



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION ARCHIVES &
LIBRARIES DEPARTMENT

NO. SO (U-II)/HE/3-5/Universities Act/2016
Peshawar dated the 31st August, 2016

110-34

To

The Vice Chancellor/Project Director,

1. University of Peshawar.
2. University of Engineering & Technology Peshawar.
3. Gomal University, Dera Ismail Khan (D.I.Khan)
4. Hazara University, Dhodial, Mansehra.
5. Kohat University of Science & Technology, Kohat.
6. Shaheed Benazir Bhutto Women University, Peshawar.
7. University of Science and Technology, Bannu.
8. Islamia College, Peshawar.
9. Abdul Wali Khan University, Mardan.
10. University of Agriculture, Peshawar.
11. Khyber Medical University, Hayatabad, Peshawar.
12. Bacha Khan University, Charsadda.
13. University of Haripur.
14. Khushal Khan Khattak University, Karak.
15. University of Swabi.
16. Abbottabad University of Science & Technology.
17. Women University Swabi.
18. Women University Mardan.
19. Shuhada-e-Army Public School University of Technology, Nowshera.

Subject: **IMPLEMENTATION OF THE KHYBER PAKHTUNKHWA UNIVERSITIES
(AMENDMENT) ACT 2016.**

Dear Sir/Madam,

I am directed to refer to the subject noted above and to state that the Khyber Pakhtunkhwa Universities Act 2012 (Khyber Pakhtunkhwa Act No. X of 2012) has been amended through the Khyber Pakhtunkhwa Universities (Amendment) Act 2016. The amendments are now part and parcel of the Khyber Pakhtunkhwa Universities Act 2012 w.e.f 12.08.2016.

I am further directed to enclose herewith the said amendment Act for strict compliance and necessary action please.

(Encl: as above) **Shaheed Benazir Bhutto Women University**

Receipt No. 3866

Dated 5/9/16

(Asad Jan)

Section Officer (Universities-II)

Endst. No. & Date Even.

Copy to:

1. The Chairman, Higher Education Regulatory Authority (HERA) alongwith copy of the said amendment Act.
2. PS to Secretary Agriculture, Livestock & Cooperative Department, Peshawar.
3. PS to Secretary Industries & Technical Education Department, Peshawar.
4. PS to Secretary Health Department, Peshawar.
5. PS to Advisor to Chief Minister on Higher Education.
6. PS to Secretary Higher Education Department.
7. Master File.

Section Officer (Universities-II)

zaina! For information
Raf
7/9/16

(CONSOLIDATED COPY)

AN
ACT

*to reconstitute and reorganize the Universities established
or to be established by the Government of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa to further improve their governance and management by ensuring accountability, transparency and giving due representation to all stakeholders in decision making, so as to enhance the quality of higher education in the Province of the Khyber Pakhtunkhwa.

It is hereby enacted as follows:

CHAPTER -I
PRELIMINARY

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Universities Act, 2012.

(2) The provisions of this Act shall come into force with respect to the Universities listed in the Schedule-I on such date as may be specified by Government by notifications published in the official Gazette as the date of repeal of the Act or Ordinance constituting each of the University specified in the Schedule-I.

(3) This Act shall apply to all Universities established by Government after the commencement of this Act.

2. Definitions.---In this Act, unless the context otherwise requires, the following expression, shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) “Academic Council” means the Academic Council of the University;
- (a-i) **“Academic Search Committee” means the Academic Search Committee constituted by the Chancellor under sub-section (2) of section 12;**
- (a-ii) **“administrative officer” means an officer other than the teaching and research staff, working in the administration of the University in BPS-17 and above, duly appointed by Syndicate;”;**
- (b) “affiliated college” or “affiliated institution” means a college or institution affiliated to the University, but not maintained or administered by it;
- (c) “Authority” means any of the Authorities of the University specified in section 18;
- (d) “Chairperson” means the head of a Teaching Department;
- (e) “Chancellor” means the Chancellor of the University;

(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 powers to-

- (a) advise the Syndicate on academic matters;
- (b) to regulate and lay down standards for the conduct of teaching, research, examinations and students discipline;
- (c) propose to the Syndicate schemes for the constitution and organization of Faculties, Teaching Departments and Boards of Studies;
- (d) institute programmes for the continued professional development of University Teachers at all levels;
- (e) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (f) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (g) make Regulations on the recommendations of the Board of Faculties, Advance Studies and Research Board and the Board of Studies, prescribing the schemes of studies, the syllabi and mode of examinations:

Provided that if the recommendations of the Board of a Faculties or Board of Studies or Advanced Studies and Research Board are not received by the prescribed date, the Academic Council may, subject to the approval of the Syndicate, permit the existing Regulations to continue for the following year;

- (h) prepare an annual report on the academic performance of the University;
- (i) appoint member to various authorities in accordance with the provisions of this Act; and
- (j) perform such other functions as may be prescribed by Regulations.

26. Constitution, function and powers of other Authorities.---The constitution, functions and powers of other Authorities for which no specific provisions, or insufficient provisions, have been made in this Act shall be such as may be prescribed by the Statutes.

27. Appointment of Committees by certain Authorities.---The Senate, the Syndicate, 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.

CHAPTER -V **STATUTES, REGULATIONS AND RULES**

28. Statutes.---(1) Subject to the provisions of this Act, Statutes, may be made, to regulate or prescribe all or any of the following matters, namely:

- (a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Senate shall be prepared;
- (b) the University fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;
- (d) the scales of pay and other terms and conditions of service of officers, Teachers and other employees of University;
- (d-i) **the terms and conditions of contract employees; and**
- (e) the maintenance of the register of registered graduates;
- (f) affiliation and disaffiliation of educational institutions and related matters;
- (g) the conduct of elections for membership of the Authorities of the University and related matters;
- (h) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (i) the establishment of Faculties, Teaching Departments, constituent institution, constituent colleges and other academic divisions;
- (l) conditions for appointment of Emeritus Professors and Meritorious Professors, award of honorary degrees;
- (m) constitution of emergency committee or other committees as may be required;
- (n) efficiency and discipline of University employees;
- (o) constitution, functions and powers of the Authorities of the University; and
- (p) 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 Syndicate to the Senate which may approve or pass it with such modifications as the Senate may deem fit or may refer back to the Syndicate, as the case may be, for reconsideration of the proposed draft:

Provided that Statutes concerning any of the matters mentioned in clauses (a) and (n) of sub-section (1) shall be initiated and approved by the Senate, after seeking the views of the Syndicate:

Provided further that the Senate may initiate Statutes 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 Statutes after seeking the views of the Syndicate ;

Provided also that the draft of Statutes concerning any of the matters mentioned in clauses (c) and (d) of sub-section (1), shall be forwarded to the Chancellor and shall not be effective until it has been approved by the Chancellor.

29. Regulations.---(1) Subject to the provisions of this Act and the Statutes, the Academic Council may make Regulations, for all or any of the following matters-

- (a) the courses of study for degrees, diplomas and certificates of the University;
- (b) the manner in which the teaching referred to in sub-section (1) of section 7 shall be organized and conducted;
- (c) the admission, registration and expulsion of students to and from the University;
- (d) the consideration under which students shall be admitted to the courses and the examinations of the University and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) the use of the Library;
- (i) the formation of Faculties, Teaching Departments and Board of Studies; and
- (j) all other matters which by this Act or the Statutes made there under are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Syndicate which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. Regulations proposed by the Academic Council shall not be effective unless these are approved by the Syndicate.

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

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

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

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

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

under this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, acquired, appointed, authorized, conferred, created, made, instituted, granted and issued under this Act, and any documents referring to any of the provisions of the repealed Acts, Ordinances, other legislative instruments or the Statutes, the Regulations and the Rules first referred shall, so far as may be, be considered to refer to the corresponding provisions of the Ordinance or the Statutes, the Regulations and the Rules made under this Act;

- (b) all institutes, colleges or other constituent units of the University functioning in terms of the provisions of the repealed Acts, Ordinances or other legislative instruments shall continue to function in terms of the relevant repealed provisions till such time that the Senate through Statutes have prescribed otherwise; and
- (c) any Statutes, Regulations, or Rules made or deemed to have been made under the repealed Acts, Ordinances or other legislative instruments shall, if not inconsistent with the provisions of this Act, be deemed to be Statutes, Regulations or Rules made under the Act having regard to the various matters which by this Act have to be regulated or prescribed by Statutes, Regulations and Rules respectively and shall continue to be in force until they are repealed, rescinded or modified in accordance with the provisions of this Act.

SCHEDULE-I

(See sub-section (2) of section 1)

List of existing Universities to which this Act may be applied through notification in the official Gazette

1. The Gomal University.
2. The University of Engineering & Technology, Peshawar.
3. The University of Agriculture, Peshawar.
4. **The Hazara University.**
5. The Kohat University of Science & Technology.
6. The Shaheed Benazir Bhtutto Women University.
7. The University of Science and Technology Bannu.
8. The Islamia College Peshawar.
9. The Abdul Wali Khan University, Mardan.
10. The Khyber Medical University.
11. The Bacha Khan University, Charsadda.
12. The University of Haripur.
13. The Khushal Khan Khattak University, Karak.
14. The University of Swabi.
15. **Shuhada-e-Army Public School University of Technology, Nowshehra; and**
16. The University of Peshawar.
17. **Women University Swabi**
18. Abbottabad University of Science & Technology.
19. Women University, Mardan.
20. **Women University, Swabi**

“Schedule-II”

See sub-section-1 of Section-11

Schedule for appointment of Vice Chancellor.
“(see sub-section (1) of section 11)”;