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PART IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 27th July, 1994

No. PAS/Leis-B-14/94.—The Indus Valley School of Art and Architecture at Karachi Bill, 1994 having been passed by the Provincial Assembly of Sindh on 15th June, 1994 and assented to by the Governor of Sindh on 18th July, 1994 is hereby published as an Act of the Legislature of Sindh.

THE INDUS VALLEY SCHOOL OF ART AND ARCHITECTURE
AT KARACHI ACT, 1994.

SINDH ACT NO. XVI OF 1994

(First published after having received the assent of the Governor of Sindh in the gazette of Sindh (Extra-Ordinary) Dated 27th July, 1994).

AN

ACT

*to provide for the establishment of Indus Valley School of Art and
Architecture at Karachi.*

WHEREAS, it is expedient to establish a School known as the Indus Preamble. Valley School of Art and Architecture and to confer on it the power to award degrees, diplomas, Certificates and other acadmic distinctions and for the matters ancillary thereto;

Short title
and commence-
ment.

It is hereby enacted as follows:—

1. (i) This Act may be called the Indus valley school of Art and Architecture at Karachi Act 1994.

Definitions.

- (2) It shall come into force on and from 1st May, 1994.

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

- (i) "Academic Committee" means the Academic Committee of the School;
- (ii) "Authority" means an authority of the School specified in section 12;
- (iii) "Board" means the Board of Governors of the School;
- (iv) "Chairman" means the Chairman of the Board of Governors;
- (v) "Dean" means the Head of a Faculty;
- (vi) "Executive Director" means the Head of the School;
- (vii) "Faculty" means a Faculty of the School;
- (viii) "Government" means the Government of Sindh;
- (ix) "prescribed" means prescribed by statutes, regulations or rules;
- (x) "School" means the Indus Valley School of Art and Architecture;
- (xi) "Society" means the Society of Indus Valley School of Art and Architecture;
- (xii) "statutes, regulations and rules" means respectively the statutes, regulations and rules made under this Act.

CHAPTER—I

THE SCHOOL

Establishment
of the
School.

3. (1) A School to be called the Indus Valley School of Art and Architecture shall be established by reconstituting and reorganizing the School being run by the Society immediately before the coming into force of this Act.

(2) The School shall be a body corporate by the name of the Indus Valley School of Art and Architecture having perpetual succession and a common seal with power among others, to acquire, hold and dispose of any property both movable and immovable vesting in it and shall by the said name, sue and be sued.

4. The School shall be open to all persons of either sex of whatever religion, race, creed, colour or domicile who are academically qualified for admission to the courses of study offered by the School, and no such person shall be denied the privilege on the ground only of sex, religion, race, creed, colour or domicile.

School open to all.

5. (1) The purposes of the School shall be the promotion and dissemination of knowledge and to provide for instruction, training, research, demonstration and service in fields of art, architecture, planning, crafts, designs and related disciplines at the under graduate and post graduate levels.

The purpose powers and functions of the School.

(2) The School shall be fully autonomous body with freedom to govern its academic functions in order to achieve its objectives, in particular freedom to—

- (i) select, admit and examine students and to confer or award degrees, diplomas, certificates and other academic distinctions;**
- (ii) affiliate itself or associate with other institutions and establish Faculties and Teaching Departments to discharge its functions and responsibilities for the betterment of education.**
- (iii) confer honorary degrees or other distinctions on approved persons, in the manner prescribed;**
- (iv) prescribe courses of studies and undertake research as it may determine;**
- (v) provide and support other facilities for education, professional training and research;**
- (vi) affiliate and disaffiliate educational institutions and inspect such institutions or associate itself with other selected educational training and research institutions, provide them with services and facilities for the effective discharge of their functions and responsibilities and determine teaching methodology techniques and strategies in order to ensure the most effective educational training and research programmes;**
- (vii) receive and manage property, grants, bequests, trusts, gifts, donations, endowments and other contributions made to the School and to invest them in such manner as it may deem fit;**
- (viii) enter into agreements, contracts and arrangements with Government, organizations, institutions, bodies or individuals for carrying out its functions and activities;**
- (ix) demand and receive such fees and other charges as it may determine;**

- (x) appoint members of the various bodies and committees, as the Board may determine for instructional and co-curricular activities;
- (xi) appoint such officers including teachers and members of the staff and prescribe terms and conditions, powers and duties of such officers and staff;
- (xii) do all such other acts and things as may be requisite to further its objectives.

CHAPTER II

OFFICERS OF THE SCHOOL

Officers of
the School.

6. The following shall be the Officers of the School—

- (i) the Patron;
- (ii) the Chairman, Board of Governors;
- (iii) the Chairman, Executive Committee;
- (iv) the Executive Director;
- (v) the Deans;
- (vi) the Chairmen of Teaching Departments;
- (vii) the Registrar; and
- (viii) such other persons as may be prescribed to be the Officers of the school.

The Patron.

7. The Governor, Sindh, shall be the Patron of the School.

The Chair-
man of the
Board of
Governors.

8. (1) The Chairman shall be a person of eminence, known for his contributions in the field of knowledge or service to society and appreciated for his high moral and intellectual calibre.

(2) The Chairman shall be appointed by the Patron on the recommendation made by the Board.

(3) The Chairman shall, when present, preside at the convocations of the School.

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

(5) If the Chairman is satisfied that the proceedings of any Authority or orders of any officer are not in accordance with the provisions of this Act, the Statutes, the Regulations, or the Rules, he may after calling upon such Authority or officer to show cause why such proceedings should not be annulled, by order in writing annul such proceedings or orders.

(6) Should the Chairman be incapacitated from acting as such due to absence or any other cause, the Chairman of the Executive Committee shall act for him.

9. (1) The Chairman may cause a visitation or enquiry to be made in respect of any matter connected with the affairs of the School and appoint such person or persons as he may deem fit for the purpose. Visitation.

(2) The Chairman shall, on receipt of a report under sub-section (1), issue such directions as he thinks fit and the Executive Director shall comply with such directions.

10. (1) The Chairman of the Executive Committee shall be appointed by the Board from amongst the members of the Board.

The Chairman of the Executive Committee.

(2) At any time when the office of the Chairman, Executive Committee is vacant, or the Chairman Executive Committee is absent or is unable to perform the functions of his office due to illness or some other cause, his functions shall be performed by the other nominee of the Board.

11. (1) The Executive Director shall be appointed by the Board on the recommendation of the Executive Committee.

(2) At any time when the office of the Executive Director is vacant or the Executive Director is absent or is unable to perform the functions of his office due to any cause, the Chairman of the Executive Committee shall make such arrangement for the performance of the duties of the Executive Director as he may deem fit. The Executive Director.

(3) The Executive Director shall be the principal academic and administrative officer of the School, and shall be responsible for proper implementation of the provisions of this Act, directions of the Board, decisions of the Executive Committee and execution of the policies and programmes of the School assigned by the Executive Committee.

(4) The Executive Director may in an emergency which in his opinion required immediate action, take such action as he may deem necessary and shall, thereafter as soon as possible, report his action to an officer, authority or other body, which in the ordinary course would have deal with the matter.

(5) In particular and without prejudice to the generality of the foregoing powers, the Executive Director shall also have the following powers—

- (a) to sanction all expenditure provided for in the approved budget and to re-appropriate funds within the same major head of expenditure;

- (b) to direct teachers, officers and other employees of the School **to take up** such assignments in connection with teaching, research, examination and administration and such other activities in the School, as he may consider necessary;
- (c) to delegate subject to such conditions if any, as may be prescribed, any of his Powers under this Act to an officer or other employee of the School;
- (d) to appoint employees of such categories in respect of which powers have been delegated to him by the Board;
- (e) to exercise and perform such other powers and functions as may be delegated to him by the Executive Committee from time to time.

CHAPTER III

AUTHORITIES OF THE SCHOOL

Authorities.

12. The following shall be the Authorities of the School:—

- (i) the Board of Governors;
- (ii) the Executive Committee;
- (iii) the Academic Committee;
- (iv) the Finance and Planning Committee; and
- (v) such other Authorities as may be prescribed.

Board of Governors.

13. (1) The general supervision and control of the affairs of the School and its power to lay down policies shall vest in the Board consisting of the following—

- (a) the Chairman;
- (b) the Chief Justice of the High Court of Sindh or a judge of the High Court to be nominated by him;
- (c) the Secretary to the Government of Sindh, Education Department;
- (d) the Chairman, University Grants Commission, or whole time Member of the Commission to be nominated by him;
- (e) All the members of the Board of Governors of the Society nominated by the Chairman.

(2) A member nominated by the Chief Justice of the High Court of Sindh under clause (b) or by the Chairman of the University Grants Commission under clause (d) or by the Chairman under clause (e) shall hold office for a term of three years unless he earlier ceases to be a member by **resignation** or the nomination of another person in his place by the authority nominating him.

(3) The Executive Director shall act as the Secretary of the Board.

(4) No act or proceedings of the Board shall be invalid by reason only of the existence of a vacancy in or a defect in the constitution of the Board.

(5) A casual vacancy of a nominated member shall be filled by the authority which had nominated the member whose vacancy is to be filled.

14. (1) In particular and without prejudice to the generality of the provisions of sub-section (1) of section 13, the Board shall exercise and perform the powers and functions as follows:—

Powers and Functions of the Board.

- (a) to hold, control and administer the property, funds assets and resources of the School;
- (b) to transfer and accept transfer of movable or immovable property on behalf of the School;
- (c) to affiliate and disaffiliate educational institutions;
- (d) to consider and approve, on the advice of the Executive Committee, the annual and revised budget estimates and to lay down guidelines or rules of business dealing with financial matters;
- (e) to approve, carry out, vary or cancel contracts on behalf of the School;
- (f) to initiate and approve schemes for achievement of the objectives of the School;
- (g) to determine the form, and regulate the custody and use of common seal of the School;
- (h) to create professional, research, administrative posts and such other posts as may be required to carry out the purposes of the School, suspend or abolish such post;
- (i) to appoint the Executive Director and the Registrar on the recommendation of the Executive Committee;
- (j) to suspend, punish and remove from service the School employees whom it is empowered to appoint, in the manner prescribed after due enquiry and defence;
- (k) to approve regulations or rules on the recommendations of the Executive Committee; and
- (l) to determine, regulate and administer all other matters concerning the School and, to this end, exercise all necessary powers not specifically mentioned in this Act or the statutes, the regulations or the rules.

(2) The Board may delegate any of its powers to an authority or officer or a committee or a sub-committee.

Meetings of
the Board.

15. (1) The Board shall meet at least twice in a year on the dates to be fixed by the Chairman:

Provided that a special meeting may be called at any time by the Chairman or on a requisition made by the Executive Committee or by not less than four members of the Board to consider a matter of urgent nature.

(2) Not less than ten clear day's 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.

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

(4) The decision of the Board shall be expressed in terms of the views of the majority of the members present and voting and, if the members are equally divided, the Chairman shall have and exercise a casting vote.

The Execu-
tive Commi-
tee.

16. (1) Subject to the provisions of this Act, the statutes, the regulations or the rules and the general or special directions of the Board, the Executive Committee shall be responsible for the administration of the School and execution of policies and directions of the Board for carrying out the purpose of this Act.

(2) The Executive Committee shall exercise such powers as may be delegated to it by the Board from time to time.

(3) The Executive Committee shall consist of—

(a) The Chairman as appointed under section 10 (1);

(b) One member of the Board nominated by the Board;

(c) The Executive Director;

(d) Three persons nominated by the Board from amongst the members of the Society;

(e) Three persons co-opted by the members listed under clauses (a) to (d) above from amongst the members of the Society at least one of whom shall be an architect and one shall be an artist/designer.

(4) A member nominated or co-opted under clause (d) or (e) shall hold office for a term of three years and shall be eligible for renomination or co-option as the case may be unless he earlier ceases to be a member by resignation or fails to attend three consecutive meetings of the Executive Committee without sufficient cause or leave of absence, or another person is nominated or co-opted in his place by the authority which originally nominated or co-opted him.

(5) The Executive Committee shall meet at least once every two months on dates to be fixed by its Chairman, provided that a special meeting may be called, at any time on a requisition made by not less than three members of the Executive Committee to consider a matter of urgent nature.

(6) Any such requisition must state the object of the meeting proposed to be called, and the Chairman of the Executive Committee shall forthwith but not later than seven days call a meeting of the Executive Committee, and the agenda of the meeting shall be restricted to the matter for which the special meeting is called.

(7) 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.

(8) The Registrar shall act as the Secretary of the Executive Committee.

17. (1) The Academic Committee shall be the highest academic body of the School, and shall, subject to the provisions of this Act and the statutes, have the power to lay down proper standards of instructions, research and examination, and to regulate and promote the academic life of the School. Academic Committee

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

- (a) to advise the Executive Committee on academic matters;
- (b) to regulate the admission of students to the courses of studies and examination;
- (c) to propose to the Executive Committee schemes for the constitution and organization of Faculties, Teaching Department Institutes and Board of Studies;
- (d) to consider or formulate proposals for the planning and development of teaching and research in the School;
- (e) to prescribe the courses of studies and the syllabi for all teaching departments;

- (f) to recognize the examinations of other Schools, colleges, and Universities or examining bodies as equivalent to the corresponding examinations of the School;
- (g) to frame regulations for submission to the Executive Committee;
- (h) to perform such other functions as may be assigned to it by the Executive Committee.

(3) The Academic Committee shall consist of—

- (a) The Executive Director, who shall be the Chairman,
- (b) the Deans;
- (c) the Chairman of the Teaching Departments;
- (d) four persons of eminence to be nominated by the Executive Committee at least one of whom shall be an architect, one of whom shall be an artist and one of whom shall be a designer.

(4) A nominated member shall hold office for a term of three years and shall be eligible for re-nomination, unless his nomination is changed by the authority which nominated him.

(5) The office of a nominated member shall become vacant if he resigns or fails to attend three consecutive meetings of the Academic Committee without sufficient cause or leave or absence.

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

(7) The Executive Director shall nominate a Chairman of a Teaching Department to act as the Secretary of the Academic Committee.

18. (1) The functions of the Finance and Planning Committee shall be—

- (a) to consider annual statement of accounts and annual and revised budget estimates and advise the Executive Committee thereon;
- (b) to review periodically the financial position of the School;
- (c) to advise the Executive Committee on all matters relating to planning, development, finance, investment and accounts of the School;
- (d) to prepare short term and long term development plans;
- (e) to prepare staff and resources development plans; and
- (f) to perform such other functions as may be prescribed by the statutes, or assigned to it by the Executive Committee.

(2) The Finance and Planning Committee shall consist of—

- (a) The Chairman nominated by the Board from amongst its members.
- (b) Two members of the Executive Committee nominated by the Executive Committee
- (c) The Executive Director.
- (d) The Deans.
- (e) A professional Chartered Accountant or a professional banker nominated by the Executive Committee.

(3) A member nominated under clause (b) shall hold office for a term of three years and shall be eligible for re-nomination unless he earlier resigns or fails to attend three consecutive meetings of the Finance and Planning Committee without sufficient cause of leave or absence or has ceased to be member of the Board or the Executive Committee as the case may be.

(4) The member nominated under clause (e) shall hold office for a term of three years unless he earlier resigns or his nomination is changed by the Executive Committee.

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

(6) The Registrar shall act as Secretary of the Finance and Planning Committee.

19. The constitution, functions and powers of the Authorities for which no specific or insufficient provision has been made in this Act shall be such as may be prescribed by statutes.

Constitution,
functions
and Powers
of other
Authorities.

20. The Board, the Executive Committee, the Academic Committee, the Finance and Planning Committee and other Authorities may appoint such ~~standing~~ special, advisory or sub-committees as they may consider advantageous in the performance of their functions.

Appointment
of committees
by the Auth-
orities.

CHAPTER IV

STATUTES, REGULATIONS AND RULES

21. (1) Subject to the provisions of this Act, statutes may be made to regulate or prescribe all or any of the following matters namely—

Statutes.

- (a) terms and conditions of service of employees of the School including scales of pay, constitution of pension, insurance, gratuity, provident fund, benevolent fund and other fringe benefits;
- (b) terms and conditions of contractual appointments of teachers, researchers and officers;
- (c) establishment of Faculties, Teaching Departments and other academic units and divisions;
- (d) powers and duties of officers and teachers;
- (e) conditions under which the School may enter into arrangements with other public or private organizations for purposes of instruction, research and other scholarly activities;
- (f) efficiency and discipline of the employees of the School;
- (g) acquisition and administration of properties and investments of the Schools; and
- (h) all other matters which under this Act are required to be or may be prescribed or regulated by statutes.

(2) The draft of the Statutes shall be proposed by the Executive Committee for approval by the Board.

(3) The Board shall have the powers to give assent to the statutes submitted to it for approval or refer them back to the Executive Committee for reconsideration.

(4) No statute shall be valid until it has been approved by the Board and signed by the Chairman.

Regulations,

22. (1) Subject to the provisions of this Act and the statutes, regulations may be made for all or any of the following matters, namely—

- (a) schemes of studies and research, including the duration of courses, number of subjects or papers for examination;
- (b) syllabi and courses of study and research programmes leading to degrees, diplomas or certificates;
- (c) conduct and supervision of examinations, appointment of examiners, scrutiny, tabulation and declaration of results;
- (d) determination of fees and other charges for admission to various courses, examinations;
- (e) maintenance of discipline amongst students and schemes for their welfare;

- (f) institution of fellowships, scholarships, prizes, medals, honoraria, or any other financial assistance for students and research scholars;
- (g) conduct of convocation and form of academic costumes;
- (h) conditions of residence of students, - if and when arranged through the School;
- (i) use of library; and
- (j) all other academic matters which by this Act or statutes are to be or may be prescribed by regulations.

(2) The Executive Committee shall have power to approve the Regulations submitted to it or refer them back to the Academic Committee for reconsideration.

(3) No Regulation shall be valid until it has been approved by the Executive Committee and signed by the Chairman of the Executive Committee.

23. (1) The Authorities and the other bodies of the School **may make rules consistent with this Act, statutes and the regulations, to regulate the conduct of their business and the time and place of meetings and related matters.** Rules

(2) The Board may make rules to regulate any matter relating to the affairs of the School which under this Act are not specifically required to be provided for by the statutes or the regulations.

CHAPTER—V

THE SCHOOL FUND

24. (1) The School shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources. The School fund audit and accounts

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

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

(4) The accounts of the School 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 School by the Chartered Accountant appointed by the Board.

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

CHAPTER—VI

GENERAL PROVISIONS

25. An employee of the School shall retire from service—

- (i) on such date, after he has completed twenty-five years of service qualifying for pension or other retirement benefits, as the competent authority may direct; provided that no employee shall be retired unless he has been informed in writing of the grounds of the action proposed to be taken against him and has been given reasonable opportunity of showing cause against that action; or
- (ii) where no direction is given under clause (i), on the completion of sixty years of his age.

26. Except as otherwise provided, no officer, teacher or other employee of the School 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.

27. (1) Where an order is passed punishing an employee of the School or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order passed by any officer or teacher of the school have the right to appeal to the Board, against the order, and where the order is made by the Board, have the right to apply to that authority for review of that order.

(2) The appeal or application for review shall be submitted to the Chairman, Executive Committee 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.

Retirement
from Service

Opportunity
to show
cause.

Appeal to
and review
by the
Board.

28. (1) The School 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.

Pension, insurance, Gratuity, provident fund and benevolent fund.

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

29. When a member of a newly constituted Authority is appointed or nominated, his term of office, as fixed under this Act, shall commence from such date as may be prescribed.

Commencement of office of members of Authorities.

30. Any casual vacancy among the appointed or nominated members of any Authority shall be filled as soon as conveniently may be, by the person or the body who appointed or nominated the member whose place has become vacant, and the person appointed or nominated to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

Filling of Casual Vacancies in Authorities.

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 School 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 Chairman may direct on the recommendation of the Board.

31. (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any Authority shall cease to be a member of such Authority as soon as he has ceased to hold the position by virtue of which he was nominated or appointed.

Disputes about membership of Authorities.

(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 Chairman, Executive Committee the Chief Justice of the High Court of Sindh or the Judge of that High Court who is the member of the Board, and a nominee of the Chairman and the decision of the committee shall be final and binding.

32. No act, proceedings, resolution or decision of any Authority shall be invalid by reason only of any vacancy or defect in the constitution of or in the appointment or nomination of any member of the Authority.

Proceedings of Authorities not invalidated by Vacancies.

- First Statutes** 33. Notwithstanding anything contained in this Act, the Board shall Promulgate the First Statutes which shall remain in force until amended or replaced by statutes framed in accordance with this Act.
- Bar of Jurisdiction.** 34. No Court shall have jurisdiction to entertain any proceeding, grant any injunction or make any order in relation to anything done in good faith or purported to have been done or intended to be done under this Act.
- Immunity.** 35. No suit or legal proceedings shall lie against Government, the School or any Authority or any employee of Government or the School or any person, in respect of anything which is done, or purported to have been done in good faith or is intended to or has been done under this Act.
- Discipline** 36. The School shall have power to supervise and control the discipline of the students of the School in the prescribed manner.
- Removal of Difficulties** 37. 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 Chairman may give appropriate directions to remove such difficulty.
- Repeal.** 38. The Indus Valley School of Art and Architecture Karachi Ordinance, 1994, is hereby repealed.

BY ORDER OF THE SPEAKER
Provincial Assembly of Sindh.

ZAKIR HUSSAIN K. MIRZA
Secretary,
Provincial Assembly of Sindh.

KARACHI: PRINTED AT THE SINDH GOVERNMENT PRESS

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