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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 17th April, 2010

No. F. 9(3)/2009-Legis.—The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on 12th April, 2010, is hereby published for general information:—

ACT No. VIII OF 2010

An Act to grant degree awarding status to the Pakistan Institute of Development Economics

WHEREAS it is expedient to make provisions to grant degree awarding status to the Pakistan Institute of Development Economics, Islamabad, and for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. Short title, application and commencement.—(1) This Act may be called the Pakistan Institute of Development Economics Act, 2010.

(2) It shall come into force at once.

(151)

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

- (a) "Academic council" means the Academic Council of the Institute established under section 22;
- (b) "Authority" means any of the Authorities of the Institute specified in section 16;
- (c) "Chancellor" means the Chancellor of the Institute;
- (d) "Commission" means the Higher Education Commission established under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (e) "committee" means the committees of the Institute constituted under sections 24 and 25;
- (f) "Dean" means the head of a Faculty or the head of an academic body granted the status of a Faculty by this Act or by the statutes or regulations;
- (g) "department" means a teaching department maintained and administered or recognized by the Institute in the manner prescribed;
- (h) "Director" means the head of Research Centre;
- (i) "Faculty" means an administrative and academic unit of the Institute consisting of one or more departments, as prescribed;
- (j) "Institute" means the Pakistan Institute of Development Economics reconstituted under this Act;
- (k) "Institute Teacher" means Professor, Assistant Professor and Lecturer engaged on whole time basis by the Institute for teaching;
- (l) "Patron" means the Patron of the Institute;
- (m) "prescribed" means prescribed by statutes, regulations or rules made under this Act;
- (n) "Registrar" means the Registrar of the Institute;

- (o) "Representation Committees" means the Representation Committees constituted under section 24;
- (p) "Review Panel" means the Review Panel set up by the Chancellor in accordance with the provisions of section 9;
- (q) "Senate" means the Senate of the Institute;
- (r) "statutes", "regulations" and "rules" mean respectively the statutes, the regulations and the rules made under this Act and for the time being in force;
- (s) "Syndicate" means the Syndicate of the Institute; and
- (t) "teachers" include Professor, Associate Professors, Assistant Professors and Lecturers engaged on whole-time basis by the Institute and such other persons as may be declared to be teachers by Regulations.

CHAPTER-II

THE INSTITUTE

3. Establishment and incorporation of the Institute.—(1) The Pakistan Institute of Development Economics, Islamabad, as reconstituted in accordance with the provisions of this Act, shall consist of—

- (a) the Patron, the Chancellor, the Vice-Chancellor, the Senate, the Deans, the Registrar and the Directors;
- (b) the members of the Senate, Academic Council, committees and other bodies as the Senate may establish;
- (c) the teachers and students of the Institute; and
- (d) such other full-time officers and members of the staff as the Senate may, from time to time, specify.

(2) The Institute shall be a body corporate by the name of the Pakistan Institute of Development Economics, Islamabad, having perpetual succession and a common seal, and may sue and be sued by the said name.

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

(4) Notwithstanding anything contained in any other law for the time being in force, the Institute shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the provision 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 law, the Federal Government or an authority or auditor appointed by the Federal Government shall have no power to question the policy underlying the allocation of resources approved by the Senate in the annual budget of the Institute.

(5) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in, or held in trust by and liabilities legally subsisting against the Institute in existence immediately before the commencement of this Act shall pass to the Institute reconstituted under this Act.

(6) The seat of the Institute shall be at Islamabad and it may set up its Research Study Centers at such places in Pakistan as the Senate may determine.

4. Powers and purposes of the Institute.—The Institute, in order to become a nationally and internationally recognized premier institute of learning and research in the fields of development and economics, shall have the following powers, namely:—

- (i) to provide for education and scholarship in the fields of development and economics such as economics, international economics, development economics, business economics, trade and commerce, environmental economics, public policy and governance, technology and development, fiscal policies and taxation, economics of competitiveness, agricultural economics, social and political economy and in such branches of knowledge which it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
- (ii) to prescribe courses of studies to be conducted by it;
- (iii) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;

- (iv) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the Institute and to lay down terms and conditions that may be different from those applicable to government servants in general;
- (v) to engage, where necessary, persons on contracts of specified duration and to specify the terms of each engagement;
- (vi) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (vii) to provide for such instruction for persons not being students of the Institute as it may prescribe, and to grant certificates and diplomas to such persons;
- (viii) to institute programmes for the exchange of students and teachers between the Institute and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (ix) to provide career counseling and job search services to students and alumni;
- (x) to maintain linkages with alumni;
- (xi) to develop and implement fund-raising plans;
- (xii) to provide and support the academic development of the faculty of the Institute;
- (xiii) to confer degrees on persons who have completed the requisite course work and carried out research off campus under prescribed conditions and supervision;
- (xiv) to accept the examinations passed and the period of study spent by students of the Institute at other universities and places of learning equivalent to such examinations and periods of study in the Institute, as it may prescribe, and to withdraw such acceptance;
- (xv) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;

- (xvi) to institute Professorships, Associate Professorships, Assistant Professorships and Lecturerships and any other posts and to appoint persons thereto;
- (xvii) to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xviii) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xix) to establish teaching departments and other centres of research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xx) to provide for the residence of the students of the Institute, to institute and maintain halls of residence and to approve or license hostels and lodging;
- (xxi) to maintain order, discipline and security on the campuses of the Institute;
- (xxii) to promote the extra curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;
- (xxiii) to demand and receive such fees and other charges as it may determine;
- (xxiv) to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (xxv) to enter into, carry out, vary or cancel contracts;
- (xxvi) to receive and manage property transferred and grants, contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xxvii) to provide for the printing and publication of research and other works;
and

(xxviii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the Institute as a place of education, learning and research.

5. Institute open to all classes, creeds, etc.—(1) The Institute shall be open to all persons of either sex of whatever religion, race, creed, color or domicile who are academically qualified for admission to the courses of study offered by the Institute, and no such person shall be denied the privilege on the ground only of sex, religion, creed, race, class, color or domicile.

(2) An increase in any fee or charge may be made only with the approval of the Senate.

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

(4) The Institute shall offer admission on merit to its teaching and research programmes up to a maximum of ten percent of its total students strength to overseas Pakistanis and international students at the fee structure to be determined by the Senate.

6. Teaching and examination at the Institute.—(1) All recognized teachings in various courses shall be conducted by the Institute in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, distance learning and other methods of instruction as well as practical work in governmental or private organizations.

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

(3) The academic programmes of the Institute shall be conducted in the prescribed manner.

(4) The Institute shall associate external examiners for the conduct of examination.

(5) In the prescribing syllabi, courses of studies and instructions for the conduct of studies, the Institute shall abide by the directions given by the Higher Education Commission under the Higher Education Commission Ordinance, 2002 (LIII of 2002) for Federal supervision of curricula, textbooks and maintenance of standards of education.

CHAPTER-III

OFFICERS OF THE INSTITUTE

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

- (a) the Patron;
- (b) the Chancellor;
- (c) the Vice-Chancellor;
- (d) the Deans;
- (e) the Directors;
- (f) the Registrar;
- (g) the Treasurer;
- (h) the Controller of Examinations; and
- (i) such other persons as may be prescribed by the statutes or regulations to be the principal officers of the Institute.

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

(2) The Patron, or in his absence, the Chancellor shall preside at the convocation of the Institute.

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

(4) The Patron, may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the Institute and shall, from time to time, direct any person or persons as he may deem fit to inquire into or carry out inspection of such matters as may be specified by him.

(5) The Patron shall communicate to the Senate his views with regard to the result of visitation and shall, after ascertaining the views of the Senate, advise the Senate on the actions to be taken by it.

(6) The Senate 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 result of visitation.

(7) Where the Senate 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 the Senate shall comply with all such directions.

9. Chancellor.—(1) The Deputy Chairman, Planning Commission shall be the Chancellor of the Institute and the Chairperson of the Senate.

(2) The members of the Senate shall be appointed by the Chancellor.

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

(a) as regards proceedings of the Senate, 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 Senate to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Senate. 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 Senate, direct the Senate to exercise powers under section 18.

10. Removal from the Senate.—(1) The Chancellor may, upon the recommendation of the Review Panel, remove any person from the membership of the Senate on the ground that such person—

(a) has become of unsound mind;

(b) has become incapacitated to function as member of the Senate;

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

- (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 function.

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

Provided that before passing such resolution the Senate 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 Senate.

11. Vice-Chancellor.—(1) There shall be a Vice-Chancellor of the Institute who shall be an eminent academic 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 Institute responsible for all administrative and academic functions of the Institute and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed in order to promote the general efficiency and good order of the Institute. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the institute.

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

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

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

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

- (b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate at the next meeting;
- (c) to make appointments of such categories of employees of the Institute and in such manner as may be prescribed by the statutes;
- (d) to suspend, punish and remove, in accordance with prescribed procedure, from service officers, teachers and other employees of the Institute except those appointed by or with the approval of the Senate;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the Institute; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

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

(a) academics;

(b) research;

(c) administration; and

(d) finances.

(7) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Senate, to all officers and Institute teachers and shall be published in such numbers as are required to ensure its wide circulation.

12. Appointment and removal of the Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Patron on the recommendations of the Search Committee.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Senate on the date and in the manner prescribed by the statutes and shall consist of Chancellor as Chairperson, Governor of State Bank of Pakistan, Chairman HEC, Rector of leading private sector university and an internationally renowned economist and shall make its recommendations through transparent and competitive process. The Search Committee shall remain in existence till such time that the appointment of the next Vice-Chancellor is made by the Patron.

(3) The Search Committee for appointment of Vice-Chancellor shall recommend a panel of two, in order of priority, to the Patron:

Provided that the Patron may decline to appoint any of the two persons recommended, by indicating reasons and seek recommendation of a fresh panel. In the event of a fresh recommendation being sought by the Patron the Search Committee shall make a proposal to the Patron in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a period of five years on terms and conditions prescribed by statutes. Three months prior to the completion of Vice-Chancellor term of office the process of selection of new Vice-Chancellor shall be initiated in accordance with the sub-section (2) of the section 12.

(5) The Senate may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Patron 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 Patron may make a 'reference to the Senate stating the instances of inefficiency, moral turpitude or physical or' mental incapacity or gross misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Senate may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Patron the removal of the Vice-Chancellor:

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

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

(7) 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 Senate shall make such arrangements or the performance of the duties of the Vice-Chancellor as it may deem fit.

13. Registrar.—(I) There shall be a Registrar of the Institute to be appointed by the Senate through transparent and merit based process, 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 Institute and shall:-

- (a) be the administrative head of the secretariat of the Institute and be responsible for the provision of secretariat support to the Authorities of the Institute;
- (b) be the custodian of the common seal and the academic records of the Institute;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be for a period of four years:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

14. Treasurer.—(1) There shall be a Treasurer of the Institute to be appointed by the Senate through transparent and merit based process, on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

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

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

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the Institute;
- (b) prepare the annual and revised budget estimates of the Institute and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;
- (c) ensure that the funds of the Institute are expended on the purposes for which they are provided;

- (d) have the accounts of the Institute audited annually so as to be available for submission to the Senate within six months of the close of the financial year; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be for a period of four years:

Provided that the Senate 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.

15. **Controller of Examinations.**—(1) There shall be a Controller of Examinations to be appointed by the Senate through transparent and merit based process 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 such as may be prescribed.

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

(4) The Controller of Examinations shall be appointed for a period of four years:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

CHAPTER-IV

AUTHORITIES OF THE INSTITUTE

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

(a) Authorities established by this Act, namely:—

- (i) the Senate;
- (ii) the Syndicate; and
- (iii) the Academic Council;

- (b) Authorities to be established by the Statutes, namely:—
- (i) Graduate and Research Management Council;
 - (ii) Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at the level of the department, the Faculty or the Institute;
 - (iii) Career, Placement and Internship Committee of each Faculty;
 - (iv) Search Committee for the appointment of the Vice-Chancellor;
 - (v) the Representation Committees for appointment to the Senate, Syndicate and the Academic Council;
 - (vi) Faculty Council; and
 - (vii) Departmental Council.

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

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

- 1 (a) the Chancellor, who shall be the Chairperson of the Senate;
- 2 (b) two parliamentarians, one from the National Assembly and one from the Senate;
- 1 (c) the Vice-Chancellor;
- 1 (d) the Secretary, Planning and Development Division;
- 1 (e) the Secretary, Ministry of Commerce;
- 1 (f) the Secretary, Finance;
- 4 (g) Chairman or Additional Chief Secretaries of Planning and Development Departments of four provinces;
- 5 (h) five persons from civil society being persons of distinction in the fields of management, education, academics, agriculture, and economics such that the appointment of these persons reflects a balance across the various fields, the special focus of the Institute, may be reflected in the persons of distinction who are appointed to the Senate;
- 1 (i) one distinguished person from amongst the alumni of the Institute;
- 3 (j) three Institute teachers; and
- 1 (k) a member of the Higher Education Commission.

(2) All appointments to the Senate shall be made by the Chancellor. Appointments of persons described in clauses (i) to (j) 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 24 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 Senate:

Provided further that as regards the Institute teachers described in clause (i) of sub-section (1) the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of Institute teachers:

Provided also that the Senate may alternatively prescribe that appointment of Institute teachers to the Senate shall also be in the manner provided by this sub-section for the persons described in clauses (g) to (h) of sub-section (1).

(3) Members of the Senate, other than ex officio members, shall hold office for four years. One-half of the members, other than ex officio members, of the first restructured Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment by the Chancellor:

Provided that no person, other than an ex officio member, may serve on the Senate for more than two consecutive terms:

Provided further that the Institute teachers appointed to the Senate may not serve for two consecutive terms.

(4) The Senate shall meet at least once in a calendar year.

(5) Service on the Senate shall be on honorary basis:

Provided that travel and boarding or lodging expenses may be reimbursed as prescribed:

(6) The Registrar shall be the Secretary of the Senate.

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

(8) Unless otherwise prescribed by this Act, all decisions of the Senate 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.

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

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

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

- (a) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (b) to hold, control and lay down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee, the quality and relevance of the Institute's academic programmes and to review the academic affairs of the Institute in general;
- (d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators through a transparent and merit based process 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 Institute;
- (f) to approve strategic plans;
- (g) to approve financial resource development plans of the Institute;
- (h) to consider the drafts of statutes and regulations proposed by the Syndicate and the Academic Council and deal with them in the manner as provided for in sections 26 and 27, as the case may be:

Provided that the Senate may frame a statute or regulation on its own initiative and approve it after calling for the advice of the Syndicate 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 Senate 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 Senate in accordance with the provisions of this Act;
- (k) to make appointment of members of the Syndicate, other than ex officio members, in accordance with the provisions of this 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 emeritus Professors 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 Institute.

(3) The Senate may, subject to the provisions of this Act, delegate all or any of the powers and functions of any Authority, officer or employee of the institute 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 Senate may create new posts or positions at the additional campus.

19. Visitation.—The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the Institute.

20. Syndicate.—(1) There shall be a Syndicate of the Institute consisting of the following, namely:—

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

- (b) two members of the Senate to be nominated by the Senate;
- (c) the Deans of the Faculties of the Institute;
- (d) three professors from different departments, who are not members of the Senate, to be elected by the Institute teachers in accordance with procedure to be prescribed by the Senate;
- (e) the Registrar;
- (f) the Treasurer; and
- (g) the Controller of Examinations.

(2) Members of the Syndicate, other than ex officio members, shall hold office for a period of three years.

(3) As regards the three professors described in clause (d) of sub-section (1) the Senate 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 24. Appointment of persons proposed by the Representation Committee may be made by the Senate on the recommendation of the Vice-Chancellor.

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

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

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

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

- (a) to consider the annual report, the annual and revised budget estimates and to submit these to the Senate;
- (b) to transfer, and accept transfer of movable property on behalf of the Institute;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the Institute;
- (d) to cause proper books of account to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute;

- (e) to invest any money belonging to the Institute 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 it may prescribe, with the like power of varying such investments;
- (f) to receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the Institute;
- (g) to administer any funds placed at the disposal of the Institute for specified purposes;
- (h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the Institute;
- (i) to establish and maintain halls of residence and hostels or, approve or license hostels or lodgings for the residence of students;
- (j) to arrange for the inspection of the departments;
- (k) to institute Professorships, Associate Professorships, Assistant Professorships, Lecturerships and other teaching posts or to suspend or to abolish such posts;
- (l) to create, suspend or abolish such administrative or other posts as may be necessary;
- (m) to prescribe the duties of officers, teachers and other employees of the Institute;
- (n) to report to the Senate on matters with respect to which it has been asked to report;
- (o) to appoint members to various Authorities in accordance with the provisions of this Act;
- (p) to propose drafts of statutes for submission to the Senate;
- (q) to regulate the conduct and discipline of the students of the Institute;
- (r) to take actions necessary for the good administration of the Institute in general and to this end exercise such powers as are necessary;
- (s) to delegate any of its powers to any Authority or officer or a committee; and
- (t) to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by the statutes.

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

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Deans of Faculties and such heads of departments as may be prescribed;
- (c) five eminent Professors including emeritus Professors from other leading universities and institutions;
- (d) the Registrar;
- (e) The Controller of Examinations; and
- (f) the Librarian.

(2) The Senate shall appoint the members of the Academic Council, other than the ex officio and the elected members, on the recommendation of the Vice-Chancellor. Appointment of persons proposed by the Representation Committee may be made by the Senate on the 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 three times a year.

(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.

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

- (c) propose to the Syndicate schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (d) appoint paper setters and examiners for all examinations of the Institute after receiving panels of names from the relevant authorities;
- (e) institute programmes for the continued professional development of Institute teachers at all levels;
- (h) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- (i) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (j) frame regulations for submission to the Senate;
- (k) prepare an annual report on the academic performance of the Institute; and
- (l) perform such functions as may be prescribed by regulations.

24. **Representation Committees.**—(1) There shall be a Representation Committee constituted by the Senate through statute or recommendation of persons for appointment to the Senate in accordance with the provisions of section 17.

(2) There shall also be a Representation Committee constituted by the Senate through statute for the recommendation of persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of sections 20 and 22.

(3) Members of the Representation Committee for appointment to the Senate shall consist of the following, namely:—

- (a) Secretary, Planning and Development Division, who shall be its Chairperson in his *ex officio* capacity;
- (b) three members of the Senate who are not Institute teachers;
- (c) two persons nominated by the Institute teachers from amongst themselves in the manner prescribed;
- (d) one eminent person from business, trade and industry as nominated by the Chancellor; and
- (e) one eminent economist to be nominated by the Chancellor.

(4) The Representation Committee for appointment to the Syndicate and the Academic Council shall consist of the following, namely:—

- (a) The Vice-Chancellor, who shall be its Chairperson in his *ex officio* capacity;
- (b) two members of the Senate who are not Institute teachers; and
- (c) three persons nominated by the Institute Teachers from amongst themselves in the manner prescribed.

(5) The tenure of, other than *ex officio* Chairperson, the Representation Committees shall be three years:

Provided that no member shall 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 headed by Secretary, Planning and Development Division, set up by any of the other Authorities of the Institute as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the Institute.

25. Appointment of committees by certain authorities.—(1) 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.

(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

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

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

- (b) the Institute fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for Institute employees;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other Institute employees;
- (e) the maintenance of the register of registered graduates;
- (f) the establishment of Faculties, departments, research centres and other academic divisions;
- (g) the powers and duties of officers and teachers;
- (h) conditions under which the Institute may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (i) conditions for appointment of emeritus Professors and award of honorary degrees;
- (j) efficiency and discipline of Institute employees;
- (k) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;
- (l) the constitution and procedure to be followed by the Committee for appointment of the Vice-Chancellor;
- (m) constitution, functions and powers of the Authorities of the Institute;
- (n) academic and research audit of the Institute; 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 Syndicate to the Senate which may approve or pass with such modifications as the Senate may think 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 (1) 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 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 Syndicate.

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

- (a) the courses of study for degrees, diplomas and certificates of the Institute;
- (b) the manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) the admission and expulsion of students to and from the Institute;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the Institute and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) conditions under which a person may carry on off campus 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, 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 Senate 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 the approval of the Senate.

(2) Regulations regarding or incidental to matters contained in sub-clauses (g) and (i) shall not be submitted to the Senate without the prior approval of the Syndicate.

28. 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.

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

CHAPTER-VI

INSTITUTE FUND

30. Institute fund:—The Institute shall have a fund to which shall be credited its income from fees, charges, donations, trusts, bequests, endowments, contributions, government grants and all other sources.

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

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

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

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

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

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

(6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law in force, the annual audited statement of accounts of the Institute shall be prepared in conformity with the generally accepted accounting principles by a reputed firm of chartered accountants, selected through a transparent and merit based process and approved by the Senate and signed by the Treasurer. The annual audited statement of accounts so prepared shall be submitted to the Auditor-General of Pakistan for his observations.

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

CHAPTER-VII

GENERAL PROVISIONS

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

33. Appeal to the Syndicate and the Senate.—Where an order is passed punishing any officer, other than the Vice-Chancellor, teacher or other employee of the Institute or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by any officer or teacher of the Institute, other than the Vice-Chancellor, have the right to appeal.

to the Syndicate against the order, and where the order is passed by the Vice-Chancellor, have the right to appeal to the Senate.

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

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

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

(3) No adverse change shall be made in the terms and conditions of employment of any Institute teacher or staff member in the employment of the Institute on the date of enforcement of this Act.

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

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

36. **Commencement of term of office of members of Authority.**—(1) When a member of a newly constituted 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 remains absent from the Institute for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

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

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

39. **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 invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

40. **Transitory provisions.**—(1) Notwithstanding anything contained in the Act, upon the commencement of this Act with respect to an Institute, the Senate shall be restructured and the members thereof, except the Institute teachers, appointed afresh by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. As regards the Institute teachers to be elected or appointed to the restructured Senate elections shall be held as soon as possible in the case of Institutes where the repealed Resolution or any other law or other legislative instrument had provided for the election of Institute teachers to the Senate, in all other cases Institute teachers shall be appointed to the restructured Senate by the Chancellor. The number of Institute teachers to be elected or appointed to the restructured Senate shall be as provided in this Act. The first restructured Senate so constituted shall initiate, as soon as possible, the process for the appointment of the members of the Syndicate and the Academic Council in accordance with the terms of this Act. The term of tenure provided in sub-section (4) of section 17 notwithstanding one-half of the members, other than *ex officio* members, of the first restructured Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment by the Chancellor.

(2) Any existing provision as regards tenure, notwithstanding the Vice-Chancellor and the other Authorities, in existence immediately before the date on which this Act is enforced with respect to an Institute listed in the Schedule, shall continue to function and shall, as far as may be, exercise the powers respectively assigned to the Vice-Chancellor and corresponding Authorities by or under any law, until such time as they are respectively replaced in accordance with the terms of this Act.

(3) Notwithstanding anything contained in the Act, as regards an Institute set up after its commencement, the members of the first Senate, except the Institute teachers, shall be appointed by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. The first Senate so constituted shall

initiate, as soon as possible, the process for the recruitment of Institute teachers and appointment of the members of the Syndicate and the Academic Council in accordance with the terms of this Act. The Institute teachers to be appointed to the first Senate shall be appointed as soon as the procedure prescribed for appointment of Institute teachers to the Senate has been complied with. The terms of tenure provided in sub-section (4) of section 17, notwithstanding one-half of the members, other than *ex officio* members, of the first Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment by the Chancellor.

(4) The current staff of the Institute including the Vice-Chancellor shall continue to function for the remaining period of their tenure or service as applicable in the statutes.

41. **Indemnity.**—No suit or legal proceedings shall lie against the Federal Government, the Institute or any Authority, officer or employee of the Government or the Institute or any person in respect of any thing which is done in good faith under this Act.

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

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

43. **Removal of difficulties.**—(1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Chancellor whose decision thereon shall be final.

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

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

44. Repeal and savings.—(1) The Planning and Development Division's Resolution No. 15(3)Ad.II/PD/80, dated the 12th December, 1981, is hereby repealed.

(2) Notwithstanding the repeal envisaged by sub-section (1)—

- (a) everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, scholarships, studentship, or exhibitions instituted, affiliations or privileges granted and orders issued under any of the provisions of the repealed Resolution, or the statutes, the regulations and the rules made or deemed to have been made thereunder, shall, if not inconsistent with the provisions of this Act or the statutes, the regulations or the rules made 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 Resolution, 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 this Act or the statutes, the regulations and the rules made under this Act; and
- (b) any statutes, regulations or rules made or deemed to have been made under the repealed Resolution shall, if not inconsistent with the provisions of this Act, be deemed to be statutes, regulations or rules made under this 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.

45. Validation of action, etc.— Anything done, actions taken, orders passed, instruments made, notifications issued, agreements made, proceedings initiated, processes or communication issued, powers conferred, assumed or exercised, by the Institute or its officers on or after the 8th November, 2005 and before the commencement of this Act, shall be deemed to have been validly done, made, issued, taken, initiated, conferred, assumed, and exercised and the provisions of this Act shall have, and shall be deemed always to have had effect accordingly.

ACT No. IX OF 2010

An Act further to amend the Patents Ordinance, 2000

WHEREAS it is expedient further to amend the Patents Ordinance, 2000 (LXI of 2000);

It is hereby enacted as under:—

1. **Short title and commencement.**— (1) This Act may be called the Patents (Amendment) Act, 2010.

(2) it shall come into force at once.

2. **Amendment of section 16, Ordinance LXI of 2000.**—In the Patents Ordinance, 2000 (LXI of 2000), hereinafter referred to as the said Ordinance, in section 16,—

(a) in sub-section (2), the comma and words “, but before the period of eighteen months from the date of filing of application in Pakistan” shall be omitted and shall be deemed always to have been so omitted; and

(b) sub-section (6) shall be omitted.

3. **Omission of section 19, Ordinance LXI of 2000.**—In the said Ordinance, section 19 shall be omitted.

RAJA MUHAMMAD AMIN,
Secretary.