

BALUCHISTAN _ PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 14" October, 2015.

No.PAB/Legis:V(28)/2015. The Baluchistan University of Information Technology

Engineering & Management Sciences (Amendment) Bill, 2014, (Bill No. 27 of 2014) having been passed by the Provincial Assembly of Baluchistan on 3TM October, 2015 and assented to by the Governor, Baluchistan on 12" October, 2015 is hereby published as an Act of Baluchistan Provincial Assembly.

The Baluchistan University of Information Technology Engineering & Management Sciences (Amendment) Act, 2015 Act No .XII of 2015.

(first published after having received the assent of the Governor Baluchistan Gazette (Extra-ordinary) dated 12" October, 2015)

AN
ACT

to amend the Baluchistan University of Information Technology and Management Sciences, Quetta Ordinance, 2002 (Ordinance No. XI of 2002).

Preamble. WHEREAS, it is expedient further to amend the Baluchistan University of Information Technology and Management Sciences Quetta Ordinance, 2002 (Ordinance No. XI of 2002) in the manner hereinafter appearing;

It is hereby enacted as follows. —

Short title and 1. (1) This Act may be called the Baluchistan University of commencement. Information Technology, Engineering and Management Sciences

(Amendment) Act, 2015.

(2) It shall come into force at once.

Amendment of 2. In the Baluchistan University of Information Technology and section 1, . . .

Ordinance XI of Management Sciences Quetta Ordinance, 2002 (Ordinance No. XI of 2002.

Amendment of
section 2,
Ordinance XI of
2002.

Amendment of
section 3,
Ordinance XI of
2002.

Amendment of
Section 8,
Ordinance XI of
2002.

Insertion of new
Section 12.A and
12-13 Ordinance
2002.

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-2-

2002), hereinafter referred to as the said Ordinance, in Section 1, in sub-section (1), after the word "Technology" a comma and the word "

Engineering" shall be inserted.

3. In the said Ordinance, in Section 2,-

(a) After clause (J), the following new clause shall be inserted, namely:-

"(J-a)" Ordinance" means the Balochistan University of Information Technology, Engineering and Management Sciences Quetta, Ordinance, 2002 (Ordinance No XI of 2002);";

(b) after clause (m), the following new clause shall be inserted namely:-

"(m-a)" Pro-Vice Chancellor" means the Pro-Vice Chancellor of the University."

(c) after clause (o) the following new clause shall be inserted namely:-

"(o-a)" Senate" means the senate of the University, constituted under section 18-A of this Act."; and

(d) in clause (s), after the word "Technology" a comma and the word "Engineering" shall be inserted."

4. In the said Ordinance, in Section 3, in sub-section (1) and (2), after the word "Technology", a comma and the word "Engineering" shall be

inserted.

5. In the said Ordinance in Section 8, after serial number of 2, the following new serial number shall be inserted, namely:-

"2(a) Pro-Vice Chancellor."

6. In the said Ordinance, after section 12, the following new sections shall be inserted, namely;-

“12-A. Pro-Vice Chancellor. — (1) There shall be a Pro-Vice Chancellor of the University, who shall be appointed by the

Chancellor for a term of three years, with first year on probation,

Amendment of
section 13,
Ordinance XI of
2002.

Amendment of
section 14,
Ordinance XI of
2002.

Amendment of
section 15,
Ordinance XI of
2002.

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-3-

extendable to another term, and on such terms and conditions as the
Chancellor may determine.

(2) The Chancellor, either on the recommendation of

the Senate or in pursuant to a resolution passed by a

majority of three fourth of its members or himself
on his discretion, may by an executive order remove
the Pro-Vice Chancellor on the ground of inefficiency,
moral turpitude, physical or mental incapacity or gross
misconduct including misuse of position for

personal advantage of any kind.

12-B. Powers and duties of the Pro-Vice Chancellor. (1) The
Pro-Vice Chancellor shall assist the Vice Chancellor in
all the matters and affairs of the University.

(2) All matters requiring orders, approval and
sanctions of the Vice Chancellor, shall be routed through the Pro-Vice
Chancellor.

(3) The Pro-Vice Chancellor shall be an Ex-officio
member of all the Statutory Bodies of the University, such as, the
Senate, the Syndicate, the Academic Council, the Finance and Planning
Committee, the Advanced Studies and Research Board, the Selection
Board/Committee etc.”

7. In the said Ordinance, 2002, in section 13, for the word “Syndicate”,
in the first paragraph, the phrase “Senate on the recommendation of the

Syndicate” shall be substituted.

8. In the said Ordinance, in section 14, in sub-section (I), for the word

“Syndicate” in the first paragraph, the phrase “Senate on the

recommendation of the Syndicate” shall be substituted.

In clause (b) for the word “Syndicate” the word “Senate” shall be substituted.

9. In the said Ordinance, in section 15, for the word “Syndicate” the phrase “Senate on the recommendation of the Syndicate” shall be

Amendment of
section 18,
Ordinance XI of
2002.

Insertion of
Section 18-A and
18-B, Ordinance
XI of 2002.

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substituted.

10. In the said Ordinance, in section 18. —

(a) for clause (a), the following shall be substituted, namely,

“(a)

the Senate,” and

(b) after clause (a) as so amended hereinabove, the following new

clause shall be inserted, namely.—

“(aa)

the Syndicate.”

11. In the said Ordinance, after section 18, the following new section

shall be inserted, namely. —

*18-A. Senate. — (1) The body responsible for the governance of

the University shall be described as the Senate, which shall consist

of the following, namely: —

(a)

(b)

(c)

(d)

(e)

(f)

the Chancellor; who shall be the Chairperson of the
Senate;

the Vice-Chancellor;

two members of the Provincial Assembly of the area to be nominated by the Provincial Government.

The Secretary Colleges, Higher & Technical Education;

The Principal Secretary to Governor;

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

Provided that the special focus or affiliation of the University, to be declared in the manner prescribed,

may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Senate;

(g) one person from amongst the alumni of the University;

(h) two persons, one male and one female from the

academic community of the country, other than an employee of the University, at the level of professor or principal of a college;

(1) Two out of four University teachers; one male and one female to be nominated by the Academic Council, and

(j) one person nominated by the Higher Education Commission of Pakistan.

(2) The numbers of the members described in clauses

(e) to (h) of sub-section (1), may be increased by the Senate through statutes:

Provided that the total membership of the Senate shall not exceed

twenty-one with a maximum of five University Teachers; and this increase

shall be balanced to the extent possible, across the different categories of

the members specified in sub-section (1).

(3) All the members of the Senate shall be appointed by the Chancellor: Provided that the appointments of persons described in clauses (e) to (f) of sub-section (1) shall be made from amongst a panel of three names for each vacancy, recommended by the Representation Committee set up in terms of section 23 and the

procedure as may be prescribed:

Provided further that effort shall be made, without compromising on quality of qualification, to give fair

representation to women on the Senate:

Provided further that as regard the University teachers

described in clause (g) of sub-section (1), the Senate shall prescribe a procedure for appointment to be based on the seniority and academic accomplishment and national/international recognition or the Senate may in alternate decide that appointments of the University teachers as members to the Senate shall also be in the same manner as provided for the persons described in clauses (e) to

(f) of sub-section (1).

(4) The members of Senate other than the ex-officio members shall hold office for three years, who on expiration of the three years from the date of their appointment by the Chancellor, shall cease to be a member of the Senate unless appointed for an other term. However, one-third 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 one year from the date of their appointment by the Chancellor, one-half of the remaining 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 their appointment and the remaining one-half other than ex-officio members, shall retire from office on the

expiration of the third year:

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 University Teachers appointed as

members of the Senate, shall not serve for two consecutive terms.

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

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

Provided that actual expenses may be reimbursed as prescribed.

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

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

(9) 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.

10. The quorum for a meeting of the Senate shall be one-half of its membership, a fraction being counted as one."

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

(2) Without prejudice to the generality of the foregoing

powers, the Senate shall have the powers to: —

(a) approve the proposed annual plan of work, annual budgets & its revision, annual report/statement of account;

(b) hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of immovable property;

(c) oversee the quality and relevance of the University's

(d)

(e)

(f)

(g)

(h)

(1)

Gj)

(k)

(l)

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-8-

academic programmes and to review the academic affairs of the University in general;

approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed; institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University; approve strategic plans;

approve financial resource development plans of the University;

consider and approve the drafts of Statutes and Regulations proposed by the Syndicate and the Academic Council and deal with them, as the case may be:

Provided that the Senate may frame a statute or Regulations on its own initiative and approve it after calling for the advice of the Syndicate or the Academic Council as the case may be;

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 provision of the Ordinance, Statutes or Regulations, after calling upon such Authority or officer as the case may be, to show cause why such proceedings should not be annulled;

recommend to the Chancellor removal of any

member of the Senate in accordance with the provisions of the Ordinance;

make appointment of members of the Syndicate, other than ex-officio members, in accordance with the provisions of the Ordinance;

make appointment of members of the Academic

(m)

(n)

(0)

(3)

-9-

Council, other than ex officio members, in accordance with the provision of the Ordinance. appoint Emeritus Professors on such terms and conditions on the recommendation of Syndicate as may be prescribed;

remove any person from the membership of any Authority, if such person:

(1) has become of unsound mind; or

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

(iii)

offence involving moral turpitude; and

has been convicted by a court of law for an

determine the form, provide of the custody and regulate the use of the common seal of the

University.

The Senate may, subject to the provisions of the

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

Substitution of 12.
Section 19,

Ordinance XI of

2002.

“19,
namely:-

- (a)
- (b)
- (c)
- (d)

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In the said Ordinance, for section 19, the following shall be
substituted, namely.—

Syndicate. — The Syndicate shall consist of the following,

the Vice-Chancellor who shall be its Chairperson;
the Pro Vice-Chancellor;
the Deans of the Faculties of the University;

six professors from different departments, at least

three of them to come from other institutions of higher learner who are not members of the Senate, to be appointed from amongst the University teachers in accordance with the procedure as may be prescribed by the Senate;

(e) Principals of the Constituent Colleges;

(f) The Registrar;

(g) | The Treasurer; and

(h) The Controller of Examinations.

(2) Member of the syndicate, other than ex-officio

members shall hold office for three years.

(3) As regards the six professors described in clause (e) of sub-section (1), the Senate may as an alternative to election, prescribe a procedure for proposal of a panel of names by the Representation Committee setup in terms of section 23 and made appointment out of persons proposed by the Representation

Committee 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 thereof shall be counted as one.

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

Substitution of 13. In the said Ordinance for, Section 20, the following shall be Section 20, ; ;

Ordinance XI of substituted, namely: —

2002. “20. Power and duties of the Syndicate. — (1) The Syndicate

shall be the executive body of the University and shall, subject to the provisions of the Ordinance and the Statutes exercise general

supervision over the affairs and management of the University.

(2) Without prejudice to the generality of the foregoing

-II-

powers and subject to the provisions of the Ordinance the Statutes

and directions of the Senate, the Syndicate shall have the powers

to:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(1)

Gj)

(k)

consider and recommend annual report, annual budget estimates and its subsequent revision to the Senate;

transfer and accept transfer of movable property on behalf of the University;

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

cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University; invest any money belonging to the University including and unapplied income in any of the security described in section 20 of the Trusts Act, 1882 (Act II of 1882), in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments; receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments and other contributions made to the University; administer any funds placed at the disposal of the

University for specified purposes;

provide the buildings, libraries, premises furniture, apparatus, equipment and other means required for carrying out the work of the University;

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

recommend to the Senate affiliation or disaffiliation of colleges;

recommend to the Senate admission of educational

Substitution of
Section 21,
Ordinance XI of
2002.

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-12-

institutions to the privileges of the University and

withdraw such privileges;

(1) arrange for the inspection of colleges and the departments;

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

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

(o) prescribe the duties of officers, teacher and other employees of the University;

(p) report to the Senate of matters with respect to which it has been asked to report;

(q) appoint members to various Authorities in accordance with the provision of the Ordinance;

(r) propose drafts statutes, rules and regulation for consideration and approval of the Senate;

(s) regulate the conduct and discipline of the students of the University;

(t) take actions necessary for the good administration of the University in general and to this extent exercise such powers as are necessary;

(u) delegate any of its powers to any authority or officer or a committee; and

(v) perform such other functions as have been assigned to it by the provisions of the Ordinance or may be assigned to it by the Statutes.”

14. In the said Ordinance, for Section 21 the following shall be

substituted namely:-

“21. Academic Council. — (1) There shall be an Academic

Council of the University consisting of the followings: —

- a) the Vice Chancellor who shall be its Chairperson;
- b) the Pro Vice Chancellor ;
- Cc) the Deans of the faculties and such heads of department as may be prescribed;
- d) — five members representing the departments, institutes and the constituent colleges, to be appointed in the manner as prescribed by the Senate;
- e) two Principals of affiliated colleges;
- f) five Professors including Emeritus Professors;
- g) the Registrar;
- h) the Controller of Examinations; and
- i) the Librarian.

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

Provided that as regards the five professors and the members representing the departments, institutes and _ the constituent colleges the 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 23 and made appointment out of the persons proposed by the Representation

Committee, 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 once in each quarter.

(5) The quorum for meetings of the Academic Council shall be one half of the total number of the members; a fraction thereof shall be counted as one.”

Substitution of 15. In the said Ordinance, for section 22, the following shall be
Section 22, substituted, namely: —
Ordinance No. XI , y*

of 2002. “22. Power and functions of the Academic Council. — (1)
The Academic Council shall be the principal academic body

of the University and shall, subject to the provisions of the

Ordinance and the Statutes, have the power to lay down proper

standards of instruction, research and examinations and to regulate

and promote the academic life of the University and the colleges.

(2) Without prejudice to the generality of the foregoing
powers, and subject to the provisions of the Ordinance and the

statutes, the Academic Council shall have the power to, —

(a) approve the policies and procedures pertaining to the
quality of academic programmes;

(b) approve academic programmes;

(c) approve the policies and procedures pertaining to
student related functions including admissions, expulsion,
punishments, examination and certification;

(d) approve the policies and procedures assuring quality
of teaching and research;

(e) recommend the policies and procedures for
affiliation of other educational institutions;

(f) propose to the Syndicate schemes for the
constitution and organization of Faculties, Teaching Departments
and Boards of Studies;

(g) appoint paper setters and examiners for all
examinations of the University after receiving panels of names
from the relevant authorities;

(h) institute programmes for the continued professional
development of University teachers at all levels;

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Amendment of
Section 27,
Ordinance XI of
2002.

Amendment of
Section 34,
Ordinance XI of
2002.

Amendment of
Section 37,
Ordinance XI of
2002.

Amendment of
Section 41,
Ordinance XI of
2002.

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-15-

(i) recognize the examinations of other Universities or
examining bodies as equivalent to the corresponding examinations
of the University;

(j) regulate the award of studentships, scholarships,
exhibitions, medals and prizes;

(k) frame Regulations for submission to the Senate;

(1) prepare an annual academic

performance of the University; and

report on the

(m) perform such functions as may be prescribed by
Regulations.

17. 'In the said Ordinance, in section 27, for the word "Syndicate"

wherever it appears, the word "Senate" shall be substituted.

18. In the said Ordinance, in section 34,—

(a) in sub-section (4), for the word "Government" the word
"Chancellor" shall be substituted; and

(b) for figure with brackets "(4)" appearing twice after sub-
section (4) shall be renumbered with brackets "(5)" shall be
substituted.

19. In the said Ordinance, in section 37, for the word "Syndicate"

wherever it appears, the word “Senate” shall be substituted.

20. In the said Ordinance, in section 41, for sub-section (2) the

following shall be substituted, namely: —

“(2) If a question arises whether any person is entitled to

be a member of any Authority, the matter shall be referred to the

Amendment of
Section 43,
Ordinance XI of
2002.

Amendment of
Section 45,
Ordinance XI of
2002.

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-16-

Senate and the decision of the Senate on such question shall be
final.”

21. In the said Ordinance, in section 43, for the word “Syndicate”
wherever it appears, the word “Senate” shall be substituted.

22. In the said Ordinance, for section 45, the following shall be
substituted, namely. —

“45. Transitory Provisions.— (1) Notwithstanding

anything contained in the Ordinance, upon the coming into force of
this Act, with respect to Balochistan University of Information
Technology and Engineering and Management Sciences, the
Senate shall be constituted and the members thereof shall be
appointed by the Chancellor in accordance with the numbers and
criteria for membership specified in the Ordinance as amended by
this Act, The University Teachers shall be appointed to the Senate
by the Chancellor, The number of University Teachers to be
appointed to the first Senate shall be as provided in the Ordinance
as amended by this Act. The first senate so constituted shall
initiate, as soon as possible, the process for the appointment of the
members of the Syndicate and the Academic Council shall be in
accordance with the terms of the Ordinance as amended by this
Act. The term of tenure provided in sub-section (4) of section 19
notwithstanding, one-third of the members, other than ex-officio
members of the first Senate, to be determined by lot, shall retire
from office on the expiration of one year from the date of
appointment by the Chancellor. One-half of the remaining
members, other than ex officio members, of the first Senate, to be
determined by lot, shall retire from office on the expiration of two
years from the date of appointment and the remaining one-half,
other than ex-officio members, shall retire from office on the
expiration of the third year.

Amendment of
Section 46,
Ordinance XI of
2002.

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23.

-17-

(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 came into force with respect to a University shall continue to function and shall, as far as may be, exercise the powers respectively assigned to the Vice-Chancellor and the corresponding Authorities by or under the Ordinance as amended by this Act, until such time as they are respectively replaced in accordance with the terms of the

Ordinance as amended by this Act.”

In the said Ordinance, for section 46, the following shall be

substituted, namely. —

24.

“46. 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 the Ordinance, the Chancellor may make such order after obtaining the views of the Senate, not inconsistent with the provisions of the Ordinance as may appear to him to be necessary

and appropriate for removing the difficulty.”

Upon coming into force of the provisions of the Ordinance as

amended under the Act, (hereinafter referred as the said Ordinance)

anything done, action taken, obligation or liabilities incurred, rights and

assets acquired, person appointed or authorized, jurisdiction or powers

conferred, donations or grants made, scholarships, studentships or

exhibitions instituted affiliations or privileges granted and orders issued

under any of the provisions of the Ordinance as it were before the
amendment under this Act, or other legislative instruments or the statutes,
the regulations and the rules made or deemed to have been made there

under, shall if not inconsistent with the provisions of the said Ordinance be continued and, so far as may be deemed to have been respectively done, taken, incurred, acquired, appointed, instituted, granted, and issued under the provisions of the said Ordinance and any documents referring to any of the provisions of the Ordinance, as it were before amendment under this Act, other legislative instruments of statutes, the regulation, and rules first referred shall be so far as may be, be considered to refer the corresponding provision of the said Ordinance or the statutes, the regulation and the roles made under the provisions the said Ordinance.

(2) All institutes or other constituent units of the University Functioning in terms of the provision of the Ordinance as it were before the amendment under this Act or other legislative instruments shall continue to function in terms of the said Ordinance.

(3) Any statutes, regulations or rules made or deemed to have been made under the provision of the Ordinance as it were before amendment under this Act, or other legislative instruments shall, if not inconsistent with the provisions of the said Ordinance be deemed to be statutes regulation or rules made under the said Ordinance, having regard to the various matters which by the said Ordinance have to be regulated or prescribed by statutes, regulations and rules are repealed, rescinded or

modified in accordance with the provisions of the said Ordinance.

(MUHAMMAD AZAM DAWI)
Secretary
Balochistan Provincial Assembly