

[AS INTRODUCED IN THE SENATE]

A
BILL*A Bill to provide for the establishment of the Smart University of Sciences & Technology*

Whereas it is necessary to provide for the establishment of the Smart University of Sciences & Technology in the private sector and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY**1. Short Title, Extent and Commencement.—**

- (1) This Act may be called as the Smart University of Sciences & Technology Act, 2022.
- (2) It shall extend to whole of Pakistan.
- (3) It shall come into force at once.

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

- (a) —“Academic Council” means the Academic Council of the University;
- (b) — “Authority” means any of the Authorities of the University setup under section 19;
- (c) — “Board” means the Board of Governors of the University;
- (d) — “Chancellor” means the Chancellor of the University;
- (e) — “College” means a constituent college;
- (f) — “Commission” means the Higher Education Commission of Pakistan;
- (g) — “Constituent College” means an educational institution, by whatever name described, maintained and administered by the University;
- (G) — “Sponsoring body” means company “SMART HIGHER EDUCATION SERVICES (PVT). LIMITED” registered vide Corporate Unique No. 0193409 with Security and Exchange Commission of Pakistan ;”
- (h) — “Dean” means the head of a faculty of the University;
- (i) — “Department” means a teaching department of the University;

- (j) — “Director” means the head of an institute established as a constituent institute by the University;
- (k) — “Executive Committee” means the Executive Committee of the University;
- (l) — “Faculty” means an administrative and academic unit of the University consisting of one or more departments;
- (m) — “Government” means the Federal Government;
- (n) — “Institute” means an institute maintained and administered by the University;
- (o) — “Officer” means any officer(s) of the University;
- (p) — “Patron” means the Patron of the University;
- (q) — “Prescribed” means prescribed by Statutes, regulations or rules;
- (r) — “Professor Emeritus” means a retired Professor appointed by the Chancellor on honorary basis;
- (s) — “Principal” means the head of a College;
- (t) — “Registrar” means the Registrar of the University;
- (u) — “Review Panel” means the Review Panel setup by the Chancellor under section 10;
- (v) — “Representation Committees” means the representation committees constituted under section 25;
- (w) — “Search Committee” means the search committee set up by the Board under section 14;
- (x) — “Statutes”, “Regulations” and “Rules” means respectively the Statutes, the Regulations and the Rules made under this Act;
- (y) — “Teacher” includes Professor, Associate Professor, Assistant Professor and Lecturer engaged whole-time by the University, or by a constituent college;
- (z) — “University” means the Smart University of Sciences & Technology constituted under this Act;
- (zb) — “University Teacher” means a whole-time teacher appointed and paid by the University; and
- (ac) — Vice-Chancellor means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

3. Establishment and Incorporation of the University.— (1) There shall be established at Rawalpindi a University to be called the Smart University of Sciences & Technology consisting of:

- (a) the Patron, the Chancellor, the Vice Chancellor, the members of the Board, the members of Executive Committee, deans, the chairmen of the teaching departments and members of the Academic Council of the University;
- (b) the members of the boards, committees and other bodies as the Board may establish;
- (c) the teachers and students of the University and its constituent units; and
- (d) such other officers and members of the staff as the Board may, from time to time, specify.

(2) The University shall be a body corporate by the name of Smart University of Sciences & Technology both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(3) The principal seat of the University shall be at Rawalpindi and it may set up its campuses, colleges, institutes, offices, research/study centers and other facilities at such places in Pakistan as Board of Governors may determine. The additional campuses shall be setup in other parts of the country only after their evaluation by the Higher Education Commission to determine whether they meet the eligibility criteria fixed by the Commission.

(4) The University 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 been acquired by it.

(5) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the 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). In particular, and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board in the annual budget of the University.

4. Functions and Powers of the University.—

(1) The University shall be an autonomous body and shall have the powers to—

(a) provide for teaching and training in faculties of Computer Sciences & Information Technology, Management Sciences and Business Administration, Law, Commerce, Humanities, and Social Sciences, Art and Fashion Designing, Engineering, Architecture and Design, Natural Sciences), Food and Culinary Sciences, Pharmaceutical Sciences, and any other branches of knowledge as the Board may determine and, where applicable, subject to the prior approval of the relevant statutory body of professional education; and

(b) decide teaching methods and strategies in order to ensure the most effective educational and training programs that may include virtual, on-campus, online, distance learning, lectures, tutorials, discussions, courses of studies, seminars, demonstrations and other methods of instructions as well as practical work, workshops, internship, apprenticeship in the industries, financial institutions, laboratories, hospitals, and other organizations etc.;

(c) hold examinations in the prescribed manner;

(d) award degree, diploma, certificate and other academic distinction to the person who fulfilled all the mandatory prerequisites for this purpose;

(e) confer honorary degree on a person of eminence subject to the prior approval of the Chancellor;

(f) offer employment/promotion as Professor, Associate Professor, Assistant Professor, Lecturer, Teaching Fellow, Research Associate, Research Assistant, Principal Officers and other employees for teaching/research/administrative work in the University;

- (g) provide career counseling and job search services to the students and alumni;
- (h) allow the credit transfer of study spent by a student of the University at any other university or place of learning equivalent to credit transfer of study of the University and may withdraw such acceptance as per prevalent policy;
- (i) promote extracurricular and recreational activities of the students and make arrangements for promoting the health and general welfare of the students;
- (j) University and collaborate with a national or international university/authority, public/private research/commercial/industrial enterprise for the students/faculty exchange faculty training/research/advisory/consultancy services in the manner and for such purpose as may be prescribed;
- (k) Sandwich Programs and Split Programs between National and International Universities;
- (l) create a post for teaching/administration/training/research or other related purpose;
- (m) may enter into, carry out, vary or cancel contracts where necessary;
- (n) print and publish Research or other Intellectual Patents; and perform any other prescribed Ancillary Function;
- (o) make provision for Research, Advisory or Consultancy Services, sign MoUs and enter into arrangements with any other Institution, Public or Private Body, Commercial or Industrial enterprise in the prescribed manner; receive and manage property transferred and grants, contributions made to the University and to invest any fund in the manner as it may deem fit;
- (p) develop and implement fundraising plans;
- (q) demand and receive such fees and other charges from the students as it may determine from time to time;
- (r) start financial aid programs for students in need, to the extent considered feasible by the Board given the resources available, so as to enable admission and access to the University and the various opportunities provided by it to be based on merit rather than ability to pay;
- (s) receive, manage, transfer and dispose of property, grants, contributions made to the University and to invest any fund in the manner as it may be prescribed;
- (t) maintain order, discipline and security in the campus of the University; and
- (u) perform any other prescribed or ancillary function.

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

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

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

6. Teaching at the University.– (1) All recognized teaching in various courses shall be conducted by the University or the colleges in the prescribed manner and may include lectures, tutorials, discussions,

seminars, demonstrations and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other organizations.

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

CHAPTER III OFFICERS OF THE UNIVERSITY

7. Officers of the University.— The following shall be the officers of the University, namely:-

- (a) Patron;
- (b) Chancellor;
- (c) Vice-chancellor;
- (d) Deans;
- (e) Principals of the constituent colleges;
- (f) Head of the teaching departments;
- (g) Registrar;
- (h) Treasurer;
- (i) Controller of Examinations; and
- (j) such other persons as may be prescribed by the statutes or regulations.

8. Patron.— (1) The President of Islamic Republic of Pakistan shall be the Patron of the University.

(2) The Patron shall, when present, preside at the convocation of the University. In the absence of the Patron, the Board of Governors may request a person of eminence or the Chancellor to preside over the convocation of the University.

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

9. Visitation.— (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made on his own motion or at the request of the Higher Education Commission in respect of any matter connected with the affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of:

- (a) the University, its building, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the University;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the University; and
- (e) such other matters as the Patron may specify.

(2) The Patron shall communicate to the Board his views with regard to the result of visitation and shall, after ascertaining the views of the Board, advise the Chancellor on the action to be taken by it.

(3) The Chancellor shall, within such time as may be specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of visitation.

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

10. Chancellor.— (1) The shareholders/partners of the company shall decide with mutual consent to choose, appoint or elect the Chancellor of the University amongst them.

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

(3) where the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may, —

(a) as regards proceedings of the Board, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued: Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed he may, after calling upon the Board to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Board. The report of the Review Panel shall be submitted within such time as may be prescribed by the Chancellor. The Review Panel shall be drawn from persons of eminence in academics and in the fields of law, accountancy and administration; and

(b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Board, direct the Board to exercise powers under section 19.

(4) The Chancellor may remove any person from the membership of any authority if such person:-

(a) has been found of unsound mind; or

(b) has been incapacitated to function as a member of such Authority; or

(c) has been convicted by a court of law for an offence involving moral turpitude; or

(d) has been found indulging in any activity against the interest of the University.

(5) Should the Chancellor be incapacitated from acting as such due to absence or any other cause, the Vice Chancellor or a nominee of the Chancellor shall act for him.

11. Removal from the Board.— (1) The Chancellor may, upon the recommendation of the Review Panel, 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 functions.

(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-fourth 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.

12. Vice-Chancellor.— (1) There shall be a Vice-Chancellor of the University who shall be an eminent academician or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions of the University and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any authority or body of the University.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires an immediate action ordinarily not in the competence of the Vice-Chancellor, take such action and report to the Board.

(5) The Vice-Chancellor shall also have the following powers, namely:—

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

(b) to sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget;

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

(d) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the University 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 University; and

(f) to exercise and perform such other powers and functions as may be prescribed.

13. Appointment and Removal of the Vice-Chancellor.— (1) The Vice-Chancellor shall be appointed by the Chancellor on recommendations made by the Board.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Board on the date and in the manner prescribed by the Statutes and shall consist of two eminent members of society nominated by the Chancellor, of whom one shall be appointed the Convener, two members of the Board, two distinguished University Teachers who are not members of the Board and one academician of eminence not employed by the University. The two distinguished University Teachers shall be selected by the Board through a process, to be prescribed by Board, that provides for the recommendation of suitable names by the University Teachers in general. The Search Committee shall remain in existence till such time that the appointment of the next the Vice-Chancellor has been made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-chancellor shall be considered by the Board and of these a panel of three, in order of priority, shall be recommended by the Board to the Chancellor: Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendations of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor the search committee shall make a proposal to the Board in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by statute. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on

receipt of a resolution of the Board in support of such renewal: Provided that the Chancellor may call upon the Board to reconsider such resolution once.

(5) The Board may, pursuant to a resolution in this behalf passed by three-fourth of its membership, recommend to the Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind: Provided that the Chancellor may make a reference to the Board stating about inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that has come to his notice. After consideration of the reference the Board may, pursuant to a resolution in this behalf passed by two-third of its membership, recommend to the Chancellor the removal of the Vice-Chancellor: Provided further that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

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

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

14. Dean.— (1) There shall be a dean of each faculty to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The dean shall be in charge of the faculty and shall assist the Vice Chancellor on matters relating to teaching, research, academic program and extension of other development projects.

(3) Subject to overall supervision of the Vice Chancellor, the dean shall formulate and recommend to the Academic Council, rules and delegations relating to academic and research matter of the faculty.

(4) The dean shall also have the following powers, namely:-

(a) to collaborate with universities, industry and other research organizations.

(b) to formulate recommendations to the Academic Council on the courses of study to be taught in different departments of the faculty;

(c) to co-ordinate the award of fellowships, stipends, medals and prizes;

(d) to coordinate the teaching and research work of the faculty;

(e) to perform such other functions and exercise such other powers as may be entrusted or delegated to him by the Board or the Vice Chancellor; and

(f) to delegate any of his powers to appropriate levels of management, subject to such conditions as he may deem fit.

15. Registrar.— (1) There shall be a Registrar of the University to be appointed by the Chancellor on the recommendation of the Vice-Chancellor, 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 University and shall:—

- (a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the authorities of the University;
 - (b) be the custodian of the common seal and the academic record of the University;
 - (c) maintain a register of registered graduates in the prescribed manner;
 - (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; 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 advice of the Vice Chancellor, terminate appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

16. Treasurer.— (1) There shall be a Treasurer of the University to be appointed by the Board on the recommendation of the Vice Chancellor, on such terms and conditions as may be prescribed.

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

(3) The Treasurer shall be chief financial officer of the University and shall:—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare the annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that funds of the University are expended on the purposes for which they are provided; (d) have the accounts of the University audited annually; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be a renewable period of three years: Provided that the Board may, on the advice of the Vice Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

17. Controller of Examinations.— (1) There shall be a Controller of Examinations, to be appointed by the Board on the recommendation of the Vice-Chancellor, 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 University and shall be responsible for all matters connected with the conduct of examinations and shall 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 Vice Chancellor, terminate appointment of the Controller of examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

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

(a) authorities established by the Act:—

- (i) Board;
- (ii) Executive Committee;
- (iii) Academic Council;

(b) authorities to be established by the statutes:—

- (i) board of Advanced Studies and Research;
- (ii) board of Studies;
- (iii) selection board;
- (iv) finance and planning committee;
- (v) search committee for the appointment of the Vice Chancellor;
- (vi) representation committees for appointment to the Board, Executive Committee and the Academic Council;
- (vii) quality assurance committee;
- (viii) discipline committee; and
- (ix) such other authorities as may be prescribed by the Board.

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

(a) the Chancellor who shall be the chairperson of the Board;

(b) the Vice-Chancellor;

(c) one member of the Government not below the rank of Additional Secretary from the Ministry of Education;

(d) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering, such that the appointment of these persons reflects a balance across the various fields:

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

(e) one person from amongst the alumni of the University; (f) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college;

(g) four University teachers; and

(h) one person nominated by the Commission.

(2) The number of the members of the Board described under clauses (e) to (h) of sub-section (1) may be increased by the Board through statutes subject to condition that the total membership of the Board does not

exceed twenty one, with a maximum of five University teachers, and the increase is balanced, to the extent possible, across the different categories specified in sub-section (1).

(3) All appointments to the Board shall be made by the Chancellor. Appointments of persons described under clauses (e) and (f) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the representation committee set up in terms of section 25 and in accordance with procedure as may be prescribed: Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Board. Provided that as regards the University teachers described in clause (g) of sub-section (1) the Board shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of University teachers. Provided also that the Board may alternatively prescribe that appointment of University teachers to the Board shall also be in the manner provided by this sub-section for the persons described in clauses (e) and (f) of sub-section (1).

(4) Members of the Board, other than ex officio members, shall hold office for three years. One-third of the members, other than ex officio members, of the first restructured 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 restructured 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: Provided that no person, other than an ex officio member, may serve on the Board for more than two consecutive terms:

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

(5) The Board shall meet at least twice in a calendar year.

(6) Service on the Board shall be on honorary basis:

Provided that actual expenses may be reimbursed as may be prescribed.

(7) The Registrar shall be secretary of the Board.

(8) In the absence of the Chancellor meetings of the Board shall be presided over by such member, not being an employee of the University or the Government, as the Chancellor may, from time to time, nominate. The member so nominated shall be the convener of the Board.

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

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

20. Powers and functions of the Board of Governors. – (1) The Board shall have power of general supervision over the University and shall hold the Vice-Chancellor and the Authorities accountable for all the functions of the University. The Board shall have all powers of the University not expressly vested in an authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its functions but which are not inconsistent with the provisions of this Act or the statutes, regulations and rules made thereunder.

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

(a) to approve proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of accounts;

(b) to 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 immovable property;

(c) to oversee quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;

(d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;

(e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University;

(f) to approve strategic plans of the University;

(g) to approve financial resource development plans of the University;

(h) to consider drafts of statutes and regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Board may frame a statute or regulation on its own initiative and approve it after calling for the advice of the Executive Committee or the Academic Council as the case may be;

(i) to annul by order in writing the proceedings of any authority or officer if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such Authority or officer to show cause why such proceedings should not be annulled;

(j) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;

(k) to make appointment of members of the Executive Committee, other than ex officio members, in accordance with the provisions of the Act;

(l) to make appointment of members of the Academic Council, other than ex officio members, in accordance with the provisions of this Act;

(m) to appoint Professors Emeritus on such terms and conditions as may be prescribed;

(n) to remove any person from the membership of any authority if such person:

(i) has become of unsound mind; or

(ii) has become incapacitated to function as member of such authority; or

(iii) has been convicted by a court of law for an offence involving moral turpitude; and

(o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

(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 University at its main campus, to any authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Board may create new posts or positions at the additional campus.

21. Executive Committee. – (1) There shall be an Executive Committee of the University consisting of the following:–

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

(b) Deans of the faculties of the University;

(c) three professors from different departments, who are not members of the Board, to be elected by the University teachers in accordance with procedure to be prescribed by the Board;

(d) Principals of the constituent colleges;

(e) Registrar;

(f) Treasurer; and

(g) Controller of Examinations;

(2) Members of the Executive Committee, other than ex officio members, shall hold office for three years.

(3) As regards the three Professors described in clause (c) of sub-section (1) the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on the recommendation of the Vice Chancellor.

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

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

22. Powers and duties of the Executive Committee.— (1) The Executive Committee shall be the executive body of the University and shall, subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, the statutes and directions of the Board the Executive Committee shall have the following powers:—

(a) consider the annual report, the annual and revised budget estimates and to submit these to the Board;

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

(c) enter into, vary, carry out and cancel contracts on behalf of the University;

(d) cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;

(e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882), or in the purchase of immovable property or in such other manner, as may prescribe, with the like power of varying such investments;

(f) receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the University;

(g) administer any funds placed at the disposal of the University for specified purposes; (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;

(i) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;

(j) recommend to the Board admission of educational institutions to the privileges of the University and withdraw such privileges;

(k) to arrange for the inspection of colleges and the departments;

(l) institute Professorships, Associate Professorships, Assistant Professorships, Lectureships, and other teaching posts or to suspend or to abolish such posts;

(m) create, suspend or abolish such administrative or other posts as may be necessary;

(n) prescribe the duties of officers, teachers and other employees of the University;

(o) report to the Board on matters with respect to which it has been asked to report;

(p) appoint members to various authorities in accordance with the provisions of this Act;

- (q) propose drafts of Statutes for submission to the Board;
- (r) regulate the conduct and discipline of the students of the University;
- (s) take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any authority or officer or a committee; and
- (u) perform such other functions as have been assigned to it by provisions of the Bill or may be assigned to it by the Statutes.

23. Academic Council.— (1) There shall be an Academic Council of the University consisting of the following:—

- (a) Vice Chancellor who shall be its Chairperson;
- (b) Deans of faculties and such heads of departments as may be prescribed;
- (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Board;
- (d) five Professors including Professors Emeritus;
- (e) Registrar;
- (f) Controller of Examinations; and
- (g) Librarian.

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

Provided that as regards the five professors and the members representing the departments, institutes and the constituent colleges the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice Chancellor.

- (3) Members of the Academic Council shall hold office for three years.
- (4) The Academic Council shall meet at least once in each quarter.
- (5) The quorum for meetings of the Academic Council shall be one half of the total number of members, a fraction being counted as one.

24. Powers and functions of the Academic Council.— (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the statutes, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University and the colleges.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act and the statutes, the Academic Council shall have the 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 certification;
- (d) approve the policies and procedures assuring quality of teaching and research; (e) propose to the Executive Committee schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (f) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (g) institute programmes for the continued professional development of University teachers at all levels;
- (h) recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University;
- (i) regulate award of studentships, scholarships, exhibitions, medals and prizes;
- (j) frame Regulations for submission to the Board;
- (k) prepare an annual report on the academic performance of the University; and
- (l) perform such functions as may be prescribed by regulations.

25. Representation Committees.— (1) There shall be a representation committee constituted by the Board through Statutes for recommendation of persons for appointment to the Board in accordance with the provisions of section 19.

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

(3) Members of the representation committee for appointments to the Board shall consist of the following:—

- (a) three members of the Board who are not University teachers;
- (b) two persons nominated by the University teachers from amongst themselves in the manner prescribed;
- (c) one person from the academic community, not employed by the University, at the level of professor or college principal to be nominated by the University teachers in the manner prescribed; and
- (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Board.

(4) The representation committee for appointments to the Executive Committee and the Academic Council shall consist of the following:

- (a) two members of the Board who are not University teachers.
- (b) three persons nominated by the University teachers from amongst themselves in the manner prescribed.

(5) The tenure of the representation committees shall be three years: Provided that no member shall not serve for more than two consecutive terms.

(6) The procedures of the representation committees shall be as may be prescribed.

(7) There may also be such other representation committees set up by any of the other authorities of the University as are considered appropriate for recommending persons for appointment to the various authorities and other bodies of the University.

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

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

CHAPTER V STATUTES, REGULATIONS AND RULES

27. 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:—

(a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Board shall be prepared;

(b) the University fees and other charges;

(c) constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;

(d) scales of pay and other terms and conditions of service of officers, teachers and other University employees;

(e) maintenance of the register of registered graduates;

(f) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;

(g) establishment of faculties, departments, institutes, colleges, study centres and other academic divisions;

(h) powers and duties of officers and teachers;

(i) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;

(j) conditions for appointment of Emeritus Professors and award of honorary degrees;

(k) efficiency and discipline of University employees;

(l) the constitution and procedure to be followed by representation committees in carrying out functions in terms of this Act;

(m) the constitution and procedure to be followed by the Search Committee for appointment of the Vice Chancellor;

(n) constitution, functions and powers of the authorities of the University; and

(o) all other matters which by this Act are to be or may be prescribed or regulated by statutes.

(2) The draft of statutes shall be proposed by the Executive Committee to the Board which may approve or pass with such modifications as the Board may think fit or may refer back to the Executive Committee, as the case may be, for reconsideration of the proposed draft: Provided that statutes concerning any of the matters mentioned in clauses (a) and (l) of sub-section (1) shall be initiated and approved by the Board, after seeking the views of the Executive Committee: Provided further that the Board may initiate a statute with respect to any matter in its power or with respect to which a statute may be framed in terms of this Act and approve such Statute after seeking the views of the Executive Committee.

28. 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:—

- (a) courses of study for degrees, diplomas and certificates of the University;
- (b) manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) admission and expulsion of students to and from the University;
- (d) conditions under which students shall be admitted to the courses and examinations of the University and shall become eligible for award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) use of the Library;
- (i) 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. A regulation proposed by the Academic Council shall not be effective unless it receives approval of the Board.

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

29 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.

30. Rules.— (1) The authorities and the other bodies of the University may make rules, to be published in the official Gazette, consistent with the Act, statutes or the regulations, to regulate any matter relating to the affairs of the University which has not been provided for by this Act or that is not required to be regulated by statutes 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 Executive Committee.

CHAPTER VI

UNIVERSITY FUND

31. The University Fund.- (1) The university shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

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

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, shall be accepted without prior approval of the Board.

32. Audit and Accounts.- (1) The accounts of the University shall be maintained in such form and manner as may be determined by the Board and shall be audited each year within four months of the closing of the financial year of the University by an independent Chartered Accountant appointed by the Board.

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

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

CHAPTER VII

GENERAL PROVISIONS

33. Retirement from Service.- An employee of the University shall retire from service:

(a) on the attainment of such age or tenure of service as may be prescribed for pension or other retirement benefits, as the competent authority may direct:

Provided that no employee shall be compulsorily retired unless he has been informed in writing on the grounds of the action proposed to be taken against him and has been given reasonable opportunity of showing cause against that action; or

(b) where no direction is given under clause (a) above, an employee shall retire on the completion of sixty years of his age.

34. Opportunity of show cause.- Except as otherwise provided, no officer, teacher or other employee of the University holding a permanent post, shall be reduced in rank, or removed or compulsorily retired from service, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

35. Appeal to the Board.- (1) Where an order has been passed punishing an employee other than the Vice Chancellor, or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed, by the Vice Chancellor or any other officer or teacher of the University, has the right to appeal to the Board against the order, and where the order is made by the Board has the right to apply to the Board for review of that order.

(2) The appeal or application for review shall be submitted to the Vice Chancellor who shall lay it before the Board with his views and record of the case.

(3) No order in appeal or review shall be made unless the appellant or the applicant, as the case may be has been given an opportunity of being heard.

36. Benefits and Insurance.- (1) The University shall constitute for the benefit of its employees in such manner and subject to such conditions as may be prescribed, such pension, insurance, gratuity, provident fund and benevolent fund schemes as it may deem fit.

(2) Where any provident fund has been constituted under this Act the provision of Provident Fund Act, 1925 (XIX of 1925) shall apply to such fund.

37. Commencement of term of members of Authorities.- (1) When a member of a authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

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

38. Filling of casual vacancies in authorities.- Any casual vacancy among the appointed or nominated members of any authority shall be filled as soon as conveniently possible by the person or the body who appointed or nominated the members whose place has become vacant shall be member of such Authority for the residue of the term for which the person whose place he fills would have been a member. Provided that where a vacancy in the membership of an authority other than the Board, cannot be filled for the reason that the member was ex-officio, and the office has ceased to exist, or the organization, institution or other body other than the University has ceased to exist or has ceased to function, or for any other circumstances which make it impracticable to fill the vacancy, the vacancy shall be filled in such manner as the Board may direct on the recommendation of the Vice Chancellor.

39. Disputes about membership of authorities.- (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any authority shall cease to be member of such authority as soon as he cease to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Chancellor, two nominees of the Board and a nominee of the Vice Chancellor and the decision of the committee thereon shall be final and binding.

40. Proceedings of authorities not invalidated by the vacancies.- No act, resolution or decision of any authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or appointment or nomination of any de facto member or the authority, whether present or absent.

41. Transitory Provisions.- (1) Notwithstanding anything contained in this Act, the Board shall be structured and the members thereof, except the University teachers, appointed by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. As regards the University teachers, they shall also be appointed by the Chancellor for first structured Board and subsequently they will be elected or appointed as per prescribed manner. The first structured Board so constituted shall initiate, as soon as possible, the process for the appointment of the members of the Executive Committee and the Academic Council in accordance with the terms of this Act. The term of tenure provided in sub-section (4) of section 19 notwithstanding, one-third of the members, other than ex-officio members, of the first structured 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 structured 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 the expiration of the third year.

(2) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the Chancellor for a period of three years.

42. Removal of Difficulties.- If any difficulty arises as to the first constitution or reconstitution of any authority upon coming into force of this Act or otherwise in giving effect to any provision of this Act the Patron may give appropriate directions to remove such difficulty.

43. Indemnity.- No suit or legal proceedings shall lie against the Government, the University or any authority or employee of the University or any person, in respect of anything which is done, or purported to have been done in good faith this Act.

STATEMENTS OF AIMS AND OBJECTS

It is important to establish an Institute in Private Sector to provide high quality, comprehensive educational and training opportunities that are compatible to changing needs of the students. Through its academic programs, like Professional Technologies, Management Studies, Social Sciences & Humanities, the university prepares its students for the challenges of the 21st century and empowers them to meet the rapidly changing world. This Bill aims at providing a charter for the establishment of Smart University of Sciences & Technology, and to regulate its faculties, staff, and students with enabling environment and infrastructure to help them develop potential for scholarship, creative work, professional realization, and service.

**SENATOR NASEEBULLAH BAZAI
SENATOR PRINCE AHMED UMER AHMEDZAI
SENATOR DILAWAR KHAN
MEMBERS-IN-CHARGE**