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PART-IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 22nd February, 1992.

No. PAS/Legis-B-15/91.—The Hamdard University Karachi Bill, 1991 having been passed by the Provincial Assembly of Sindh on 9th October, 1991 and assented to by the Governor of Sindh on 13th February, 1992 is hereby published as an Act of the Legislature of Sindh.

THE HAMDARD UNIVERSITY KARACHI ACT, 1991

SINDH ACT NO. VI OF 1992.

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 22nd February, 1992).

AN

ACT

to provide for the establishment of Hamdard University at Karachi.

WHEREAS, it is expedient to provide for the establishment of Hamdard University at Karachi and for matters ancillary thereto;

Preamble

It is hereby enacted as follows:—

- Short title and Commencement.** 1. (1) This Act may be called the Hamdard University Karachi Act, 1991.
- (2) It shall come into force on and from 1st September, 1991.
- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context—
- (i) "Academic Council" means the Academic Council of the University;
 - (ii) "Authority" means an authority of the University specified in section 11;
 - (iii) "Board" means the Board of Governors of the University;
 - (iv) "Chancellor" means the Chancellor of the University;
 - (v) "Dean" means the Head of a Faculty;
 - (vi) "Director" means the Head of an Institute;
 - (vii) "Faculty" means a Faculty of the University;
 - (viii) "Foundation" means the Hamdard Foundation of Pakistan;
 - (ix) "Government" means the Government of Sindh;
 - (x) "Institute" means an Institute maintained and administered by the University;
 - (xi) "prescribed" means prescribed by Statutes, Regulations or Rules;
 - (xii) "Professor Emeritus" means a retired Professor working in the University in an honorary capacity;
 - (xiii) "Statutes, Regulations and Rules" means respectively the Statutes, Regulations and Rules made under this Act;
 - (xiv) "University" means the Hamdard University, Karachi; and
 - (xv) "Vice Chancellor" means the Vice Chancellor of the University.

CHAPTER—II

THE UNIVERSITY

3. (1) There shall be established a University to be called the Hamdard University, Karachi consisting of the patron, the Chancellor, the Vice Chancellor, the Deans the Chairman of the Teaching Departments and members of the Board, the members of the Academic Council and such other officers as may be prescribed. Establishment and incorporation of the University.

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

4. The University 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 University, and no such person shall be denied the privilege on the ground only of sex, religion, creed, race, class, colour or domicile. University open to all.

5. The University shall be an autonomous body and shall have the powers— Powers and Functions of the University.

- (i) to provide for instruction in such branches of learning as it may deem fit and to make provisions for the advancement and dissemination of knowledge in such manner as it may determine;
- (ii) to admit and examine students and to confer or award degrees, diplomas, certificates and other academic distinctions on and to persons; who have passed its examinations under prescribed conditions;
- (iii) to affiliate itself or associate with other institutions and establish faculties and the Teaching Departments to discharge its functions and responsibilities for the betterment of education;
- (iv) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (v) to prescribe courses of studies and under take research as it may determine ;
- (vi) to provide and support other facilities for education, professional training and research :

(vii) to affiliate and dis-affiliate 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;

(viii) to receive and manage property, grants, bequests, trusts, gifts, donations, endowments and other contributions made to the University and to invest them in such manner as it may deem fit;

(ix) to enter into agreements, contracts and arrangements with Government, organisations, institutions, bodies and individuals for carrying out its functions and activities;

(x) demand and receive such fees and other charges as it may determine;

(xi) to appoint members of the various bodies and committees as the Board may determine for instructional and co-curricular activities and admit students of the University and its constituent units;

(xii) appoint such officers including teachers and members of the staff and prescribe terms and conditions, powers and duties of such officers and staff;

(xiii) to do all such other acts and things as may be requisite to further its objectives.

CHAPTER—III

OFFICERS OF THE UNIVERSITY

6. The following shall be the Officers of the University:—

(i) the Patron;

(ii) the Chancellor;

(iii) the Vice Chancellor;

(iv) the Deans;

(v) the Directors;

(vi) the Chairmen of Teaching Departments;

(vii) the Registrar; and

Officers of
the University.

(viii) such other persons as may be prescribed to be the officers of the University.

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

The Patron.

8. (1) The Chancellor 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:

The Chancellor.

Provided that Hakim Mohammad Said of the Foundation shall be first life-Chancellor of the University.

(2) Subject to sub-section (1), the Chancellor shall be appointed by the Patron on the recommendations jointly made by the Board and the Foundation on the terms and conditions as the Patron may determine.

(3) The Chancellor shall, when present, preside at the convocations of the University.

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

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

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

Visitation.

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

10. (1) The Vice Chancellor shall be appointed by the Chancellor, on such terms and conditions as the Chancellor may determine and shall hold office during the pleasure of the Chancellor.

The Vice-Chancellor.

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

(3) The Vice Chancellor shall be the principal academic and administrative officer of the University, and shall be responsible for proper implementation of the provisions of this Act, directions of the Chancellor, decision of the University and execution of the policies and programmes of the University.

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

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

- (a) to create and fill temporary posts for a period not exceeding six months;
- (b) to sanction all expenditure provided for in the approved budget and to re-appropriate funds within the same major head of expenditure;
- (c) to sanction re-appropriation of an amount not exceeding fifty thousand rupees for an unforeseen item not provided for in the budget and report it to the Board at the next meeting;
- (d) to appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (e) to make such arrangements for the scrutiny of papers, marks and results as may be necessary;
- (f) to direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examination and administration and such other activities in the University, as he may consider necessary;
- (g) to delegate, subject to such conditions, if any, as may be prescribed, any of his power under this Act to an officer or other employee of the University;
- (h) to appoint employees of such categories in respect which powers have been delegated to him by the Board;
- (i) to exercise and perform such other powers and functions as may be prescribed.

CHAPTER—IV
AUTHORITIES OF THE UNIVERSITY

11. The following shall be the Authorities of the University:— A uthoriti.es

- (i) the Board of Governors;
- (ii) the Academic Council;
- (iii) the Boards of Faculties;
- (iv) the Board of Advanced Studies and Research;
- (v) the Board of Studies;
- (vi) the Selection Board;
- (vii) the Finance and Planning Committee; and
- (viii) Affiliation Committee;
- (ix) such other Authorities as may be prescribed.

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

- (a) Vice Chancellor;
- (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) two Deans to be nominated by the Chancellor in consultation with the Vice Chancellor;
- (e) the Chairman, University Grants Commission, or whole time Member of the Commission to be nominated by him;
- (f) the President of the Chambers of Commerce and Industries, Karachi;
- (g) three persons of eminence to be nominated by the Chancellor on the recommendations of the Vice Chancellor;
- (h) three persons of outstanding merit, to be nominated by the Foundation.

(2) A nominated member shall hold office for a term of three years, and shall be eligible for re-nomination on the expiry of his term.

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

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

(5) The Vice Chancellor shall act as the Chairman of the Board.

(6) the Registrar shall act as the Secretary of the Board.

(7) 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.

Powers and Functions of the Board.

13. (1) In particular without prejudice to the generality of the provisions of sub-section (1) of section 12, the Board shall exercise and perform the powers and functions as follows:—

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

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

(c) to affiliate and disaffiliate college or institution;

(d) to consider and approve, on the advice of the Finance and Planning 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 University.

(f) to initiate and approve schemes for achievement of the objectives of the University;

(g) to determine the form, and regulate the custody and use of common seal of the University;

(h) to create professional, research, administrative post and such other posts as may be required to carry out the purposes of the University, suspend or abolish such posts;

(i) to appoint teachers, researchers and officers on the recommendations of the Selection Board;

(j) to suspend, punish and remove from service the University employees whom it is empowered to appoint, in the manner prescribed after due enquiry and defence;

- (k) to propose Statutes for submission to the Chancellor;
 - (l) to approve Regulations or Rules on the recommendations of the appropriate bodies; and
 - (m) to determine, regulate and administer all other matters concerning the University and, to this end, exercise all necessary powers not specifically mentioned in the Act or the Statutes, the Regulations or the Rules.
- (2) The Board may delegate any of its powers to an Authority or officers or a committee or a sub-committee.

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

Meetings
of the Board.

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

(2) Not less than ten 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.

(3) The quorum for a meeting of the Board shall be one half 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 of the Board shall have and exercise a casting vote.

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

Academic
Council.

- (a) the Vice Chancellor; who shall be the Chairman;
 - (b) the Deans;
 - (c) the Directors;
 - (d) the Chairman of the Teaching Departments;
 - (e) the University Professors including Professors Emeritus;
 - (f) the Registrar who shall be the Secretary;
 - (g) two eminent scholars to be nominated by the Board; and
 - (h) five persons of eminence to be nominated by the Chancellor.
- (2) A nominated member shall hold office for a term of three years and shall be eligible for re-nomination.

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

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

Powers and duties of the Academic Council.

16. (1) The Academic Council shall be the highest 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.

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

- (a) to advise the Board on academic matters;
- (b) to regulate the admission of students to the courses of studies and examinations;
- (c) to propose the Board, schemes for the constitution and organization of Faculties, Teaching Departments, Institutes and Board of Studies;
- (d) to consider or formulate proposals for the planning and development of teaching and research in the University;
- (e) to make Regulations, on the recommendations of the Boards of Faculties and the Boards of Studies, prescribing the course of studies and the syllabi for all University examinations; provided that, if the recommendations of Boards of Faculties and Boards of Studies are not received by the prescribed date, the Council may, subject to the approval of the Board, continue for the next year the courses of studies already prescribed for an examination;
- (f) to recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University;
- (g) to frame Regulations for submission to the Board;
- (h) to appoint members to the various Authorities in accordance with the provisions of this Act; and
- (i) to perform such other functions as may be prescribed by Statutes.

