

THE NATIONAL COLLEGE OF ARTS INSTITUTE ACT, 2021

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THE NATIONAL COLLEGE OF ARTS INSTITUTE ACT, 2021

ACT NO. XXVII OF 2021

[3rd December, 2021]

Act

to reconstitute National College of Arts

WHEREAS it is expedient to reconstitute National College of Arts, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

CHAPTER-I PRELIMINARY

1. Short title, application and commencement.— (1) This Act shall be called the National College of Arts Institute Act, 2021.

(2) It shall come into force at once.

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

(a) “Academic Council” means the Academic Council of the College;

(b) “Authority” means any of the Authorities of the College specified in terms of section 15;

(c) “Board of Governors” means the Board of Governors of the College;

(d) “Chairperson” means the Chairperson of the Board of Governors;

(e) “Chancellor” means the Chancellor of the College;

(f) “College” means the National College of Arts reconstituted under section 3;

(g) “College teacher” means a whole-time teacher appointed and paid by the College, or recognized by the College as such;

(h) “Commission” means the Higher Education Commission set up under the Higher Education Commission Ordinance, 2002 (LIII of 2002);

(i) “constituent institution” means an institution, college or school, by whatever name called, established and maintained by the College;

(j) “Controller of Examinations” means the Controller of Examinations of the College;

(k) “Deans” means the head of any faculty or the head of any academic body granted the status of a Faculty under this Act or by the Statutes or Regulations;

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“department” means a teaching department maintained and administered or recognized by the College in the manner prescribed;

“Director” means the head of a constituent institution;

“Faculty” means an administrative and academic unit of the College consisting of one or more departments, as prescribed;

“Government” means the Federal Government;

“prescribed” means prescribed by Statutes, Regulations or Rules made under this Act;

“Registrar” means the Registrar of the College;

“Representation Committees”. means the Representation Committees constituted under section 23;

“Review Panel” means the Review Panel set up by the Chancellor in accordance with the provisions of this Act;

“Scrutiny Committee” means the Scrutiny Committee set up by the Board of Governors under section 11;

“Secretariat” means the secretariat of the constituent institution;

“Statutes”, “Regulations” and “Rules” means respectively the Statutes, the Regulations and the Rules made under this Act and for the time being in force;

“Syndicate” means the Syndicate of the College;

“teachers” include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole-time by the College and such other persons as may be

declared by Regulations to be teachers;

“Treasurer” means the Treasurer of the College; and

“Vice-Chancellor” means the Vice-Chancellor of the College specified in Section 10.

CHAPTER-II

THE COLLEGE

3. Reconstitution of the College.— (1) The National College of Arts, Lahore constituted and functioning in terms of the National College of Arts Ordinance, 1985 (Ordinance XXVIII of 1985) is hereby reconstituted and set up as the National College of Arts in terms of this Act.

(2) The College shall continue to have its existing degree awarding status.

(3) The College shall consist of.—

(a) the Chancellor, Chairperson and the members of the Board of Governors and the Vice-Chancellor;

(b) the members of the Authorities of the College established under section 15;

(c) all College teachers and persons recognized as students of the College in accordance with terms prescribed from time to time;

(d) all other full-time officers and members of the staff of the College; and

(e) all existing regular teaching staff who shall be the regular teaching staff of the College on the existing terms and conditions.

(4) The College shall be a body corporate having perpetual succession and a common seal and may by the said name sue and be sued.

(5) The present regular or full time employees of the College shall continue to be employed under this Act under existing terms and conditions until altered as per the provisions of this Act.

(6) The College 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. It shall also be competent to receive grants.

(7) Notwithstanding anything contained in any other law for the time being in force, the College 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 terms 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 the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board in the annual budget of the College.

(8) All properties, assets, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in, or held in trust by or for the National College of Arts and liabilities, as it is, legally standing against the National College of Arts shall stand transferred from the existing National College of Arts and vest in the College of Arts reconstituted and set up under this Act.

4. Powers and purposes of the College.— The College shall have the following powers and purposes, namely:—

(i) to establish centers of excellence, research specialized education in the fields of fine arts, design, architecture, performing art, cinematography, musicology, cognitive studies, higher studies including doctoral and post doctoral research in the said fields;

(ii) to prescribe courses of studies to be conducted by it and the constituent institution;

(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

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and have passed its examinations underprescribed conditions;

to prescribe the terms and conditions of employment of the officers, teachers, and other employees of the College and to lay down terms and conditions that may be different from those applicable to Government servants in general;

to engage, where necessary, persons on contract of specified duration and to specify the terms of each such engagement;

to confer honorary degrees or other distinctions on approved persons in the manner prescribed;

to provide for such instruction for persons not being students of the College as it may prescribe and to grant certificates and diplomas to such persons;

to institute programs for the exchange of students and teachers between the College and other universities, educational institutions and research organizations, inside as well as outside Pakistan;

to provide career counseling and job search services to students and alumni;
to maintain linkages with alumni;

to develop and implement fund-raising plans;

to provide and support the academic development of the Faculty;

to confer degrees on persons of College and also on officers and students of College who have carried on independent research under prescribed conditions;

to accept the examinations passed and the period of study spent by students of the College at other universities and places of learning equivalent to such examinations and periods of study in the College, as it may prescribe, and to withdraw such acceptance;

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;

to institute Professorships, Associate Professorships, Assistant Professorships and Lecturerships and any other posts and to appoint persons thereto;

to create posts for research, teaching, extension, administration and other related purposes and to appoint persons thereto;

to affiliate and disaffiliate educational institutions under prescribed conditions;

to inspect colleges and other educational institutions affiliated or seeking affiliation with it;

to recognize as college teachers selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the

College or such other persons as it may deem fit;

(xxi) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;

(xxii) to establish teaching departments, schools, constituent institutions, faculties, institutes, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe in different parts of the country;

(xxiii) to provide for the residence of the students of the College and the constituent institutions, to institute and maintain halls of residence and to approve or license hostels and lodging;

(xxiv) to maintain order, discipline and security on the campuses of the College and the constituent institutions;

(xxv) to promote extra-curricular and recreational activities of its students and to make arrangements for promoting their health and general welfare;

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

(xxvii) 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;

(xxviii) to enter into, carry out, vary or cancel contracts;

(xxix) to receive and manage property transferred and grants, contributions made to the College and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;

(xxx) to provide for the printing and publication of research and other works;

(xxxi) to make Rules, Regulations and Statutes for the College; and

(xxxii) 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 College as a place of education, learning and research.

5. College open to all classes, creeds, etc.— (1) The College shall be open to all persons of either sex of whatever religion, race, caste, class, creed, colour or domicile who qualify for admission to the courses of study offered by the College based on the criteria and policy determined by the Board of Governors and no such person shall be denied the privileges of the College on the ground only of sex, religion, race, caste, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten per cent per annum on an

annualized basis from the last such increase may not be made except in special circumstances, and only with the approval of the Board of Governors.

(3) The College shall initiate financial aid programs for students in need, to the extent considered feasible by the Board of Governors subject to availability of resources, so as to enable admission and access to the College and the various opportunities provided by it shall be based on merit rather than ability to pay:

Provided that the College may initiate self-finance schemes covering not more than twenty-five per cent of the total number of candidates in any campus taught course or research-based program of study.

6. Teaching and examination at the College.— (1) All academic programs of the College shall be conducted in the prescribed manner and the Board of Governors shall ensure that the courses of study, the curriculum and the practical work at the College are comparable in standard with other similar institutions.

(2) All recognized teaching in various courses shall be conducted by the College 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 the laboratories,

hospitals, workshops and other governmental or private organizations.

(3) The authority responsible for organizing recognized academic programs shall be such as may be prescribed.

(4) The College shall associate internal and external examiners in the conduct of examinations.

CHAPTER-III OFFICERS OF THE COLLEGE

7. Officers.— (1) The following shall be the officers of the College, namely:—

- (a) the Chancellor;
- (b) the Chairperson;
- (c) the Vice-Chancellor;
- (d) the Deans;
- (e) the Directors of the constituent institutions;
- (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.

(2) Except for the Chancellor, the Chairperson and the Vice- Chancellor, all officers of the College shall function under the supervision and control of the Vice-Chancellor.

8. Chancellor.— (1) The President of Pakistan shall be the Chancellor of the College.

(2) The Chancellor shall preside at the convocation of the College. In the absence of the Chancellor, the Vice-Chancellor may preside over the convocation.

(3) The members of the Board of Governors as well as the Vice-Chancellor shall be appointed by the Chancellor in accordance with the provisions of this Act and the Statutes, as the case may be.

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

(5) If the Chancellor is satisfied that serious irregularities or mismanagement with respect to the affairs of the College has occurred, he may-

(a) cause a visitation or inquiry to be made in respect of any matter connected with the affairs of the College and appoint any such person as he may deem fit for the purpose; or

(b) on receipt of a report, issue such directions as he thinks fit and the Vice-Chancellor shall comply with such directions and shall submit a report of action taken to the Board of Governors.

9. Chairperson.— The Minister incharge of the concerned Ministry shall be the Chairperson of the Board of Governors who shall preside over the meetings of the Board of Governors. In the absence of the Chairperson his nominee may preside over the meeting of the Board of Governors.

10. Vice-Chancellor.— (1) There shall be a Vice-Chancellor of the College who shall be a person of national eminence and proven ability who has made significant contribution to higher education in arts as a teacher and researcher while also having experience as a practitioner or administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the Chief Executive Officer and Principal Accounting Officer of the College responsible for all administrative and academic functions of the College 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 College. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the College.

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

(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 shall submit a report of the action taken to the concerned Authority.

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

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

(b) to sanction, in consultation with the Treasurer, by re-appropriation an amount not exceeding an amount prescribed by the Board of Governors for an unforeseen item not provided for in the budget and report it to the Board of Governors at the next meeting;

(c) to make appointments of such categories of employees of the College 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 College;

(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 College; 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 Board of Governors 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 shall make available annual report, prior to its presentation before the Board of Governors, to all officers and College teachers and it shall be published in such numbers, and uploaded on the College website, as are required to ensure its wide circulation.

11. Appointment of the Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Chancellor on the basis of recommendations made by the Board of Governors as provided herein below.

(2) A Scrutiny Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Board of Governors on the date and in the manner prescribed by Statutes and shall consist of two eminent members of society nominated by the Chancellor of whom one shall be appointed the convener, two members of the Board of Governors, two distinguished College teachers who are not members of the Board of Governors and one academic of eminence not employed by the College. The two distinguished College teachers shall be selected by the Board of Governors through a process, to be prescribed by Statute that provides for the recommendation of suitable names by the College teachers in general. The Scrutiny Committee

shall remain in existence till such time that the appointment of the next Vice-Chancellor has been made by the Chancellor.

(3) The persons proposed by the Scrutiny Committee for appointment as Vice-Chancellor shall be considered by the Board of Governors and of these a panel of three in order of priority shall be recommended by the Board of Governors to the Chancellor:

Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor the Scrutiny Committee shall make a proposal to the Board of Governors in the same manner as provided in sub-section (2).

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by Statute. The tenure of an incumbent Vice-Chancellor of the College shall be renewed by the Chancellor on receipt of a resolution of the Board of Governors in support of such renewal:

Provided that the Chancellor may call upon the Board of Governors to reconsider such resolution once:

Provided further that present incumbent Principal of the National College of Arts existing immediately before commencement of this Act shall be the first Vice-Chancellor of the College.

12. Registrar.— (1) There shall be a Registrar of the College having prescribed experience and qualification, to be appointed by the Board of Governors on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The Registrar shall be a full-time officer of the College and shall—

- (a) be the custodian of the common seal and the academic records of the College;
- (b) maintain a register of registered graduates in the prescribed manner;

(c) supervise the process of election, appointment or nomination of members to the various Authorities and other bodies in the prescribed manner; and

(d) perform such other duties as may be prescribed.

(3) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board of Governors 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.

13. Treasurer.— (1) There shall be a Treasurer of the College, having prescribed experience and qualification to be appointed by the Board of Governors on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The Treasurer shall be the chief financial officer of the College and shall-

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the College;

(b) prepare the annual and revised budget estimates of the College and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Board of Governors;

(c) ensure that the funds of the College are expended on the purposes for which they are provided;

(d) have the accounts of the College prepared and audited annually as provided in section 29 so as to be available for submission to the Board of Governors within six months of the close of the financial year; and

(e) perform such other duties as may be prescribed.

(3) The term of office of the Treasurer shall be for a renewable period of three years:

Provided that the Board of Governors 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.

14. Controller of Examinations.— (1) There shall be a Controller of Examinations of the College having the prescribed experience and. qualification, to be appointed by the Board of Governors on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The Controller of Examination shall be a full-time officer of the College and shall be-

(a) responsible for all matters connected with the conduct of examinations and to perform such other duties as may be prescribed;

(b) responsible for secrecy and confidentiality of examination, results, and to perform such other duties as may be prescribed; and

(c) perform such prescribed duties in the Secretariat.

(3) The Controller of Examinations shall be appointed for a renewable term of three years:

Provided that the Board of Governors 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 COLLEGE

15. Authorities.— (1) The following shall be the Authorities of the College established under this Act, namely:-

(a) the Board of Governors;

(b) the Syndicate; and

(c)

the Academic Council.

(2) The following Authorities shall be established by Statutes,namely:-

(a)

(b)

(c)

(d)

(e)

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Graduate and Research Management Council;

Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at the level of the department, the Faculty or the College;

Career Placement and Internship Committee of each Faculty;

Scrutiny Committee for the appointment of the Vice-Chancellor;

the Representation Committees for appointment to the Board of Governors, Syndicate and the Academic Council;

Faculty Council; and

Departmental Council.

(3) The Board of Governors, 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 theCollege for the purposes of this Act.

16. Board of Governors.— (1) The body responsible for thegovernance of the College shall be the Board of Governors, and shall consist of the following, namely:-

(a)

(b)

(d)

(e)

Minister in-charge of the concerned administrative Ministry who shall be the Chairperson of the Board of Governors;

the Vice-Chancellor;

Secretary of concerned Ministry or his nominee;

Managing Director, Pakistan Television Corporation;

eight persons from society at large being persons of distinction in the fields of administration, management, education, literati, academics, law, accountancy, arts, architecture, media, social and human rights philanthropy, educational advocacy, industrialists, 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 College, may be reflected in the number of persons of distinction in an area of expertise relevant to the College who are appointed to the Board

of Governors;

(f)

(g)

one person from amongst the alumni of the College;

two persons from the academic community of the country, other than an employee of the College, at the level of professor or principal of a college;

(h) Vice-Chancellor, University of the Punjab, Lahore; and

(i) | Chairperson of the Commission or his nominee.

(2) The Vice-Chancellor shall also act as the Secretary of the Board of Governors.

(3) The number of the members of the Board of Governors described against clauses (e) to (g) of sub-section (1) may be increased by the Board of Governors through Statutes subject to condition that the total membership of the Board of Governors does not exceed twenty-one with a maximum of four College teachers and ten from society at large, and the increase is balance, to the extent possible, across the different categories specified in sub-section (1).

(4) All appointments to the Board of Governors shall be made by the Chancellor in consultation with Chairperson in accordance with the provisions of this Act and the Statutes:

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Board of Governors:

Provided further that as regards the College teachers, the Board of Governors shall prescribe a procedure for appointment on the basis of election that provide for voting by the various categories of College teachers:

Provided also that the Board of Governors may alternatively prescribe in addition to above that appointment of College teachers to the Board of Governors shall also be in the manner provided by this sub-section for the persons described in clauses (e) and (f) of sub-section (1).

(5) Members of the Board of Governors, other than ex-officio members, shall hold office for three years:

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

Provided further that the College teachers appointed to the Board of Governors may not serve for two consecutive terms.

(6) The Board of Governors shall meet at least twice in a calendar year.

(7) Service on the Board of Governors shall be on honorary basis: Provided that actual expenses may be reimbursed as prescribed.

(8) All decisions of the Board of Governors 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 Board of Governors shall be one-half of its membership, a fraction being counted as one

17. Powers and functions of the Board of Governors.— (1) The Board of Governors shall have the power of general supervision over the College and shall hold the Vice-Chancellor and the Authorities accountable for all the functions of the College. The Board of Governors shall also have

all powers of the College not expressly vested in an Authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its

functions.

(2) Without prejudice to the generality of the foregoing powers, the Board of Governors shall have the following powers, namely:-

(a)

(b)

(d)

(e)

(f)

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(h)

to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;

to hold, control and lay down policy for the administration of the property, funds and investments of the College, including the approval of the sale and purchase or acquisition of immovable property;

to institute the degrees to be awarded by the College and to oversee the quality and relevance of the College's academic programs and to review the academic affairs of the College in general;

to approve the appointment of the Principals, Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;

to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the College;

to approve strategic plans;

to approve financial resource development plans of the College, and to approve the strength of the teaching staff as well as the clerical and non-clerical staff and may from time to time increase the post or decrease or abolish any previous approved posts;

to consider the drafts of Statutes and Regulations proposed by the Syndicate and the Academic Council respectively:

Provided that the Board of Governors may make 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;

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to annul by order in writing the proceedings of any Authority or officer if the Board of Governors 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 as to why such proceedings should not be annulled;

to recommend to the Chancellor removal of any member of the Board of Governors in accordance with the provisions of this Act;

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

to make appointment of member of the Academic Council, other than ex-officio

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members, in accordance with the provisions of this Act;

to appoint emeritus professors on such terms and conditions as may be prescribed;

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 by a court of law been convicted for an offence involving moral turpitude; and

to determine the form, provide for the custody and regulate the use of the common seal of the College.

(3) The Board of Governors 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 College 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 Board of Governors may create new posts or positions at the additional campus.

18. Inspection.— The Board of Governors 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 College.

19. Syndicate.— (1) There shall be a Syndicate of the College consisting of the following,

namely:-

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(b)

(c)

(d)

(e)

(f)

the Vice-Chancellor who shall be its Chairperson;

the Deans of the Faculties of the College;

three professors from different departments, who are not members of the Board of Governors, to be elected by the College teachers in accordance with procedure to be prescribed by the Board of Governors;

the Registrar;

the Treasurer; and

the Controller of Examinations.

(2) The Legal Adviser or the Chartered Accountant of the College, as the case may be, also attend the meeting of Syndicate on invitation.

(3) The Registrar shall also be the Secretary of the Syndicate.

(4) Members of the Syndicate, other than ex-officio members, shall hold office for three years.

(5) As regards the three professors under clause (c) of sub-section (1) the Board of Governors 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. Appointment of persons proposed by the Representation Committee may be made by the Board of Governors on the recommendation of the Vice-Chancellor.

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

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

20. Power and duties of Syndicate.— (1) The Syndicate shall be the executive body of the College and shall, subject to the provisions of this Act and Statutes, exercise general supervision over affairs and management of the College.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, Statutes and directions of the Board of Governors, the Syndicate shall have the following power, namely:-

(a) to consider the annual report, the annual and revised budget estimates and to submit these to the Board of Governors;

(b) to transfer and accept transfer of movable property on behalf of the College;

(c) to enter into, vary, carry out and cancel contracts on behalf of the College;

(d) _ to cause proper books of account to be kept for all sums of money received and expended by the College and for the assets and liabilities of the College;

(e) to invest any money belonging to the College including any unapplied income in any of the securities described in section 20 of the Trust Act, 1882 (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 College;

(g) to administer any funds placed at the disposal of the College for specified purposes;

(h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the College;

(i) to establish and maintain halls of residence and hostels or approve or license hostels or lodgings for residence of students;

(j) | to recommend to the Board of Governors admission of educational institutions to the privileges of the College and withdraw such privileges;

(k) to recommend to the Board of Governors affiliation or de- affiliation of Colleges;

(1) _ to institute Professorships, Associate Professorships, Assistant Professorships, Lecturerships and other teaching posts or to suspend or to abolish such posts;

(m) to create, upgrade, downgrade, re-designate, suspend or abolish such administrative or other posts as may be necessary;

(n) _ to prescribe the duties of officers, teachers and other employees of the College;

(o) to report to the Board of Governors on matters with respect to which it has been asked to report;

(p) to appoint members to various Authorities in accordance with the provisions of this Act;

(q) to propose drafts of Statutes for submission to the Board of Governors;

(tr) to regulate the conduct and discipline of the students of the College;

(s) to take actions necessary for the good administration of the College in general and to this end exercise such powers as are necessary;

(t) to delegate any of its powers to any Authority or officer or a committee; and

(u) _ to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by Statutes.

21. Academic Council.— (1) There shall be an Academic Council of the College 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) two members representing the departments, institutes and the constituent institutions to be elected in the manner prescribed by the Board of Governors;

(d) _ three Professors including Emeritus Professors;

(e) _ the Registrar;

(f) the Controller of Examinations; and

(g) _ the Senior Librarian.

(2) The Board of Governors shall appoint the members of the Academic Council, other than the ex-officio and the elected members, on the recommendation of the Vice-Chancellor of the College:

Provided that for members at clauses (c) and (d) of sub-Section (1), the Board of Governors may prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 23. Appointment of persons proposed by the Representation Committee may be made by the Board of Governors on the recommendation of the Vice-Chancellor.

(3) Members of the Academic Council, other than the ex-officio

members, shall hold office for three years.

(4) The Academic Council shall meet at least once in each quarter of the year.

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

22. Power and functions of the Academic Council.— (1) The Academic Council shall be the principal academic body of the College and shall, subject to the provisions of this Act and Statutes, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the College and the constituent institutions of the College.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and Statutes, the Academic Council shall have the power to—

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approve the policies and procedures pertaining to the quality of academic programs;

approve academic programs;

approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;

approve the policies and procedures assuring quality of teaching and research;

propose to the Syndicate schemes for the constitution and organization of Faculties, teaching departments and boards of studies;

appoint paper setters and examiners for all examinations of the College after receiving panels of names from the relevant authorities;

institute programs for the continued professional development of College teachers at all levels;

recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the College;

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

make Regulations for submission to the Board of Governors;
prepare an annual report on the academic performance of the College; and

perform such functions as may be prescribed by Regulations.

23. Representation Committees.—(1) There shall be a Representation Committee constituted by the Board of Governors through Statute for recommendation of persons for appointment to the Board of Governors, Syndicate and Academic Council in accordance with the provisions of sections 16, 19 and 21 respectively.

(2) Members of the Representation Committee for appointment to the Board of Governors shall consist of the following, namely:-

- (a) three members of the Board of Governors who are not College teachers;
- (b) two persons nominated by the College teachers from amongst themselves in the manner prescribed;
- (c) one person from the academic community, not employed by the College, at the level of professor or college principal to be nominated by the College teachers in the manner prescribed; and
- (d) one eminent citizen with experience in administration, social philanthropy, education advocacy, media, literature, development work, law, accountancy to be nominated by the Board of Governors.

(3) The Representation Committee for appointments to the Syndicate and the Academic Council shall consist of the following, namely:-

- (a) | two members of the Board of Governors who are not College teachers; and
- (b) three persons nominated by the College teachers from amongst themselves in the manner prescribed.

(4) The tenure of the Representation Committees shall be three years: Provided that no member shall serve for more than two consecutive terms.

(5) The procedure for conducting business of the Representation Committees shall be as may be prescribed.

(6) There may also be such other Representation Committees set up by any of the other Authorities as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the College.

24. Appointment of committees by certain Authorities.—(1) The Board of Governors, 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 committees 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

25. 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 Board of Governors, shall be prepared;

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the College fees and other charges;

the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for College employees;

the scales of pay and other terms and conditions of service of officers, teachers and other College employees;

the maintenance of the register of registered graduates;

admission of educational institutions to the privileges of the College and the withdrawal of such privileges;

the establishment of faculties, departments, institutes, constituent institutions and other academic divisions;

the powers and duties of officers and teachers;
conditions under which the College may enter into arrangements with other institutions or with public bodies for purposes of research and advisory

Services;

conditions for appointment of Emeritus Professors and award of honorary degrees, academic chairs;

efficiency and discipline of College employees;

the constitution and procedure to be followed by representation Committees in carrying out functions in terms of this Act;

the constitution and procedure to be followed by the Scrutiny Committee for appointment of the Vice-Chancellor;

conditions and qualifications for appointment of all categories of teachers;

conditions in light of Commission's rules etc. for bestowing tenure-track to teachers;

constitution, functions and powers of the Authorities; and

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 Board of Governors which may approve or pass with such modifications as the Board of Governors may think fit or may refer back to the Syndicate for reconsideration of the proposed draft:

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

the Syndicate:

Provided further that the Board of Governors may initiate Statutes with respect to any matter in its power with respect to which Statutes may be made in terms of this Act and approve such Statutes after seeking the views of the Syndicate.

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

- (a) _ the courses of study for degrees, diplomas and certificates of College;
- (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 College;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the College 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, Departments, Disciplinary Committees, 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 Board of Governors 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 Board of Governors.

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

27. Rules.— (1) Subject to the provision of sub-section (2), the Authorities and the other bodies of the College may make Rules, consistent with this Act, to regulate any matter relating to the affairs of the College 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.

(3) Notwithstanding the provisions of sub-section (1), the Rules made by the College

before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue in force until they are repealed or amended under this Act.

CHAPTER-VI COLLEGE FUND

28. Fund of the College.—The College shall have a fund to which shall be credited its income fees, shares, donations, trusts, bequests, endowments, contributions, grants and all other sources.

29. Audit and Accounts.—The accounts and financial statements of the College shall be prepared in conformity with the International Financial Reporting standards (IFRS) as applicable in Pakistan, signed by the Vice-Chancellor (Principal Accounting Officer) and Treasurer and shall be audited by a reputed firm of chartered accountants. The annual audited financial statement so prepared and the auditor's report thereon shall be submitted to the Higher Education Commission.

CHAPTER-VII GENERAL PROVISIONS

30. Opportunity to show cause.— Except as otherwise provided by law, no officer, teacher or other employee of the College 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.

31. Appeal to the Syndicate and the Board of Governors.— Where an order is passed punishing, other than the Vice-Chancellor, any officer, teacher or other employee of the College 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 College 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 Board of Governors.

32. Service of the College.—(1) An officer, teacher or other employee of the College shall retire from service on the attainment of such age or tenure of service as may be prescribed.

(2) No adverse change shall be made in the terms and conditions of employment of any College teacher who are in the employment of the College on the date of commencement of this Act.

(3) As regards the terms and conditions of employment of persons in the service of Pakistan in general or in comparable employment shall be entirely governed by the terms and conditions prescribed by the relevant Statutes.

33. Benefits and insurance.—(1) The College 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.

34. Commencement of term of office of members of Authority.— (1) When a member of a newly constituted Authority is elected, appointed or nominated, his terms of office 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 College for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

35. Filling of casual vacancies in Authorities.—Any casual vacancy among the members of any Authority shall be filled as prescribed, 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 terms for which the person whose place he fills would have been a member.

36. Flaws in the constitution of Authorities.— Where there is a flaw in the constitution of an Authority, as constituted by this Act, Statutes or Regulations on account of the abolition of a specified office under Government or because an organization, institution or other body outside the College 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 Board of Governors may direct.

37. Proceedings of Authorities not invalidated by the vacancies.— No act, resolution or decision of any Authority shall be invalid by reason of any vacancy of 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.

38. First Statutes and Regulations.— Notwithstanding anything to the contrary contained in this Act, the Chancellor shall make the first Statutes and Regulations which shall be deemed to be Statutes and Regulations made under sections 26 shall continue to remain in force until amended or till such time as new Statutes and Regulations are made in accordance with the provisions of this Act.

39. Transitory provisions.—(1) Notwithstanding anything contained in this Act, the members of the first Board of Governors, except the incumbent of the post of Principal who shall be the first Vice-Chancellor and the College teachers, shall be appointed by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. The first Board of Governors 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 provisions of this Act.

(2) Notwithstanding anything contained in this Act and subject to the provisions of sub-section (1) of section 3, the tenure of the first Vice-Chancellor shall be for a period of five years.

40. Repeal and savings.— (1) On the commencement of this Act, the National College of Arts Ordinance, 1985 (XXVIII of 1985), shall stand repealed.

(2) Notwithstanding the repeal of the National College of Arts Ordinance XXVIII of 1985 under sub-Section (1),—

(a) everything done, action taken, obligations and liabilities incurred, persons appointed or authorized, funds or trusts created, affiliations or privileges granted, degrees, fellowships or scholarships instituted and orders issued under any of the provisions of the repealed Ordinances, other legislative instruments or the Statutes, the Regulations and the Rules made or deemed to have been made thereunder, shall, if not inconsistent with the provisions of the 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 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 Act or the Statutes, the Regulations and the Rules made under this Act;

(b) all institutes, colleges or other constituent units of the College functioning in terms of the provisions of the repealed Ordinances or other legislative instruments shall continue to function in terms of the relevant repealed provisions till such time that the Board of Governors through Statute has prescribed otherwise; and

(c) all the money and properties held by the National College of Arts immediately before such commencement shall stand transferred to, and vest in College.

41. Act to override other instruments, etc.— The provisions of this Act shall have effect notwithstanding anything contained in any instrument, resolution or certificate of incorporation of the College.

42. Indemnity.— No suit or legal proceedings shall lie against the Government, the College or any Authority, officer or employee of the Government or the College or any person in respect of anything which is done in good faith under this Act.

43. Removal of difficulties.—(1) If any question arises as to the interpretation of any of the provisions of the Act, it shall be placed first before the Board of Governors which shall consult Statutes and Regulations, or as prescribed, and in persistence of question 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 Act, the Chancellor may make such order after obtaining the views of the Board of Governors, not inconsistent with the provisions of the Act, as may appear to him to be necessary for removing the difficulty.

(3) Where the 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 Board of Governors.