

A
Bill
further to amend the Khyber Pakhtunkhwa
Universities Act, 2012.

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

It is hereby enacted as follows:-

1. Short title and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Universities (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the Khyber Pakhtunkhwa Universities Act, 2012 (Khyber Pakhtunkhwa Act No. X of 2012), hereinafter referred to as the said Act, in section 2,-

(i) after clause (a), the following new clauses shall be inserted, namely:

“(a-i) Academic Search Committee” means the Academic Search Committee constituted by the Chancellor under sub-section (2) of section 12;

(a-ii) “administrative officer” means an officer other than the teaching and research staff, working in the administration of the University in BPS-17 and above, duly appointed by Syndicate;”;

(ii) after clause (q), the following new clause shall be inserted, namely:

“(q-i) “Pro-Vice-Chancellor” means the Pro-Vice-Chancellor of the University;”;

(iii) for clause (r), the following shall be substituted, namely:

“(r) “Professor Emeritus” means a retired Professor working in a Faculty in the capacity of an Emeritus Professor;”;

(iv) for clause (s), the following shall be substituted, namely:

“(s) “Schedule” means the Schedule appended to this Act;”;

(v) clause (t) shall be deleted; and

(vi) for clause (x), the following shall be substituted, namely:

“(x) “Teaching Department” means a Teaching Department maintained and administered, or recognized by the University in the manner as may be prescribed by Statutes;”.

3. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 3, for sub-section (3), the following shall be substituted, namely:

“(3) The University shall consist of-

(a) the Chancellor, the Pro-Chancellor, the Vice-Chancellor, Pro-Vice-Chancellor, the Deans, the Principals of the constituent colleges, the Directors, the Chairpersons, the Registrar, the Controller of Examinations, the Treasurer, the Teachers and students of the

University, the Librarian, the Auditor and such other officers as may be prescribed by Statutes; and

- (b) the members of the Senate, Syndicate, the Academic Council, Board of Studies, the Board of Faculties, constituent colleges, constituent institutions and other Authorities of the University.”.

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

“4. Jurisdiction of the University.—The University shall exercise the powers conferred on it by or under this Act within the territorial limits notified by Government from time to time:

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

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

5. Substitution of section 5 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, for section 5, the following shall be substituted, namely:

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

Provided that the admission policy for persons outside the Province and FATA shall be such as may be prescribed by Regulations.”.

6. Insertion of new section in the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, after section 5, as so substituted, the following new section shall be inserted, namely:

“5A. Student of University.—Any person enrolled in the University or its constituent colleges and constituent institutions as a learner for any academic degree, certificate, diploma or any other programme shall be deemed to be the student of a University:

Provided that students of affiliated colleges or affiliated institutions, private students and students of distant education duly registered with the University shall be deemed as students of the University for the purposes as may be prescribed by Regulations.”.

7. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 6,-

- (i) in clause (i), for the words “deem fit”, the word “determine” shall be substituted;

- (ii) in clause (ii),-

- (a) after the word “prescribe”, the words “by Regulations” shall be inserted; and

- (b) for the word “intuitions” the word “institutions shall be substituted;
- (iii) in clause (iii), for the words “prescribed conditions”, the words “conditions as may be prescribed by Regulations” shall be substituted;
- (iv) in clause (iv), after the word “prescribe”, the words “by Statutes” shall be inserted;
- (v) in clause (v), the semi-colon appearing at the end shall be replaced by colon and thereafter the following new proviso shall be added, namely:

“Provided that the University may engage superannuated or retired teachers for teaching and research in the manner as may be prescribed by Statutes;”;
- (vi) for clause (vi), the following shall be substituted, namely:

“(vi) confer honorary degrees or other distinctions on approved persons in the manner as may be prescribed by Statutes;”;
- (vii) for clause (vii), the following shall be substituted, namely:

“(vii) provide for such instruction and trainings for persons not being students of the University as may be prescribed by Regulations and to grant certificates and diplomas to such persons;”;
- (viii) for clause (xii), the following shall be substituted, namely:

“(xii) provide and support the academic and professional development of the Faculty and other employees;”;
- (ix) in clause (xiii), for the words “prescribed conditions”, the words “conditions prescribed by Regulations” shall be substituted.
- (x) in clause (xiv), for the words “prescribed conditions”, the words “conditions as may be prescribed by Statutes” shall be substituted;
- (xi) in clause (xvi), for the words “as it may prescribe”, the words “as prescribed by Regulations” shall be substituted;
- (xii) in clause (xvii), for the words “as it may prescribe”, the words “as may be prescribed by Statutes” shall be substituted;
- (xiii) for clause (xxi), the following shall be substituted, namely:

“(xxi) institute and award financial assistance to students for fellowships, scholarships, medals and prizes under conditions as may be prescribed by Regulations;”;
- (xiv) for clause (xxii), the following shall be substituted, namely:

“(xxii) establish departments, schools, colleges, faculties, institutes, laboratories, campuses, museums and centers for teaching and research and to make such arrangements for their maintenance, management and administration as may be prescribed by Statutes;”;

- (xv) for clause (xxiii), the following shall be substituted, namely:
“(xxiii) provide residences for the students of the University;”;
- (xvi) for clause (xxv), the following shall be substituted, namely:
“(xxv) promote co-curricular and recreational activities for students and to make arrangements for promoting their health and welfare;”;
- (xvii) for clause (xxvi), the following shall be substituted ,namely:
“(xxvi) demand and receive such fees and other charges as may be prescribed by Regulations;”;
- (xviii) for clause (xxvii), the following shall be substituted, namely:
“(xxvii) make provision for research, advisory or consultancy services and with these objects enter into arrangements with public or private bodies in such a manner as may be prescribed by Statutes;”;
- (xix) clauses (xviii) and (xx) shall be deleted;
- (xx) for clause (xxix), the following shall be substituted, namely:
“(xxix) receive, transfer, invest and manage property, grants and contributions, bequests, trusts, gifts, donations, endowments made to the University, in such a manner as may be determined by Syndicate;”;
- (xxi) in clause (xxx), after semi colon, the word “and” shall be deleted; and
- (xxii) in clause (xxxi), full stop appearing at the end shall be replaced by semi colon and thereafter the following new clauses shall be added, namely:
“(xxxii) establish a grievance redressal mechanism in such a manner as may be prescribed by Statutes; and
(xxxiii) undertake or engage in such commercial activities, for the purpose of earning revenue, as it may deem appropriate.”.

8. Substitution of section 7 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 7, the following shall be substituted, namely:

“7. Teaching and Examinations.—(1) All recognized teaching in various courses in the University, affiliated colleges and affiliated institutions shall be conducted in such a manner as may be prescribed by Regulations, and it may include lectures, tutorials, discussions, seminars, demonstrations, distance learning and other methods of instructions as well as practical work in laboratories, hospitals, workshops and fieldwork.

(2) The teaching in any prescribed course in University, college and institution shall be organized by such Authority as may be prescribed by Regulations.

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

9. Amendment of section 8 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 8,-

(i) after clause (c), the following new clause shall be inserted, namely:

“(c-i) the Pro-Vice-Chancellor;”;

(ii) for clause (f), the following shall be substituted, namely:

“(f) the Chairpersons of Teaching Departments;” and

(iii) in clause (m), after the word “prescribed”, the word “by Statutes” shall be inserted.

10. Amendment of section 10 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 10, for sub-section (1), the following shall be substituted, namely:

“(1) The Chancellor shall,-

(i) upon the recommendations of the Senate, remove the members of the Senate other than the ex-officio members, from the membership of the Senate, on account of allegations of gross misconduct, in-efficiency, corruption, moral turpitude or physical or mental incapacity, after a resolution passed with simple majority by the Senate:

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

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

Provided that the Chancellor may constitute an inquiry committee to substantiate such allegations.”.

11. Substitution of section 11 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 11, the following shall be substituted, namely:

“11. Vice-Chancellor.—(1) There shall be a Vice-Chancellor of a University who shall be a person of eminence having proven ability and leadership skills, and has made significant contribution to higher education as teacher, researcher and academic administrator and shall possess such qualification and shall be appointed in accordance with the procedure as provided in the Schedule-II.

(2) The Vice-Chancellor shall be the Chief Executive and Principal Accounting Officer of the University responsible for all administrative, academic and financial 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 by Statutes, Regulations and Rules for this purpose, including administrative control over the Officers, Teachers and other employees of the University excluding those mentioned in section 8 of this Act.

(3) The Vice-Chancellor may, in emergency that in his opinion require immediate action not in the competence of the Vice-Chancellor, take such action as he may deem appropriate and shall report the action so taken to the Syndicate in its next immediate meeting for permanent decision:

Provided that the action taken by the Vice-Chancellor in emergency shall not include –

- (i) framing of Statutes, Regulations, Rules or any other legislative act;**
- (ii) making any kind of appointments;**
- (iii) taking actions which required out of budget implications;**
- (iv) imposing any penalty against employees in BPS-17 and above; and**
- (v) exercising powers of Senate.**

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

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

- (a) direct Officers, Teachers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in or for the University as he may consider necessary for the purposes of the University;**
- (b) sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate in the next meeting;**
- (c) sanction all expenditures provided for in the approved budget and re-appropriate funds from one head of expenditure to another within the approved budget and report such re-appropriation to the Syndicate at the time of its consideration of revised budget estimates:**

Provided that such powers to sanction expenditure out of budget allocated to unit designated as independent cost centre shall rest with the head of such cost centre.

- (d) create and fill temporary posts for a period not exceeding one year after which the posts shall stand abolished;**
- (e) appoint employees on contract basis against the properly created budgeted posts for a period not exceeding three years on the recommendations of a Selection Committee constituted by the Syndicate;**

Provided that no extension shall be admissible beyond the period of three years:

Provided further that the Vice-Chancellor may renew contract of those employees whose contract was terminated before promulgation of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2016, for a period not exceeding three years, subject to thorough scrutiny of all academic documents and eligibility of these employees and availability of properly created budgeted posts, in the best interest of the University;

- (f) make appointments in BPS-16 and below in such manner as may be prescribed by the Statutes. All such appointments shall be reported to Syndicate during its next meeting:

Provided that appointments in BPS-16 and below after the commencement of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2016, shall be made from persons living within the territorial jurisdiction of the University under section 4 of this Act. In case there is no eligible candidate available within the territorial jurisdiction, candidates from other places may be appointed in a manner as may be prescribed by Statutes:

Provided further that the Selection Committee for recommendations of suitable candidates for appointment in BPS-16 and below shall be constituted by the Syndicate in manner as may be prescribed by Statutes;

- (g) suspend, punish, remove and dismiss from service university employees in BPS 1 to 16 in such manner as may be prescribed by Statutes;
- (h) delegate, subject to such conditions as may be determined, any of his powers under this Act to an officer of the University;
- (i) appoint examiners or reviewers and paper setters for all examinations of the University on the recommendations of the relevant Board of Studies of Department and constituent institutions;
- (j) appoint foreign and local referees for evaluation of candidates for faculty positions from the panel of names recommended by the Syndicate; and
- (k) exercise and perform such other powers and functions as may be prescribed by Statutes.

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

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of the closure of the academic year. The annual report shall present such information as regards the academic year under review

as may be prescribed by Statutes, including disclosure of all relevant facts pertaining to the following namely:

- (a) academics;
- (b) research;
- (c) administration; and
- (d) finances including audited statement of accounts and management letter.

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

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

12. Substitution of section 12 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 12, the following shall be substituted, namely:

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

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

- (a) an academician of national/international **repute** with at least fifty (50) international publications, who shall be the chairman and convener of the Academic Search Committee;
- (b) two of the most eminent educationist of Pakistan outside the Province of the Khyber Pakhtunkhwa **having academic administrative experience** as Chairman, Dean or Vice Chancellor etc;
- (c) one eminent **academician** or researcher of the Province of the Khyber Pakhtunkhwa with additional experience of working with any industry or Government agencies; and
- (d) Secretary to Government, Higher Education Department shall act as the Secretary of the Academic Search Committee:

Provided that no member of the Academic Search Committee shall be a candidate for the position of Vice-Chancellor, during period of his membership.

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

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

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

(6) The Vice-Chancellor shall be appointed by the Chancellor for a term not exceeding three years on market based salary and fringe benefits depending on qualification and experience of the candidate and his or her suitability to the task:

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

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

(7) The Vice-Chancellor shall hold office during the pleasure of the Chancellor:

Provided that before removing a Vice-Chancellor from his position, the Chancellor may grant an opportunity of personal hearing to the Vice-Chancellor.”.

13. Insertion of new sections in the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, after section 12, as so substituted, the following new sections shall be inserted, namely :

“12A. Pro-Vice-Chancellor.—(1) There shall be a Pro-Vice-Chancellor of a University to be appointed by the Chancellor from amongst the three senior most Deans or Teachers, for a period of two years to act as officiating Vice-Chancellor or Acting Vice-Chancellor, as the case may be, in accordance with this section.

(2) The Pro-Vice-Chancellor shall be deemed to be the officiating Vice-Chancellor to look after the office of the Vice-Chancellor only when the regular Vice-Chancellor is on leave for an academic visit abroad or any other purpose, duly granted by the Chancellor or when the post is vacant due to any reason which does not require appointment of regular Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall be deemed to be the Acting Vice-Chancellor to perform all the functions and powers of the Vice-Chancellor, in case of expiration of the tenure of the regular Vice-Chancellor or any other case which requires appointment of regular Vice-Chancellor. The Acting Vice-Chancellor shall remain in office till appointment of regular Vice-Chancellor under this Act.

12B Dean.—(1) There shall be a Dean of each Faculty, who shall be the Chairman and Convener of the Board of Faculty constituted in such manner as may be prescribed by Statutes.

(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 three years as per the criteria provided in Schedule-III:

Provided that where Professor is not available in the respective Faculty, Professor from another Faculty may be appointed as Dean till the appointment of Professor of the respective Faculty.

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

(4) The Dean shall exercise such other powers and perform such functions as may be prescribed by Statutes.”.

14. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 13,-

(i) for sub-sections (1) and (2), the following shall respectively be substituted, namely:

“(1) There shall be a Registrar of the University, who shall be the administrative head of the University.

(2) The Registrar shall be appointed on regular basis by the Syndicate from panel of upto three candidates recommended by the Selection Board in order of merit. The Registrar shall be appointed on such qualification and terms and conditions as may be prescribed by Statutes:

Provided that the Registrar shall not be appointed from the superannuated persons:

Provided further that no member of the teaching faculty shall assigned the duties of the Registrar on acting or dual charge basis beyond the period of three months.”; and

(ii) for sub-section (5), the following shall be substituted, namely;

“(5) The Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of allegations of gross misconduct, in-efficiency, corruption, moral turpitude or physical or mental incapacity, in accordance with the procedure prescribed by Statutes, before completion of his tenure.”.

15. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section-14,-

(i) for sub-section (1), the following shall be substituted, namely :

“(1) There shall be a Treasurer of the University to be appointed on regular basis by the Syndicate from panel of upto three candidates recommended by the Selection Board in order of merit. The Treasurer shall be appointed on such qualification and terms and conditions as may be prescribed by Statutes:

Provided that the Treasurer shall not be appointed from the superannuated persons:

Provided further no member of the teaching faculty shall be assigned the duties of the Treasurer on acting or dual charges basis beyond the period of three months.”;

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

“(e) perform such other duties as may be determined by the Syndicate.”; and

(iii) for sub-section (4), the following shall be substituted, namely:

“(4) The Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of allegations of gross misconduct, in-efficiency, corruption, moral turpitude or physical or mental incapacity, in accordance with the procedure prescribed by Statutes, before completion of his tenure.”.

16. Amendment of section 15 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 15,-

(i) for sub-sections (1) and (2), the following shall be substituted, namely :

“(1) There shall be a Controller of Examinations of the University to be appointed on regular basis by the Syndicate from panel of upto three candidates recommended by the Selection Board in order of merit. The Controller of Examinations shall be appointed on such qualification and terms and conditions as may be prescribed by Statutes:

Provided that the Controller of Examinations shall not be appointed from the superannuated persons:

Provided further that no member of the teaching faculty shall be assigned the duties of the Controller of Examinations on acting or dual charge basis beyond the period of three months.

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

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

“(3) The Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Controller of Examinations on grounds of allegations of gross misconduct, in-efficiency, corruption, moral turpitude or physical or mental incapacity, in accordance with the procedure prescribed by Statutes, before completion of his tenure.”.

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

“16 Auditor.—(1) There shall be an Auditor of the University responsible for pre-auditing of all bills and documents for all payments to be made by the University and to carry out internal audit of all units including constituent institutions, administrative sections and developmental projects.

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

(3) The Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Auditor on grounds of allegation of gross misconduct, inefficiency, corruption, moral turpitude or physical or mental incapacity, in accordance with the procedure prescribed by Statutes, before completion of his tenure.”.

18. Substitution of section 17 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 17, the following shall be substituted, namely:

“17. Other Officers.—Subject to the provisions of this Act, the terms and conditions of service and the powers and duties of other officers including but not limited to Deans, Chairpersons, Principals, Provost and Librarian of the University shall be such as may be prescribed by Statutes.”.

19. Amendment of section 18 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 18, in sub-section (2), in clause (b), in sub-clause (viii), after the word “prescribed”, the word “by Statutes” shall be added.

20. Amendment of section 19 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 19,-

- (i) in sub-section (1),
 - (a) clause (d) shall be deleted;
 - (b) for clause (f), the following shall be substituted, namely:
 - “(f) a retired judge to be nominated by Chief Justice of Peshawar High Court”;
 - (c) sub-clauses (i) and (j) shall be deleted;
 - (d) in sub-clause (l), for the word “two”, the word “one” shall be substituted;
 - (e) in sub-clause (m), for the word “three”, the word “two” shall be substituted;
 - (f) in clause (n), after semi-colon appearing at the end, the word “and” shall be inserted;
 - (g) in clause (o), the colon appearing at the end shall be replaced by full stop; and
 - (h) clauses (p), (q), (r), (s) and (t) shall be deleted.
- (ii) for sub-section (6), the following shall be substituted, namely:
 - “(6) The quorum for a meeting of the Senate shall be two-third of its total members a fraction being counted as one excluding the non-existent categories, wherever applicable.”; and
- (iii) after sub-section (6), as so amended, the following shall be added, namely:
 - “(7) At least three members of the Senate shall be female.”.

21. Amendment of section 20 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 20, in sub-section (2),-

- (i) clauses (a) and (b) shall be deleted;
- (ii) for clause (e), the following shall be substituted, namely:
 - “(e) approve the proposed annual plan of work, including key performance indicators to be set up by the University, the annual and revised budgets, the annual report and the annual statement of account;”;
- (iii) in clause (f), for the word “oversee”, the word “review” shall be substituted; and
- (iv) in clause (l), in sub-clause (iv), after semi-colon, the word “and” shall be deleted;
- (v) in clause (m), full-stop appearing of the end shall be replaced with semi colon and thereafter the following new clauses shall be added, namely:
 - “(n) suspend, punish and remove from service Deans and teachers of the University in BPS-22 in a manner as may be prescribed by Statutes; and
 - (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.”.

22. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 21, in sub-section (1), for the words “as may be prescribed”, the words “as determined by it” shall be substituted.

23. Amendment of section 22 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 22, in sub-section (1),-

- (i) for sub clause (b), the following shall be substituted, namely :
 - “(b) a retired judge to be nominated by Chief Justice of Peshawar High Court;”;
- (ii) for clause (c), the following shall be substituted, namely :
 - “(c) all the Deans of the faculties of the University;”;
- (iii) for clause (d), the following shall be substituted, namely:
 - “(d) Secretary of the relevant administrative Department or his nominee not below the rank of an Additional Secretary;”;
- (iv) for clause (e), the following shall be substituted, namely:
 - “(e) the Secretary to Government, Higher Education Department, or his nominee not below the rank of a Deputy Secretary;”;
- (v) clauses (f) and (g) shall be deleted;
- (vi) for clause(h), the following shall be substituted, namely:
 - “(h) two Principals (preferably one male and one female) of affiliated colleges to be nominated by the Academic Council;”;

(vii) for clause (i), the following shall be substituted, namely :

“(i) one Professor, one Associate Professor, one Assistant Professor and one Lecturer of the University to be elected by teachers of their respective cadres in the manner as may be prescribed by Statutes;”;

(viii) for clauses (j), (k), (l), and (m), the following shall be substituted, namely:

“(j) One Principal or Chairman or Director of the Teaching Department or Institute or Centre to be elected from amongst themselves in accordance with the prescribed Statutes;

(k) one administrative officer to be elected from amongst themselves in a manner as may be prescribed by Statutes;

(l) Registrar; and

(m) Treasurer.”;

(ix) clauses (n), (o) and (p) shall be deleted;

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

“(3) The quorum for a meeting of the Syndicate shall be two-third of its total members a fraction being counted as one excluding the non-existent categories, wherever applicable.”; and

(xi) after sub-section (3), as so substituted, the following shall be inserted, namely:

“(3A) At least three members of the Syndicate shall be female.”.

24. Amendment of section 23 of the Khyber Pakhtunkhwa Act No. X of 2012.— In the said Act, in section 23, in sub-section (2),-

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

“(a) consider the annual report, the annual plan of work including key performance indicators to be set up by the University, the statements of Accounts, the annual and revised budget estimates and to submit these to the Senate”;

(ii) after clause (a), as so substituted, the following new clause shall be inserted, namely:

“(a-i) hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of movable and immovable property;”;

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

“(b) transfer and accept transfer of movable and immovable property on behalf of the University;”;

- (iv) in clause (i), for the word “for”, the word “far” shall be substituted;
- (v) in clause (m), the following shall be substituted, namely:
“(m) subject to this Act, appoint Teachers, officers and other employees on the recommendation of the Selection Board in BPS-17 and above in accordance with the prescribed Statutes;”;
- (vi) for clause(m-i) the following shall be substituted, namely:
“(m-i) suspend, punish, remove and dismiss from service, the Officers and Teachers of the University in Basic Pay Scale 17 to 21 in accordance with the prescribed Statutes;”;
- (vii) clause (m-ii) shall be deleted;
- (viii) for clause (o), the following shall be substituted, namely:
“(o) prescribe powers and duties of officers, teachers and other employees of the university;”; and
- (ix) in clause (t), the word “and” after the semi colon shall be deleted and thereafter the following new clause shall be inserted, namely:
“(t-i) prescribe conditions under which the University may enter into agreements with other institutions for with public bodies for purposes of research and advisory services; and”.

25. Amendment of section 24 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 24, in sub-section (1),-

- (i) for clause(b), the following shall be substituted, namely :
“(b) the Chairpersons of Teaching Departments or Directors of academic institutes/units;”;
- (ii) for clause (d), the following shall be substituted, namely :
“(d) all Professors including Emeritus and Meritorious Professors;”;
- (iii) for clause (e), the following shall be substituted, namely :
“(e) six university teachers including two Associate Professors, two Assistant Professors and two lecturers to be elected from amongst themselves in the manner prescribed by Statutes;”;
- (iv) for clause (f), the following shall be substituted, namely :
“(f) two Principals, preferably one female, of affiliated colleges, one each from public and private sector, to be nominated by the relevant administrative Secretary of the Government department;”; and
- (v) clause (g) shall be deleted.

26. Amendment of section 28 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 28, in sub-section (1),-

(i) after clause (d), the following new clause shall be inserted, namely:

“(d-i) the terms and conditions of contract employees;” and

(ii) clauses (j) and (K) shall be deleted.

27. Substitution of section 31 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 31, the following shall be substituted, namely :

“31. Rules—(1) The Authorities and other bodies of the University may make Rules, consistent with this Act, the Statutes or the Regulations, to regulate the conduct of their business and the time and place of meetings and related matters:

Provided that the Syndicate may direct the amendment or the annulment of any Rules made by another Authority or body except the Senate:

Provided further that if such Authority or body is dissatisfied with such direction, it may appeal to the Senate whose decision in the matter shall be final.

(2) The Syndicate may make Rules to regulate any matter relating to the affairs of the University which have not been specifically provided for by this Act, Statutes or Regulations.”.

28. Amendment of section 32 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 32, in sub-section (1), in clause (f), the words “as for as possible”, the words “as far as possible” shall be substituted.

29. Amendment of section 33 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 33, for the words “as for as possible”, the words “as far as possible” shall be substituted.

30. Amendment of section 35 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 35, for sub-section (1), the following shall be substituted, namely:

“(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 accordance with the prescribed Statutes, 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.”.

31. Amendment of section 36 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 36, for sub-section (2), the following shall be substituted, namely:

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

32. Amendment of section 38 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 38,-

(i) in sub-section (3),-

- (a) for the word “unit”, the word “units” shall be substituted; and
 - (b) in the proviso, for the words “terms and procedure”, the word “Rules” shall be substituted; and
- (ii) for sub-section (6), the following shall be substituted, namely:

“(6) The University shall cause to carry out audit of its accounts by the Auditor-General of Pakistan:

Provided that the observations of the Auditor General of Pakistan, if any, together with such annotations as the Treasurer may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year:

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

Provided also that the Government shall have the power to carry out financial and performance audit of all activities carried out by the Universities out of the funds provided by National and Provincial exchequer, grants and loans whether local or foreign. The Government shall notify the procedure for such audit.”.

33. Amendment of section 41 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 41, for sub-section (2), the following shall be substituted, namely:

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

34. Amendment of section 42 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, in section 42, in sub-section (1), after the word “prescribed”, the word “by Statutes” shall be inserted.

35. Substitution of section 46A of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 46A, the following shall be substituted, namely:

“**46A. Bar on membership.**—No Vice-Chancellor of a provincial public sector University shall be a member of more than one Senate, one Syndicate, one Academic Council and one Selection Board of other Public Sector Universities including membership as an expert or person of eminence.”.

36. Substitution of section 46B of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, for section 46B, the following shall be substituted, namely:

“**46B Model Statutes.**—Notwithstanding anything contained in section 28, the Chancellor shall soon after the commencement of this Act, constitute a Committee, to Frame Model Statutes for the purposes of this Act and all the Universities listed in the Schedule-I shall approve the same within a period of six months from the Senate and shall be deemed as Statutes made under section 28 of this Act:

Provided that if a University fails to approve the same from the Senate within six months, the Model Statutes shall be deemed to be the Statutes of the University:

Provided further that until the Model Statutes are approved, the Statutes of the University of Peshawar shall be applicable to the Universities which do not have their own approved Statutes:

Provided also that Rules and Regulations of University of Peshawar shall be applicable to the Universities who do not have their own Rules and Regulations immediately after the commencement of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2016, till framing of their own approved Rules and Regulations within one year of the promulgation of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2016:

Provided also that the Chancellor's office shall circulate Model Statutes to all the Universities listed in Schedule-I for proper approval from the competent authorities as specified in section 28.”.

37. Deletion of sections 49 and 50 of the Khyber Pakhtunkhwa Act No. X of 2012.—In the said Act, sections 49 and 50 shall be deleted.

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

(i) for serial No. (15), the following shall be substituted, namely:

“(15) Shuhada-e-Army Public School University of Technology, Nowshera”;
and

(ii) for serial No. (17), the following shall be substituted, namely:

“(17) Women University, Swabi.”.

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

(i) under the words “Schedule for appointment of Vice Chancellor”, the following expression shall be added, namely :

“(see sub-section (1) of section 11)”;

(ii) in PART ‘A’, in clause 2,-

(a) for sub-clauses (a), (b), (c) and (d), the following shall be respectively substituted, namely:

“(a) For general universities, PhD in any discipline with good academic record. In the case of discipline of Law, the relevant terminal qualification would be LLM(Law) or JD;

(i) In case of a Medical /Health University, the relevant terminal qualification would be FCPS or equivalent in case of Clinical Sciences and Ph.D in case of Basic Medical Sciences;

(ii) For an Engineering university, PhD in a field of engineering;

- (iii) For an Agriculture university, PhD in a field of agriculture;
 - (iv) For a Technology university, PhD in a field of Technology; and
 - (v) For a Management/Business University, PhD in a field of Management Sciences or Business;
- (b) Experience in the field of Higher Education of at least fifteen years in teaching and/ or research, in a university/ well-established institution of repute at the post-graduate levels;
 - (c) Excellent research publication record that, at a minimum, meets the criteria for appointment as Professor in the university with minimum fifteen peer reviewed and Higher Education Commission recognized research publications;
 - (d) At least five years of administrative/postdoctoral research experience in the field of Higher Education;”; and
- (b) clause (e) shall be deleted; and
- (iii) for PART “D”, the following shall be substituted, namely:

“PART ‘D’

5. Procedure for the Academic Search Committee;

- (a) the Academic Search committee shall have the mandate to search and head-hunt persons eligible under the criteria for the position of Vice-Chancellor:

Provided that apart from this, the Academic Search Committee shall also consider applications of eligible candidates after proper advertisement;

- (b) the eligible candidates shall provide resume and curriculum vitae to the Academic Search Committee. The Academic Search Committee shall shortlist the eligible candidates; and
- (c) the Academic Search Committee after interviewing the shortlisted candidates shall recommend a panel of upto three suitable candidates to the Chief Executive of the Province who shall recommend one candidate to the Chancellor for approval.”.

40. Addition of new Schedule to the Khyber Pakhtunkhwa Act No. x of 2012.—In the said Act, after Schedule-II, as so amended, the following shall be added, namely:

“Schedule-III
Schedule for appointment of Dean.
(see sub-section (2) of section12B)

Criteria for the appointment of Dean

1. Essentials

- (a) Working as Professor in the respective faculty;
- (b) Have at least 15 Publications in HEC recognized journals;
- (c) Demonstrated fiscal responsibility and ability to manage budgets;
- (d) Proven leadership and management/supervisory experience; and
- (e) Proven ability to foster collaborative efforts by building partnerships with national and/or international organizations/institutions.

2. Desirable

- (a) Demonstrated success in attracting resources through fundraising efforts;
- (b) Ability to maintain and develop strong undergraduate and professional programs;
- (c) Experience in managing research and graduate programs; and
- (d) Have earned projects not less than one million other than own university resources.

3. Other Skills

- (a) Excellent interpersonal, oral/Written communication skills and presentation skills;
- (b) Demonstrated commitment to increasing the diversity of faculty, staff, and students through recruitment, retention, and development of talented individuals;
- (c) The ability to articulate a clear vision for the future of the faculty; and
- (d) The ability to develop and implement strategic and tactical plans.”.

41. Repeal.--- The Khyber Pakhtunkhwa Universities (Amendment) Ordinance, 2016 (Khyber Pakhtunkhwa Ordinance No. III of 2016) is hereby repealed.

MINISTER-IN-CHARGE