employee of the University shall retire from service on the completion of 60th year as his age.

32. **Employment after retirement.**— An employee of the University shall not ordinarily be re-employed under the University, unless such re-employment is necessary in the public interest and made with the prior approval of the Board of Directors.

33. **Conduct.**— The conduct of an employee of the University shall be regulated in such manner as may be prescribed.

34. **Disciplinary action.**— An employee of the University shall be liable to prescribed disciplinary action and penalties in accordance with prescribed procedure.

35. **Pension, insurance, gratuity, provident fund and benevolent fund.**— The University shall constitute for the benefit of its employees in such manner and subject to such condition as may be prescribed, schemes such as pension, insurance, gratuity, provident fund and benevolent fund as it may deem fit.

(2) Where any provident fund has been constituted under this Ordinance, the provisions of the Provident Funds Act, 1925, shall apply to such funds.

36. **Commencement of term of office of members of Authorities.**— When a number of a newly constituted Authority is appointed or nominated, his term of office, as fixed under this Ordinance, shall commence from such date as may be prescribed.

37. **Filling of casual vacancies in authorities.**— (1) Any casual vacancy among the appointed or nominated members of any authority shall be filled as soon as conveniently may be, by the person or the body who appointed or nominated the member whose place has become vacant, and the person appointed or nominated 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:

Provided that where a vacancy in the membership of an authority, other than the Board of Governors, cannot be filled for the reason that the member was ex-officio, and the office has ceased to exist, or the organization, institution or other body, other than the University, has ceased to exist or has ceased to function, or for any other cause which makes it impracticable to fill the vacancy, the vacancy shall be filled in such manner as the Chancellor may direct on the recommendations of the Board of Governors.

(2) The office of a nominated member shall become vacant if he resigns or fails to attend three consecutive meetings of the authority without sufficient cause or leave of absence, or his nomination is changed by the nominating authority.

38. **Disputes about membership of authority.**— (1) Notwithstanding anything contained in this Ordinance, a person nominated or appointed to any authority shall cease to be a member of such authority as soon as he has ceased to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Vice Chancellor, the Chief Justice of Peshawar High Court or the Judge of the said High Court who is the member of the Board of Governors and a nominee of the Chancellor and the decision of the committee shall be final and binding.

39. **Constitution, functions and powers of other authorities.**— The constitution, function and powers of other authorities for which no specific provision or insufficient provision has been made in this Ordinance, shall be such as may be prescribed by the statutes.

40. **Appointment of Committee by the Authority.**— The Board of Governors, the Academic Council and other authorities may appoint such Standing, Special or Advisory Committee, as they may consider advantageous in the performance of their functions.

41. **First Statute.**— Notwithstanding anything contained in this Ordinance, the statute set out in the Schedule to this Ordinance shall be deemed to be the statutes frame under section 24 and shall remain in force until amended or replaced by new statute framed in accordance with this Ordinance.

42. **Removal of difficulties.**— If any difficulty arises as a to the first constitution or reconstitution of any authority upon coming into force of this Ordinance or otherwise in giving effect to any provision of this Ordinance, the Chancellor may give appropriate direction to remove such difficulty.

43. **Proceedings of authorities not invalidated by vacancies.**— No act, proceedings, resolution or decision of any authority shall be invalid by reason only of any vacancy or defect in the constitution, appointment or nomination of any member of the authority.

44. **Indemnity.**— No suit or legal proceedings shall lie against the University or any authority or an employee of the University or any person, in respect of anything which is done, or purported to have been done in good faith under this Ordinance.

THE FIRST STATUTES

(See Section 41)

1

Faculties.— The University shall have the following Faculties:

- (a) the Faculty of Medicine and Allied Medical Sciences;
- (b) the Faculty of Islamic Sciences;
- (c) the Faculty of Basic and Applied Sciences;
- (d) the Faculty of Engineering and Technology;
- (e) the Faculty of Management Sciences;
- (f) the Faculty of Humanities and Social Sciences;
- (g) the Faculty of Language;
- (h) the Faculty of Legal Studies; and
- (i) such other faculties as may be prescribed by the statutes.

2

The Board of Faculty.— (1) There shall be a Board of each Faculty consisting of—

- (a) The Dean;

- (b) the Professors, the Chairman/Head of the Teaching Departments comprised in the Faculty; and
 - (c) three teachers to be nominated by the Vice Chancellor by reason of their specialized knowledge of the subjects which though not assigned to the Faculty.
- (2) The members mentioned in the clause (1) (e) shall hold office for three years.
- (3) The quorum for a meeting for the Board of Faculty shall be one half of the total number of members, a fraction being counted as one.
- (4) The Board of each Faculty shall, subject to the general control of the Academic Council and the Board of Governors have the powers:
- (a) to coordinate the teaching and research work in the subjects assigned to the Faculty;
 - (b) to scrutinize the schemes of courses and syllabi proposed by the Board of Studies comprised in the Faculty; and forward them to the Academic Council along with its observations;
 - (c) to scrutinize the recommendations made by the Board of Studies comprised in the Faculty, on the appointment of paper setters and examiners, except for research and degree examiners who shall be appointed by Vice Chancellor;
 - (d) to consider any other academic matter relating to the Faculty and to report thereon to the Academic Council; and
 - (e) to perform such other functions as may be prescribed by the statutes.
3. **Deans.**— (1) There shall be a Dean of each Faculty who shall be the Chairman and convenor of the Board of Faculty.
- (2) The Dean of each Faculty shall be appointed by the Chancellor on the recommendations of the Vice Chancellor from amongst the three senior most Professors in the Faculty, for a term of three years and shall be eligible for another term.
- (3) The Dean shall present candidates for admission to degrees, except honorary degrees, to the Chancellor in the courses falling within the purview of the Faculty.
- (4) The Dean shall exercise such powers and perform such duties as may be prescribed.
4. **Teaching Department.**— (1) There shall be Teaching Department for each subject or a group of subjects as may be prescribed by the regulations, and each Teaching Department shall be headed by a Chairman.
- (2) The Chairman of a Teaching Department shall be appointed by the Board of Governors on the recommendations of the Vice Chancellor from amongst the three most senior Professors and three most senior Associate Professor of the Department for a period of three years; Provided that where there is no Professor or Associate Professor in a Department, it shall be looked after by the Dean of the Faculty with the assistance of the most senior teacher of the Department.

(3) The Chairman of the Department shall plan, organize and supervise the work of the Department and shall be responsible to the Dean.

5. **Board of Studies.**— (1) There shall be a separate Board of Studies for each such group of subjects as may be prescribed by the regulations.

(2) Each Board of Studies shall consist of—

- (a) the Chairman of the Department who shall act as its Chairman and Convenor;
- (b) all Professors and Associate Professors in the Department or the Institute;
- (c) three teachers other than University Teachers to be appointed by the board of Governors;
- (d) three experts to be appointed by the Vice Chancellor.

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

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

(5) The functions of the Board of Studies shall be:

- (a) to advise the authorities on all academic matters connected with instruction, research and examination in the subject of subjects concerned;
- (b) to propose curricula and syllabi for all degrees, diplomas and certificate courses in the subject or subjects concerned;
- (c) to suggest a panel of names of paper setters and examiners in the subject or subjects concerned; and
- (d) to perform such other functions as may be prescribed by the regulations.

6. **The Board of Advanced Studies and Research.**— (1) There shall be a Board of Advanced Studies and Research consisting of—

- (a) the Vice Chancellor who shall be its Chairman;
- (b) the Deans;
- (c) three University Professors other than Deans to be appointed by the Board of Governors;
- (d) three scholars of eminence in a field not represented on the Board of Advanced Studies and Research to be appointed by the Vice Chancellor on the recommendations of the Academic Council.

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

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

- (4) The functions of the Advanced Studies and Research Board shall be:
- (a) to advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
 - (b) to consider and report to the authorities on the institution of research degree in the University;
 - (c) to appoint supervisors for research studies;
 - (d) to propose regulations for award of research degree; and
 - (e) to recommend the names of examiners for the research degrees.

7.

The Selection Board.— (1) There shall be a Selection Board consisting of:

- (a) the Vice Chancellor who shall be its Chairman;
- (b) one number of the Board of Academic Council and two persons of eminence to be nominated by the board of Governors; provided that none of them is an employee of the University;
- (c) the Dean of the faculty concerned;
- (d) the Chairman of the Teaching Department concerned;
- (e) the Registrar.

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

(3) The quorum for a meeting of the Selection Board shall be five members.

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

(5) In selecting candidates for the post 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 of each subject approved by the Board of Governors on the recommendations of the Selection Board as revised from time to time.

(6) The functions of the Selection Board shall be:

- (a) to consider all application for teaching and posts received in response to an advertisement and shall recommended to the Board of Governors the names of suitable candidates for appointment to such posts;
- (b) to recommend to the Board of Governors for the grant of a higher initial pay in suitable cases for reasons to be recorded in writing;
- (c) to recommend to the Board of Governors the appointment of an eminently qualified person to a position in the University on the terms and conditions as may be prescribed; and

- (d) to consider all cases of promotion of officers of the University and recommended to the Board of Governors the names of suitable candidates for such promotions.

8. *The Finance and Planning Committee.*— (1) There shall be a Finance and Planning Committee consisting of;

- (a) the Vice Chancellor, who shall be its Chairman;
- (b) one nominee of the Board of Governors;
- (c) three experts in the field of finance and planning to be nominated by the Chancellor;
- (d) one Dean to be nominated by the Chancellor on the recommendation of the Vice Chancellor; and
- (e) the Director Finance who will also act as its Secretary.

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

(3) Functions of the Finance and Planning Committee shall be:

- (a) to consider annual statement of accounts and revised budget estimates and advise the board of Governors, thereon;
- (b) to review periodically the financial position of the University;
- (c) to advise the Board of Governors on all matters relating to planning, development, finance, investments and accounts of the University;
- (d) to prepare short term and long term development plans;
- (e) to prepare resource development plans; and
- (f) to perform such other functions as may be prescribed by the Statutes.

9. *Affiliation Committee.*— (1) There shall be an Affiliation Committee consisting of:

- (a) the Vice Chancellor who shall be its Chairman;
- (b) one member of the board of Governors to be nominated by the said Board;
- (c) two Professors to be nominated by the Academic Council;
- (d) the Registrar.

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

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

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

(5) An officer of the University to be designed by the Vice Chancellor for this purpose shall act as the Secretary of Committee.

Peshawar,
Dated the 23rd Nov., 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,
Governor of the North-West Frontier Province.

SALIM KHAN,
Secretary to Government of North-West Frontier Province,
Law Department.

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EXTRAORDINARY
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North-West Frontier Province

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PESHAWAR, THURSDAY, 12TH DECEMBER, 2002.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
LAW DEPARTMENT.

CORRIGENDUM
12th December, 2002.

No. Legis:1(II)97/8336.—In section 19 of the Gandhara University Ordinance, 2002 (N.W.F.P. Ord. No. LIV of 2002), dated 23rd November, 2002 published at page 295 of the Extra-Ordinary Issue of the N.-W.F.P. Government Gazette,—

- (i) in clause (c), "Mrs." read "Mr."; and
- (ii) in clause (d), for "Farhad" read "Fahad".

Peshawar,
Dated the 12th Dec., 2002.

ASSISTANT LEGAL DRAFTER-I
Government of North-West Frontier Province,
Law Department.

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