

A

BILL

to provide for the establishment of Institute of Science and Technology, Bahawalpur as the degree awarding institute

WHEREAS it is expedient to provide for the establishment of Institute of Science and Technology, Bahawalpur and for ancillary matter;

It is enacted as follows:—

**CHAPTER – I
PRELIMINARY**

1. Short title and commencement.—(1) This Act may be called the Institute of Science and Technology Bahawalpur Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

- (i) “Academic Council” means the Academic Council of the Institute;
- (ii) “Authority” means any of the Authorities of the Institute specified in this Act;
- (iii) “Board” means the Board of Governors of the Institute;
- (iv) “Chairperson” means the Chairperson of the Board;
- (v) “Chamber” means the Chambers of Commerce and Industry, Bahawalpur;
- (vi) “Chancellor” means the Chancellor of the Institute;
- (vii) “Commission” means the Higher Education Commission set up by the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (viii) “Dean” means the head of a Faculty or the head of an academic body granted the status of a Faculty by this Act or by the Statutes or Regulations;

- (ix) "Department" means a teaching department maintained and administered or recognized by the Institute in the manner prescribed;
- (x) "Director" means the head of an academic, research or administrative unit of the Institute established under the Statutes or Regulations in terms of the power delegated by this Act;
- (xi) "employees" means whole time teachers, officers and other staff appointed or inducted and paid by the Institute;
- (xii) "Faculty" means an administrative and academic unit of the Institute consisting of one or more departments as prescribed;
- (xiii) "Government" means the Federal Government;
- (xiv) "Institute" means the Institute of Science and Technology, Bahawalpur;
- (xv) "prescribed" means prescribed by Statutes, Regulations or Rules made under this Act;
- (xvi) "quality assurance" means assuring compliance to all such academic and administrative regulations, rules, polices or guidelines provided by the Commission or set by the Institute itself in above and beyond of those given by the Commission but not inconsistent with this Act;
- (xvii) "Rector" means the Rector of the Institute.
- (xviii) "Review Committee" means the Review Committee set up by the Chancellor in accordance with the provisions of section 8;
- (xix) "Schedule" means a Schedule to this Act;
- (xx) "Search Committee" means the Search Committee set up by the Chancellor under section 13;
- (xxi) "Statutes", "Regulations" and "Rules" means respectively the Statutes, the Regulations and the Rules made under this Act; *and*
- (xxii) "Teachers" include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole-time by the Institute and such other persons as may be declared by Regulations to be teachers.

CHAPTER - II

THE INSTITUTE

3. Incorporation.—(1) The Institute of Science and Technology Bahawalpur is hereby established as degree awarding institution.

(2) The Institute shall have its campus in Bahawalpur.

(3) The Institute shall consist of the following, namely:-

- (a) the Chancellor;
- (b) the Chairperson;
- (c) the Rector;
- (d) the Deans and the Heads of Departments;
- (e) the members of the Authorities of the Institute established under this Act;
- (f) all Teachers and persons recognized as students of the Institute in accordance with terms prescribed from time to time; and
- (g) all other full-time officers and members of the staff of the Institute.

(4) The Institute shall be a body corporate by the name of the Institute of Science and Technology, Bahawalpur and shall have perpetual succession and a common seal and may sue and be sued by the said name.

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

(6) Notwithstanding anything contained in any other law for the time being in force, the Institute shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the Higher Education Commission Ordinance, 2002 (LIII of 2002).

4. Powers and purposes of the Institute.— The Institute shall-

- (i) provide for education and scholarships in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
- (ii) prescribe courses of studies to be conducted by it;
- (iii) develop active and continued relationship with industrial, business, service and education sectors for curriculum design and implementation;
- (iv) hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;

- (v) prescribe the terms and conditions of employment of the officers, teachers and other employees of the Institute and to lay down terms and conditions that may be different from those applicable to Government servants in general;
- (vi) engage, where necessary, persons on contract of specified duration and to specify the terms of each such engagement;
- (vii) confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (viii) provide for such instruction to unorganized labour force through non-conventional courses as it may prescribe and to grant certificates and diplomas to such persons;
- (ix) launch programmes for the exchange of students and teachers between the Institute and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (x) provide career counseling and job search service to students and alumni;
- (xi) maintain linkages with alumni;
- (xii) develop and implement fund-raising plans;
- (xiii) provide and support the academic development of the faculty of the Institute;
- (xiv) confer degrees on persons who have carried on independent research under prescribed conditions;
- (xv) accept the examinations passed and the period of study spent by students of the Institute at other universities and places of learning equivalent to such examinations and periods of study in the Institute, as it may prescribe and to withdraw such acceptance;
- (xvi) co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;
- (xvii) establish Professorships, Associate Professorships, Assistant Professorships and Lectureships and any other posts and to appoint persons thereto;
- (xviii) create posts for research, extensions, administration and other related purposes and to appoint persons thereto;
- (xix) establish and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;

- (xx) establish teaching departments, schools, faculties, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxi) provide for the residence of the students of the Institute and to maintain halls of residence and to approve or license hostels and lodging;
- (xxii) maintain order, discipline and security in the Institute;
- (xxiii) promote the extracurricular and recreational activities of such students and to make arrangements for promoting their health and general welfare;
- (xxiv) demand and receive such fees and other charges as it may determine;
- (xxv) make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (xxvi) enter into, carry out, vary or cancel contracts;
- (xxvii) receive and manage property transferred and grants, contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations endowments or contributions in such manner as it may deem fit;
- (xxviii) provide for the printing and publication of research and other works;
and
- (xxix) do all such other acts and things, whether incidental to powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the Institute as a place of education, learning and research.

5. Institute open to all classes, creeds, etc.— (1) The Institute shall be open to all persons of either gender and of whatever religion, caste, race, creed, class, colour or domicile and no person shall be denied the privileges of the Institute on the ground of gender, religion, race, class, colour, creed or domicile.

(2) The Institute shall admit students from all regions of the country on merit.

(3) An increase in any fee or charge that is in excess of ten percent per annum on an annual basis from the last such increase may not be made.

(4) The Institute shall launch financial aid programmes for students in need, to the extent considered feasible by the Board, given the resources are available, so as to enable admission and access to the Institute and the various opportunities provided by it to be based on merit rather than ability to pay.

6. Teaching at the Institute.—(1) The academic programmes of the Institute shall be conducted in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, updated methods of instructions and practical work in laboratories, workshops, industries, technological parks and other government and private organizations.

(2) The Institute shall restrict to phase wise development of its academic programmes and having developed the necessary infrastructure and human resources it shall launch its academic programmes subsequently.

(3) The degree awarding programmes of the Institute shall conform to the approved criteria of the Commission and shall be accredited by the respective accreditation councils, where deem necessary.

(4) The Institute may associate external examiners for the conduct of examinations.

(5) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

(6) The Institute shall not affiliate any institution for the purpose to award degree.

CHAPTER – III OFFICERS OF THE INSTITUTE

7. Principal Officers.—The following shall be the principal officers of the Institute, namely:—

- (a) the Chancellor;
- (b) The Chairperson;
- (c) the Rector;
- (d) the Deans;
- (e) The Adviser Quality Assurance;
- (f) the Heads of the Departments;
- (g) the Registrar;
- (h) the Director Finance;
- (i) the Controller of Examinations; *and*
- (j) such other persons as may be prescribed by the Statutes or Regulations to be the principal officers of the Institute.

8. Chancellor.— (1) The President of Pakistan shall be the Chancellor of the Institute.

(2) The Chairperson and the members of the Board, other than the *ex-officio* members, shall be appointed by the Chancellor from amongst the persons recommended by the Board in accordance with sub-section (2) of section 19.

(3) The Rector shall be appointed by the Chancellor from amongst the persons recommended by the Search Committee constituted under sub-section (2) of section 13.

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

(5) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the Institute has occurred, he may,—

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

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

Provided further that if the Chancellor is not satisfied with the findings of the report of the Review Committee, he may, by order in writing, annul such proceedings or orders; *and*

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

9. Removal from the Board.—(1)The Chancellor may, upon the recommendations of the Review Committee, remove any person from the membership of the Board on the ground that such person—

- (a) has become of unsound mind; or
(b) has become incapacitated to function as member of the Board; or
(c) has been convicted by a court of law for an offence involving moral turpitude; or
(d) has absented himself from two consecutive meetings without just cause; or
(e) has been guilty of misconduct, including use of position for personal advantage of any kind or gross inefficiency in the performance of his functions:

Provided that the Chancellor shall constitute a Review Committee under sub-section (5) of section 8:

Provided further that prior to the removal of the member of the Board he shall be given an opportunity of being heard.

(2) The Chancellor shall remove any person from the membership of the Board on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Board:

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

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

10. Visitation.—The Chancellor may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the Institute and shall, from time to time, direct any person or persons as he may deem fit to inquire into or carry out inspection.

11. The Chairperson.— (1) There shall be a Chairperson of the Board who shall be an eminent academician, researcher, industrialist, businessman or administrator (with at least 16 years of education) and person of distinction in area relevant to the special focus of the Institute.

(2) The Chairperson shall be appointed by the Chancellor on such terms and conditions as may be prescribed for a period of three years.

(3) The Chairperson shall preside over the meeting of the Board. He may appoint any member, other than *ex-officio*, to preside over the meeting in his absence.

12. The Rector.—(1) There shall be a Rector of the Institute who shall be an eminent academic, renowned researcher or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Rector shall be the chief executive officer of the Institute responsible for all administrative and academic functions of the Institute 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 Institute. The Rector shall have all powers prescribed for this purpose including administrative control over the officers, teachers and other employees of the Institute.

(3) The Rector shall, if present, be entitled to attend any meeting of any Authority or body of the Institute.

(4) The Rector may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the Rector, take such action and forward, within seventy-two hours, a report of the action taken to the members of the Emergency Committee of the Board, to be set up by Statutes. The Emergency Committee may direct such further action as is considered appropriate.

(5) The Rector shall also have the following powers, namely:—

(a) to direct teachers, officers and other employees of the Institute to take up such assignments in connection with examination, administration and such other activities in the Institute as he may consider necessary for the purposes of the Institute;

(b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Board for unforeseen item not provided for in the budget and report it to the Board at the next meeting;

(c) to make appointment of such categories of employees of the Institute and in such manner as may be prescribed by the Statutes;

- (d) to suspend punish and remove in accordance with prescribed procedure, from service officers, teachers and other employees of the Institute except those appointed by or with the approval of the Board;
- (e) to delegate, subject to such conditions as may be prescribed any of his powers under this Act to an officer or officers of the Institute; *and*
- (f) to exercise and perform such other powers and functions as may be prescribed.

(6) The Rector shall preside at the convocation of the Institute in the absence of the Chancellor.

(7) The Rector shall present an annual report before the Board within three months of the close of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed including disclosure of all relevant facts pertaining to,—

- (a) Academics;
- (b) Research;
- (c) Administration; *and*
- (d) Finances.

(8) The annual report shall be made available, prior to its presentation before the Board, to all officers and Teachers and shall be published in such numbers as are required to ensure its wide circulation.

13. Appointment and removal of the Rector.—(1) The Rector shall be appointed by the Chancellor on the recommendations of the Search Committee.

(2) A Search Committee for the recommendation of persons suitable for appointment as Rector shall be constituted by the Chancellor on the date and in the manner prescribed by the Statutes and shall comprise three to five members to be nominated by the Chancellor. The Search Committee shall remain in existence till such time that the appointment of the next Rector has been made by the Chancellor.

(3) The Rector shall be appointed for a tenure of four years on such terms and conditions as may be prescribed by Statues. The incumbent Rector shall not be allowed any extension in his tenure but subject to eligibility he may again compete for the seat of Rector in accordance with the procedure prescribed.

(4) The Board may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chancellor the removal of the Rector on the ground of inefficiency, conviction of an offence of moral turpitude, physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Board stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Rector that have come to his notice. After consideration of the reference the Board may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor the removal of the Rector:

Provided further that prior to a resolution for the removal of the Rector being voted upon the Rector shall be given an opportunity of being heard.

(5) A resolution recommending the removal of the Rector shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Rector or return the recommendation to the Board.

(6) At any time when the office of the Rector is vacant, or the Rector is absent or is unable to perform the functions of his office due to illness or some other cause, the senior most professor of the Institute shall perform the duties of the Rector till the appointment of new Rector or his return to office.

14. Registrar.—(1) There shall be a Registrar of the Institute to be appointed by the Board on the recommendation of the Rector, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the Institute and shall—

(a) be the administrative head of the secretariat of the Institute and be responsible for the provision of secretarial support to the Principal Officers of the Institute;

(b) be the custodian of the common seal and the academic records of the Institute;

(c) maintain a register of registered graduates in the prescribed manner;

(d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; *and*

(e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board may, on the advice of the Rector, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance the prescribed procedure.

15. Director Finance.—(1) There shall be a Director Finance of the Institute to be appointed by the Board on the recommendation of the Rector, on such terms and conditions as may be prescribed.

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Director Finance shall be as may be prescribed.

(3) The Director Finance shall be the chief financial officer of the Institute and shall—

(a) manage the assets, liabilities, receipts, expenditures, funds and investments of the Institute;

- (b) prepare the annual and revised budget estimates of the Institute and present them to the Board for approval;
- (c) ensure that the funds of the Institute are expended on the purposes for which they are provided;
- (d) have the accounts of the Institute audited annually so as to be available for submission to the Board within six months of the close of the financial year; *and*
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Director Finance shall be a renewable period of three years:

Provided that the Board may, on the advice of the Rector, terminate the appointment of the Director Finance on grounds of inefficiency or misconduct in accordance with the prescribed procedure.

16. Controller of Examinations.— (1) There shall be a Controller of Examinations to be appointed by the Board on the recommendation of the Rector, on such terms and conditions as may be prescribed.

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

(3) The Controller of Examinations shall be a full-time officer of the Institute and shall be responsible for all matters concerned with the conduct of examinations and perform such other duties as may be prescribed.

(4) The Controller of Examinations shall be appointed for a renewable term of three years:

Provided that the Board may, on the advice of the Rector, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with the prescribed procedure.

17. Adviser Quality Assurance:- (1) There shall be an Adviser Quality Assurance of the Institute, equivalent to the status of Dean, to be appointed by the Board on the recommendation of the Rector, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Adviser Quality Assurance shall be as may be prescribed.

(3) The Adviser Quality Assurance shall be a full-time officer of the Institute and shall-

- (a) be the quality auditor of the Institute and be responsible to facilitate Rector of the Institute in Quality Assurance in terms of section 2 (xvi);
- (b) be the principal officer and ex-officio member of the Academic Council of the Institute in terms of sections 7 and 21;

- (c) coordinate with all the departments, as shall be required, for performing his responsibilities as specified in sub-section (3) (a) and shall directly report to the Rector;
- (d) release an annual compliance report of the Institute based on his findings while performing his responsibilities as specified in sub-section (3) (a) for review of the Board.

(4) The Board may, on the advice of the Rector, terminate the appointment of the Adviser Quality Assurance on grounds of inefficiency or misconduct in accordance with the prescribed procedure.

CHAPTER – IV AUTHORITIES OF THE INSTITUTE

18. Authorities.—(1) The following shall be the Authorities of the Institute, namely:—

- (a) Authorities established by this Act,—
 - (i) the Board of Governors; and
 - (ii) the Academic Council; and
- (b) Authorities to be established by the Statutes,—
 - (i) Graduate Studies and Research Board;
 - (ii) Search Committee for the appointment of the Rector;
 - (iii) Finance and Planning Committee;
 - (iv) Selection Boards:

(2) The Board of Governors and the Academic Council may set up such other committees or sub-committees, by whatever name described, as are considered desirable through Statutes or Regulations as appropriate. Such committees or sub-committees shall be Authorities of the Institute for the purposes of this Act.

19. Board of Governors.—(1) The body responsible for the governance of the Institute shall be described as the Board of Governors and shall consist of the following, namely:—

- (a) the Chairperson, to be nominated by the Chancellor;
- (b) the Rector, *ex-officio*;
- (c) Chairperson of the Commission or his nominee, *ex-officio*;
- (d) Secretary or his nominee as *ex-officio* of the Ministry to which this business of this Act stands allocated;
- (e) Secretary, or his nominee as *ex-officio* of the Ministry to which business of this Act stands allocated;
- (f) one person to be nominated by the Government of the Punjab from among persons who are engineers, scientists, technologists or industrialists of repute;
- (g) two professors of the Institute to be nominated by the Academic Council;

- (h) three persons of outstanding merit in the field of education, engineering or science, industry, business and administration to be nominated by the Chancellor;
- (i) two persons from industrial and business sectors of the country to be nominated by the Chancellor on the recommendation of the Chamber.

(2) Appointments of persons described in clauses (h) and (i) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Board or Chamber as the case may be:

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

Provided further that as regards the persons described in clause (g) of sub-section (1) the Board shall prescribe a procedure for appointment of professors to the Board.

(3) Chairperson and the members of the Board, other than *ex-officio* members, shall hold office for three years:

Provided that no person, other than an *ex-officio* member, shall serve on the Board for more than two consecutive terms,

(4) The Board shall meet at least twice in a calendar year on such dates as may be fixed by the Chairperson.

(5) A special meeting may be called at any time on the direction of the Chancellor or on a requisition made by not less than five members of the Board to consider a matter of urgent nature.

(6) Not less than seven clear days' notice of a special meeting shall be given to the members of the Board and the agenda of the meeting shall be restricted to the matter for which the special meeting is called.

(7) Service on the Board shall be on honorary basis, provided that actual expenses may be reimbursed as may be prescribed.

(8) Unless otherwise prescribed by this Act, all decisions of the Board shall be taken on the basis of the opinion of the majority of the members present. In the event of the members being evenly divided on any matter the person presiding over the meeting shall have a casting vote.

(9) The quorum for a meeting of the Board shall be two-third of its membership, a fraction being counted as one.

(10) The Registrar shall be the Secretary of the Board.

20. Powers and functions of the Board.— (1) The Board shall have the power of general supervision over the Institute and shall hold the Rector and the Authorities accountable for all the functions of the Institute. The Board shall have all powers of the Institute not expressly vested in an Authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers, the Board shall have the following powers, namely:—

- (a) to take decisions on questions of policy relating to the administration and working of the Institute;
- (b) to oversee the quality and relevance of the Institute's academic programmes and to review the academic affairs of the Institute in general;
- (c) to hold control and lay down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of immovable property;
- (d) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (e) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (f) to create professional, research and administrative posts and such other posts as may be required to carry out for the purpose of the Institute and set the terms and conditions of appointment of all officers, teachers and other employees of the Institute;
- (g) to suspend, punish or remove from service employees of the Institute in the manner as may be prescribed after due inquiry and justice;
- (h) to approve the Statutes and Regulations proposed by the Academic Council or other authorities of the Institute:

Provided that Board may frame Statute or Regulation on its own initiative and approve it after calling for the advice of the relevant authority of the Institute, as the case may be;

- (i) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;
- (j) to make appointment of members of the Academic Council, other than *ex officio* members, in accordance with the provisions of this Act;
- (k) to appoint Emeritus Professors on such terms and conditions as may be prescribed;
- (l) to remove any person from the membership of any Authority if such person,—
 - (i) has become of unsound mind;
 - (ii) has become incapacitated to function as member of such Authority; or
 - (iii) has been convicted by a court of law for an offence involving moral turpitude; *and*
- (m) to determine the form, provide for the custody and regulate the use of the common seal of the Institute.

(3) The Board may, subject to the provisions of this Act delegate all or any of the powers and functions of any Authority, officer or employee of the Institute, to any Authority, committee, officer or employee for the purpose of exercising such powers and performing such functions and for this purpose the Board may create new posts or positions in the Institute.

21. Academic Council.— (1) There shall be an Academic Council of the Institute consisting of the following, namely:—

- (a) the Rector who shall be its Chairperson;
- (b) the Deans;
- (c) the Adviser Quality Assurance;
- (d) the Heads of all the teaching Departments;
- (e) all Professors including Emeritus Professors;
- (f) the Director Finance;
- (g) the Controller of Examination;
- (h) the Librarian;
- (i) the Registrar who shall be the secretary of the Academic Council; and
- (j) five eminent professors from other degree awarding institutions in the area relevant to the Institute to be nominated by the Board.

(2) The Academic Council shall meet at least once in each quarter.

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

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

22. Powers and functions of the Academic Council.— (1) The Academic Council shall be the principal academic body of the Institute and shall subject to the provisions of this Act and the Statutes, have the power to lay down proper standards of instructions, research and examinations and to regulate and to promote the academic life of the Institute.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the Statutes, the Academic Council shall have the power to—

- (a) approve the policies and procedures pertaining to the quality of academic programmes;
- (b) approve academic programmes;
- (c) approve the policies and procedures pertaining to student related functions including admissions, expulsions , punishments, examinations and certifications;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) recommend the process and procedures for affiliation of other educational institutions;
- (f) propose to the Board schemes for the constitution and organization of Faculties, teaching departments and boards of studies;
- (g) appoint paper setters and examiners for all examinations of the Institute after receiving panels of names from the relevant authorities;

- (h) institute programmes for the continued professional development of Teachers at all levels;
- (i) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examination of the Institute;
- (j) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (k) frame Regulations for submission to the Board;
- (l) prepare an annual report on the academic performance of the Institute; *and*
- (m) perform such other functions as may be prescribed by Regulations.

23. Appointment of Committees by certain Authorities.— (1) The Board, the Academic Council and other Authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit and may place on such committees the persons who are not members of the Authorities appointing the committees.

(2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by Statutes or Regulations.

CHAPTER - V

STATUTES, REGULATIONS AND RULES

24. Statutes,— (1) Subject to the provisions of this Act, Statutes to be published in the official Gazette may be made to regulate or prescribe all or any of the following matters, namely:—

- (a) the contents of and the manner in which the annual report to be presented by the Rector before the Board shall be prepared;
- (b) the fee and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for employees;
- (d) the scales of pay and other terms and conditions of service of officers teachers and other employees;
- (e) the maintenance of the register of the graduates;
- (f) the establishment of Faculties, departments, schools, centers and other academic divisions;
- (g) the powers and duties of officers and teachers;
- (h) conditions under which the Institute may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (i) conditions for appointment of Emeritus Professors and award honorary degrees;
- (j) efficiency and discipline of Institute employees;
- (k) the constitution and procedure to be followed by the Search Committee for appointment of the Rector;
- (l) constitution, functions and powers of the Authorities of the Institute; *and*
- (m) all other matters which by this Act are to be or may be prescribed or regulated by Statutes.

(2) The draft of the Statutes shall be proposed to the Board, by a committee constituted under the supervision of the Rector, which may approve or pass those with such modifications as the Board may think fit or may refer back to the committee, as the case may be, for reconsideration of the proposed draft:

Provided further that the Board may initiate Statutes with respect to any matter in its power or with respect to which Statutes may be framed in terms of this Act and approve such statutes.

25. Regulations.— (1) Subject to the provisions of this Act and the Statutes, the Academic Council may make regulations, to be published in the official Gazette, for all or any of the following matters, namely:—

- (a) the courses of study for degrees, diplomas and certificates of the Institute;
- (b) the manner in which the teaching referred to in sub-section(1) of section 6 shall be organized and conducted;
- (c) the admission and expulsion of students to and from the Institute;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the Institute and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) the institutions of fellowships, scholarships, exhibitions, medals and prizes;
- (h) the use of the Library;
- (i) the formation of Faculties, departments and board of studies; *and*
- (j) all other matters which by this Act or the statutes are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. The Regulations proposed by the Academic Council shall not be effective unless that receive approval of the Board.

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

27. Rules.—(1) The Authorities and the other bodies of the Institute may make Rules, to be published in the official Gazette, consistent with this Act, Statutes and the Regulations, to regulate any matter relating to the affairs of the Institute which has not been provided for by this Act or that is not required to be regulated by Statues or Regulations, including Rules to regulate the conduct of business and the time and place of meetings and related matters.

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

CHAPTER-VI
FUND OF THE INSTITUTE

28. Fund of the Institute.— The Institute shall have a Fund to which shall be credited its income from fee charges, donations, trusts, bequests, endowments, contributions, grants and all other sources.

29. Audit and accounts.—(1) The accounts of the Institute shall be maintained in such form and in such manner as may be prescribed.

(2) The teaching departments and all other bodies designated as such by the Board in terms of Statutes shall be independent cost centers of the Institute with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it:

Provided that re-appropriation from one head of account to another may be made by the head of a cost centre in accordance with and to the extent prescribed by the Statutes.

(3) All funds generated by a teaching department or other unit of the Institute through consultancy, research or other provision of service shall be made available without prejudice to the budgetary allocation otherwise made after deduction of overheads in the matter and to the extent prescribed by Statutes to the teaching Department or other unit for its development. A part of the funds so generated may be shared with the Institute Teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by Statutes.

(4) No expenditure shall be made from the funds of the Institute, unless a bill for its payment has been issued by the head of the cost center concerned in accordance with the relevant Statutes and the Treasure has verified that the allocation is provided for in the approved budget of the cost center, subject to the authority to re-appropriate available to the head of the cost center.

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

(6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law in force the annual audited statement of accounts of the Institute shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) by a reputed firm of chartered accountants and signed by the Director Finance. The annual audited statement of accounts so prepared shall be submitted to the Auditor-General of Pakistan for his observations.

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

CHAPTER-VII
GENERAL PROVISIONS

30. Opportunity to show cause.— Except as otherwise provided by this Act no officer, teacher or other employee of the Institute holding a permanent post shall be reduced in rank, or removed or compulsorily retired from service for cause arising out of any act or omission on the part of the person concerned unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

31. Appeal to the Rector and the Board.— Where an order is passed punishing any officer, other than the Rector, teacher or other employee of the Institute or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by any officer or teacher of the Institute, other than the Rector, have the right to appeal to the Rector against the order and where the order is passed by the Rector, have the right to appeal to the Board.

32. Service of the Institute.—(1) All persons employed by the Institute in accordance with the terms and conditions of service prescribed by Statutes shall be persons in the service of Pakistan for the purposes of any court or tribunal set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan:

Provided that any provision as regards the terms and conditions of employment of persons in the service of Pakistan in general or in comparable employment notwithstanding the service of persons employed by the Institute shall be entirely governed by the terms and conditions prescribed by the relevant Statutes.

(2) An officer, teacher or other employees of the Institute shall retire from service on the attainment of such age or tenure of service as may be prescribed.

33. Benefits and insurance.— (1) The Institute shall constitute for the benefit of its officers, teachers and other employees schemes, as may be prescribed, for the provision of post-employment benefits as well as health and life insurance while in service.

(2) Where any provident fund has been constituted under this Act the provisions of the Provident Funds Act, 1925 (XIX of 1925), shall apply to such funds as if it were the Government Provident Fund.

34. Commencement of term of office of members of Authority.— (1) When a member of a newly constituted Authority is elected, appointed or nominated his tenure of office shall be as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remains absent from the Institute for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

35. Filling of casual vacancies in Authorities.— Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently may be, in the same manner and by the same person or Authority that had appointed the member whose place has become vacant and the person appointed to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

36. Flaws in the constitution of Authorities.— Where there is a flaw in the constitution of an Authority, as constituted under this Act, the Statutes or the Regulations on account of the abolition of a specified office under Government or because an organization, institution or other body outside the Institute has been dissolved or has ceased to function, or because of some other similar reason, such flaw shall be removed in such manner as the Board may direct.

37. Proceedings of Authorities not invalidated by the vacancies.—No act, resolution or decision of any Authority shall be invalid by reason, of any vacancy in the Authority doing, passing, or making it or by reason of any want of qualifications invalidity in the election, appointment or nomination of any de-facto member of the Authority whether present or absent.

38. First Statutes and Regulations.—(1) Notwithstanding anything to the contrary contained in this Act, the first Statutes and Regulations specified in the Schedule to this Act shall be deemed to be Statutes and Regulations made under sections 24 and 25 respectively and shall continue to remain in force till the time new Statutes and Regulations are framed in accordance with the provisions of this Act.

(2) Notwithstanding anything contained in this Act, the members of the first Board, except the Institute Professors, shall be appointed by the Chancellor in accordance with the number and criteria for membership specified in this Act. The first Board so constituted shall initiate, as soon as possible, the process for recruitment of Institute professors and appointment of members of the Academic Council in accordance with the terms of this Act. The Institute professors to be appointed to the first Board shall be appointed as soon as the procedure prescribed for appointment of Institute professors to the Board has been complied with. The term of tenure provided in sub-section (3) of section 19 notwithstanding, one-third of the members, other than ex officio members, of the first Board, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than ex officio members, of the first Board, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than ex officio members, shall retire from office on expiration of the third year.

(3) Notwithstanding anything contained in this Act, the first Rector shall be appointed by the Chancellor for a period of four years.

39. Interpretation and removal of difficulties.—(1) If any question arises as to the interpretation of any of the provisions of this Act it shall be placed before the Chancellor whose decision thereon shall be final.

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

(3) Where this Act make any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which, it shall be done, then it shall be done by such authority, at such time or in such manner as the Chancellor may direct after obtaining views of the Board.

40. Indemnity.— No suit or legal proceedings shall lie against the Government, the Institute or any Authority, officer or employee of the Institute or a member of an Authority in respect of anything which is done in good faith under this Act.

41. Power to allow appointment of employees of the Government, other universities or educational or research institutions to the Institute.— (1) Notwithstanding anything contained in this Act, the Board may on advice of the Finance and Planning Committee, allow any post in the Institute to be filled in by appointment, on such terms as the Board may specify, an employee of the Government or any other institute or educational or research institution.

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

SCHEDULE
[See Section 38]
The First Statutes of the
Institute of Science and Technology Bahawalpur

1. Faculties.—(1) The Institute shall have the following faculties, namely:—

- (a) Faculty of Engineering
- (b) Faculty of Applied Technologies;
- (c) Faculty of Sciences;
- (d) Faculty of Business and Entrepreneurship; *and*
- (e) Any other Faculty as considered appropriate by the Board.

(2) Each faculty shall include teaching departments, centers or the other teaching or research units as may be prescribed by the Statutes.

2. Board of Faculty.—(1) There shall be a Board of each Faculty which shall consist of—

- (a) the Dean to be appointed in manner prescribed in sub-paragraph (2) of paragraph 3;
- (b) the Professors, the Directors and the Heads of the Teaching Departments comprised in the Faculty;
- (c) Advisor Quality Assurance;
- (d) two members of each Board of Studies comprised in the Faculty to be nominated by the Board of Studies concerned; and
- (e) three teachers to be nominated by the Academic Council by reason of their specialized knowledge of the subjects which, though not assigned to the Faculty have in the opinion of the Academic Council, important bearing on the subjects assigned to the Faculty.

(2) The members mentioned in clauses (d) and (e) of sub-paragraph (1) shall hold offices for two years.

(3) The quorum for a meeting of the Board of a Faculty shall be two-third of the total number of members, 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 to—

- (a) co-ordinate the teaching, publication and research work in the subjects assigned to the Faculty;
- (b) scrutinize the recommendations of the Board of Studies in the Faculty with regard to the appointment or paper setters and examiners, except for research examinations, and to forward the panels of suitable paper setters and examiners for each examination to the Rector;

- (c) consider any other academic matter relating to the Faculty and to report thereon to the Academic Council; *and*
- (d) perform such other functions as may be assigned.

3. Dean.- (1) There shall be a Dean of each Faculty, who shall be the Chairperson and convener of the Board of the Faculty.

(2) The Dean of each Faculty shall be appointed by the Chancellor from among the three senior most Professors in the Faculty for a period of three years. A Dean shall be eligible for re-appointment:

Provided that if no professor is available in a Faculty, the Vice Chancellor may assigned the charge of the post to the Dean of other Faculty till a Professor of the Faculty itself is appointed.

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

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

(5) At any time when the office of the Dean is vacant, or the Dean is absent or is unable to perform the functions of his office due to illness or some other cause, the Dean from other Faculty shall perform the duties of the Dean till the appointment of new Dean or his return to office.

(6) The Vice Chancellor shall initiate the process of appointment of a Dean well before the expiry of the term of the sitting Dean or his retirement.

4. Teaching Departments and Heads of the Departments.—(1) There shall be a Teaching Department for each subject or a group of subjects, as may be prescribed by regulations, and each Teaching Department shall be headed by a Head of the Department.

(2) The Head of a Teaching Department shall be appointed by the Board on the recommendation of the Rector from amongst the three senior most Professors of the Department for a period of three years and shall be eligible for re-appointment:

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

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

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

5. Board of Studies.—(1) There shall be a separate Board of Studies for each subject or group of subjects, as may be prescribed by regulations.

(2) Each Board of Studies shall consist of —

- (a) the Head of the Teaching Department;
- (b) Advisor Quality Assurance; *and*
- (c) all Professors and Associate Professors in the Teaching Department:

Provided that if the total number of Teachers under clause (c) and this clause comes to less than three, this number may be made up by nominating one Lecturer or Assistant Professor from amongst the Teachers; *and*

(d) one teacher of the subject from outside the Department or preferably from any other institution to be appointed by the Rector.

(3) The functions of the Board of Studies shall be to—

(a) advise the Authorities on all academic matter connected with instruction, publication, research and examination in the subject concerned;

(b) propose circular and syllabi for all degrees, diplomas and certificate courses in the subject or subjects concerned; *and*

(c) perform such other functions as may be prescribed.

6. Graduate Studies and Research Board.—(1) The Graduate Studies and Research Board shall consist of —

(a) the Rector as Chairperson;

(b) the Deans;

(c) the Advisor Quality Assurance;

(d) three Professor of the Institute other than Deans to be appointed by the Academic Council; *and*

(e) three Professors from other degree awarding institutions having research qualifications and experience to be appointed by the Board.

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

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

(4) The functions of the Graduate Studies and Research Board shall be —

(a) to advise the Authorities on all matters connected with the promotion of graduate studies, publication and research in the Institute;

(b) to consider and report to the Authorities on the institution of research degrees in the Institute;

(c) to propose regulations regarding the award of research degrees;

(d) to appoint supervisors for research studies and to determine the subjects for their thesis;

(e) to recommend panels of names of paper setters and examiners for research examinations after considering the proposals of the Board of Faculties in this behalf; *and*

(f) to perform such other functions as may be prescribed by regulations.

7. Selection Board.—(1) The Selection Board shall consist of—

(a) the Rector as Chairperson;

(b) Secretary, Ministry of Federal Education and Professional Training or his nominee;

(c) Chairperson of the Commission or his nominee;

(d) concerned Dean of the Faculty;

(e) the two members of the Board of Governors nominated by the Board;

(f) two members from industry nominated by the Board; *and*

(g) Registrar as Secretary of the Selection Board.

(2) The members mentioned in clause (e) and (f) of sub-paragraph (1) shall hold office for two years.

(3) The quorum of Selection Board shall be two-third of the total number of members, fraction being counted as one.

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

(5) In selecting candidates for posts of Professors and Associate Professors, the Selection Board shall co-opted 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 Rector from the standing list of experts for each subject approved by the Board on the recommendation of the Selection Board and revised from time to time.

(6) The Selection Board for teaching and other posts shall consider the applications received in response to advertisement and recommend to the Board of Governors the names of suitable candidates for appointment to teaching or other posts, as the case may be and may also recommend —

(a) the grant of a higher initial pay in a suitable case for reasons to be recorded;
or

(b) the grant of a special pay-package in a suitable case for reasons to be recorded.

8. Finance and Planning Committee.—(1)The Finance and Planning Committee shall consist of —

(a) the Rector as Chairperson;

(b) one member of the Board to be appointed by the Board;

(c) two members of the Academic Council to be appointed by the Academic Council;

(d) representative of the Commission;

(e) representative of the Ministry of Finance;

(f) the Registrar;

(g) the Director Planning & Development; *and*

(h) the Director Finance who shall be the secretary of the Committee.

(2) The quorum for a meeting of the Finance and Planning Committee shall be two-third of the total number of members, fraction being counted as one.

(3) The functions of the Finance and Planning Committee shall be to —

(a) consider the annual statement of accounts and the annual and revised budget estimates and advice the Board thereon;

(b) consider creation and abolishment of teaching and administrative posts and recommend to the Board thereon;

(c) review periodically the financial position of the Institute;

(d) advice the Board on all matters relating to planning, development, finance investments, and accounts of the Institute; *and*

(e) perform such other functions as may be prescribed.

9. Discipline Committee.— (1) The Discipline Committee shall consist of—

- (a) a Chairperson of the Committee to be nominated by the Rector;
- (b) three teachers to be nominated by the Academic Council;
- (c) the officer in-charge of students affairs, by whatever name called, as member who shall also act as Secretary of the Discipline Committee; and
- (d) Registrar or his deputy.

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

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

(4) The functions of the Discipline Committee shall be to —

- (a) to examine and decide complaints referred to it by a head of a department or a competent body or forum against the conduct and behavior of students;
- (b) to propose Regulations to the Academic Council relating to the conduct of students, maintenance of discipline and breach of discipline; and
- (c) to perform such other functions as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

Access to tertiary education in Pakistan in the age cohort of 17-23 years is less than 10 % which is one of the lowest in developing countries of the region and world. We need to have more Universities in both public and private sectors. The Federal Government intends to establish “Institute of Science and Technology, Bahawalpur” to contribute to the nation’s scientific and technological human resource needs and to impart high quality education in identified areas fully comparable with international accreditation standards.

The Bill further provides the opportunities to build the image of Pakistan at national and international forums. The cooperation of affiliated institute in structuring departments with fresh ideas and learning process meeting the international best practices.

The Bill seeks to achieve the aforesaid objects.

(ENGR. MUHAMMAD BALIGH-UR-REHMAN)

Minister for Federal Education and
Professional Training