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ISLAMABAD, THURSDAY, MAY 24, 2018

PART-I ;

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad..the 22nd May, 2018

No. F. 9(7)/2018-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on. 18th May, 2018 and is hereby published for general information.—

ACT NO. XXIV OF 2018

An Act to provide for restructuring of health services academy as a degree : awarding institute

WHEREAS it is expedient to provide for restructuring of health services academy, as a degree awarding institute in order to provide it autonomy while improving governance and management thereof so as to enhance quality of higher education in the country:

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—{1) This Act may be called the Health Services Academy (Restructuring) Act, 2018.

(353)

Price: Rs.30.350

[5950(2018)/Ex. Gaz. |

(2) It extends to the whole of Pakistan.

(3) . It shall come into force at once,

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

(i) “academi: council” means the academic council constituted under this Act:

(ii) “Academy means the health, services acedemy established under the Health Services Academy Ordinance, 2002 (LXI] of 2002);

(iii) “affiliatc. college” means an educational institution affiliated to the HSA but not maintained or administered by it;

(iv) “Authority” means any of the Authorities of the HSA specified or set up under section 17;

(v) “Chancel or” means the Chancellor of the HSA;

(vi) “college” means a constituent college or ar affiliated college:

(vii) “Commission” means the Higher Education Commission set up under the Highe' Education Commission Ordinance, 2002 (LH! of 2002);

(viii) “constitucnt college” means an educational] institution. by whatever name des :ribed, maintained and administered by the EISA;

(ix) “Dean” means head of department or head of faculty or head of an academic body granted the status of a'faculty by this Act or by the statutes o° regulations;

(x) “department” means a teaching department maintained and administered or recognized by the HSA in the prescribed manner,

. (xi) “director? means head of an institute established as a constituent institution by the HSA by statutes or regulations in terms of the powers conferred by this Act;

(xii) “faculty” means an administrative and academic unit of the HSA consisting: of one or more departments, as may be prescribed:

(xiti) “Government” means the Federal Government;

(xiv) "Health Services Academy" or "HSA" means the Academy restructured under this Act as a degree-awarding institute;

(xv) "HSA teacher" means a whole-time teacher appointed and paid by the HSA or recognized by the HSA as such;

(xvi) "prescribed" means prescribed by statutes, regulations or rules made under this Act:-

(xvii) "principal" means head of a college;

(xviii) "Pro-Chancellor" means the Pro-Chancellor of the H1SA;

{xix) "Rector" means the Rector of HSA;

(xx) "representation committees" means the representation committees constituted under section 25;

(xxi) "review panel" means the review panel set up by the Chancellor in accordance with the provisions of sub-section (5) of section 8;

(xxii) "search committee" means the search committee set up by the Senate under section 12;

(xxiii) "Senate" means the Senate of the HSA;

(xxiv) "statutes", "regulations" and "rules" mean respectively the statutes, the regulations and the rules made under this Act;

(xxv) "Syndicate" means the Syndicate of the HSA;

(xxvi) "teachers" include professors, associate professors, assistant professors and lecturers engaged whole-time by the HSA or by a constituent or affiliated college and such other persons as may be declared by regulations to be teachers; and

{xxvii) "Vice-Chancellor" means the Vice-Chancellor of the HSA.

CHAPTER II

HEALTH SERVICES ACADEMY

3. Incorporation—(1) The health services academy established under the Health Services Academy Ordinance, 2002 (LXII of 2002) stands

restructured, to be called as the Health Services Academy, as degree awarding institute in accordance with the provisions of this Act.

(2) The HSA shall consist of the following, namely:-

(a) the Chancellor, Pro-Chancellor, the members of the Senate and the Vice-Chancellor; .

(b) the members of the Authorities of the HSA established under section 7;

(c) all HSA teachers: and persons recognized as students of the HSA in accordance with the terms as may be prescribed from time; and

(d) all other full-time officers and members of staff of the HSA.

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

(4) The HSA 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.

(3) Notwithstanding anything contained in any other law for the time being in force, the HSA 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 (LI. of 2002). In particular, and without prejudice to the authority granted to the Commission by 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 Senate in the annual budget of the HSA.

(6) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held, in trust by Academy before commencement of this Act and liabilities legally subsisting before such commencement against Academy stand passed to the HSA restructured under this Act.

4. Powers and functions of the HSA.—The HSA shall have the following powers, namely:—

(i) to provide for instruction and training in health including animal sciences, technology and other allied disciplines in such manner as it considers appropriate so as to produce competent, imaginative, skilled and committed health professionals, doctors, scientists and experts;

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to undertake joint investigation and collaborative research in the field of health sciences, biomedical technology and other allied disciplines:

to provide assistance to health and allied professions, institutions and organizations in Pakistan and abroad through expert advice, consultations, institutional consultancies and in any other manner as it may deem fit:

to promote, contact and establish linkages with national and international institutions and other academic, research and development organizations in Pakistan and abroad for effective discharge of its functions and responsibilities;

to pursue and make provisions for research, innovations, inventions, demonstrations and other services as it may deem fit;

to print, publish and circulate periodicals, journals, magazines and books and disseminate scientific, technological and other related knowledge and information conducive to the attainment of any of the objectives of the HSA;

to prescribe courses of studies in health sciences, biomedical technology and other allied Jisciplines and to decide teaching methods and strategies in order to ensure the most effective educational and training programmes;

to establish field demonstration areas, laboratories, museums and other facilities for training, education and research;

to affiliate or associate itself with other institutions and to establish

faculties in Pakistan or abroad for effective discharge of its functions;

to enter into agreements, contracts and arrangements with organizations, institutions, bodies and individuals for the purpose of carrying out its functions and activities;

to provide for education and scholarship in such branches of knowledge as 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:

to prescribe courses of studies to be conducted by it and the colleges;

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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;

to prescribe the terms and conditions of employment of the officers, teachers and other employees of the HSA 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 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 HSA as it may prescribe and to grant certificates and diplomas to such persons;

to institute programmes for the exchange of students and teachers between the HSA 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 faculty of the HSA;

to confer under prescribed conditions degrees on persons who have carried on independent research;

to affiliate and disaffiliate educational institutions under prescribed conditions;

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

to accept the examinations passed and the period of study spent by students of the HSA at other universities and places of learning

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equivalent to such examinations and periods of study in the HSA, 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 lectureships and any other posts and to appoint persons thereto;

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

to recognize selected members of the teaching 'staff of affiliated colleges or educational institutions admitted to the privileges of the HSA or such other persons as it may deem fit, as HSA teachers;

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

to establish teaching departments, schools, colleges, faculties, institutes, museums and other centers of learning for development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;

to provide for the residence of the students of the HSA and the colleges, to institute and maintain halls of residence and to approve

or license hostels and lodging;

to maintain order, discipline and security on campuses of the HSA and the colleges;

to promote extracurricular and recreational activities of students and to make arrangements for promoting their health and general welfare: ‘

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

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;

- (xxxviii) to enter into, carry out, vary or cancel contracts;
- (xxxix) to receive, and manage property transferred and grants and contributions made to the HSA and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xl) to provide for printing and publication of research and other works;
- (xli) to provide policy advice on public health, research, health education and related discipline to Federal Government as deemed appropriate by the Government or HSA from time to time; and
- (xlii), to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be expedient in order to further objectives of the HSA as a place of education, learning and research.

5. HSA open to all classes, creeds, etc.—(1) Except where the HSA has been declared by notification in the official Gazette to be open only to persons of a specified gender, the HSA shall be open to all persons of either gender and of whatever religion, race, creed, class, colour or domicile and no person shall be denied the privileges of the HSA on the grounds of religion, race, caste, creed, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten percent per annum on an annualized basis from the last such increase may not be made except in special circumstances and only with approval of the Chancellor.

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

Provided that the HSA may institute self-finance schemes not covering more than ten percent of the total number of candidates in any on-campus taught course or research-based programme of study.

6. Teaching —(1) All recognized teaching in various courses shall be conducted by the HSA and the colleges 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.

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The authority responsible for organizing recognized teaching s shall be such as may be prescribed. .

CHAPTER III

OFFICERS OF THE HSA

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

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Vice-Chancellor;
- (d) - the Rector;
- (e) the Deans:
- (f) the Principals of the constituent colleges;
- (g) the Chairpersons of the teaching departments;
- (h) the Registrar;
- (i) _ the Treasurer;
- (j) the Controller of Examinations; and
- (k) such other persons as may be prescribed by the statutes or regulations.

8. Chancellor—{1) The President of the Islamic . Republic of

Pakistan shail by virtue of his office be the Chancellor of the HSA as well as the Chairperson of the Senate.

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The members of the Senate as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by the representation committee set up for this purpose or the search committice established in accordance with this Act and the stalutes, as the case may: be, along with those elected.

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Every proposal to confer an honorary degree shall be subject to

confirmation by the Chancellor.

(4) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the HSA has occurred, he may.—

(a) as' regards proceedings of the Senate, direct that specified proceedings be re-considered 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 re-consideration 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 20.

(5) The Chancellor may cause a visitation or inquiry to be made in respect of any matter connected with affairs of the HSA and appoint any person as he may deem fit for the purpose.

(6) The Chancellor may, on receipt of a report, issue such directions as he thinks fit and the Vice-Chancellor shall comply with such directions.

(7) The Chancellor may delegate any of his powers to Vice-Chancellor from time to time as he deems appropriate.

9. Pro-Chancellor—(1) The Minister-in-charge of the concerned Division allocated with business of HSA shall by virtue of his office be the Pro-Chancellor of the HSA.

(2) Where the Chancellor is absent for any reason, the Pro-Chancellor shall act as Chancellor and exercise all powers of the Chancellor except the powers provided for under sub-sections (4) and (7) of section 8.

(3) The Pro-Chancellor shall perform such duties as may be assigned and delegated to him by the Chancellor.

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

'(a) has become of unsound mind: or
(b) has become incapacitated to function as member of the Senate: or

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

(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
performance of his functions.

(2) The Chancellor shall not remove any person from membership at
the Senate except on a resolution by at least three-fourths of total members of the
Senate calling for removal of such person:

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
HSA who shall be an eminent academician or a distinguished administrator and
shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be chief executive officer of the HSA
responsible for all administrative and academic functions of the HSA and for
ensuring that the provisions of this Act, statutes, regulations and rules are
observed in order to promote general efficiency and good order of the HSA
and he shall have all powers prescribed for this purpose, including administrative
control over the officers, teachers and other employees of the HSA.

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

(4) The Vice-Chancellor may, in an emergency that in his
opinion requires immediate action ordinarily not in 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 statutes. 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 HSA to take up such assignments in connection with examinations, administration and such other activities in the HSA as he may consider necessary for the purposes of the ASA;

(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 HSA and in such manner as may be prescribed by statutes;

(d) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the HSA except those appointed by or with 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 HSA; and

(f) to exercise and perform such other powers and functions as may be prescribed.

(6) The Vice-Chancellor shall preside at convocation of the HSA in absence of the Pro-Chancellor.

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of 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 and policy making;

(c) administration; and

(d) finances.

(8) The Vice-Chancellor's annual report under sub-section (7) shall be made available, prior to its presentation before the Senate, to all officers and

HSA teachers and shall be published in such number as is required to ensure its wide circulation.

12. Appointment and removal of the Vice-Chancellor—(1) The Vice-Chancellor shall be appointed 'by the Chancellor on the basis of recommendations made by the Senate.

(2) A Search Committee shall, for recommendation of persons suitable for appointment as Vice-Chancellor, be constituted by the Senate 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 as the convener, two members of the Senate, two distinguished HSA teachers who are not members of the Senate and one academician of eminence not employed by the HSA. The two distinguished HSA teachers shall be selected by the Senate through a process, to be prescribed by statutes, that provides for recommendation of suitable names by the HSA teachers in general. The Search Committee shall remain in existence till such time that appointment of next Vice-Chancellor is made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-Chancellor shall be considered by the Senate and of these a panel of three, in order of priority, shall be recommended by the Senate 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 Search Committee shall make a proposal to the Senate in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on such terms and conditions as may be prescribed by statutes, The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Senate in support of such renewal:

Provided that the Chancellor may call upon the Senate to re-consider such resolution once.

*(5) 'The Senate may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chancellor 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 Chancellor may make a reference to the Senate stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on 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 Chancellor removal of the Vice-Chancellor:

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

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

(7) At any time when office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform functions of his office due to illness or some other cause, the Senate or the Chancellor shall make such arrangements for performance of duties of the Vice-Chancellor as may be deemed fit.

13. Rector. (1) There shall be a Rector of the HSA to be appointed by the Chancellor on recommendation of the Senate on such terms and conditions as may be prescribed.

(2) The Rector shall be responsible for implementation of decisions of the Senate, Syndicate and Academic Council and for execution of programmes of the HSA under direction of the Vice-Chancellor.

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

14. Registrar.—(1) There shall be a Registrar of the HSA to be appointed by the Senate on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as 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 HSA and shall —

(a) be administrative head of secretariat of the HSA and be responsible for provision of secretarial support to the Authorities of the HSA;

(b) be custodian of common seal and academic records of the HSA;

(c) maintain 2 registers of registered graduates in the prescribed manner:

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three years:

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

perform such other duties as may be prescribed.

The term of office of the Registrar shall be a renewable period of

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

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Treasurer.—{1} There shall be a Treasurer of the HSA to be

appointed by the Senate on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2)

The experience and professional and academic qualifications

necessary for appointment to the post of Treasurer shall be as may be prescribed.

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three years:

The Treasurer shall be chief financial officer of the HSA and shall—

manage assets, liabilities, receipts, expenditures, funds and investments of the HSA;

prepare annual and revised budget estimates of the HSA and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate,

ensure that funds of the HSA are expended on the purposes for which those funds are provided;

have accounts of the HSA audited annually so as to be available for submission to the Senate within six months of the close of financial year; and

perform such other duties as may be prescribed.

The term of office of the Treasurer shall be a renewable period of

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

16. Controller of Examinations—(1) There shall be a Controller of Examinations to be appointed by the Senate on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The minimum qualifications and experience necessary for appointment to the post of Controller of Examinations shall be as may be prescribed.

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

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

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

CHAPTER IV AUTHORITIES OF THE HSA

17, Authorities —(1) The following shall be Authorities of the HSA. namely:—

(a) the Senate;

(b) the Syndicate; and

(c) the Academic Council:

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

(a) Graduate and Research Management Council;

(b) Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at level of the department, the faculty or the HSA;

(c) Career Placement and Internship Committee of each faculty,

(d) Search Committee for appointment of the Vice-Chancellor;

(e) Representation Committees for appointment to the Senate. Syndicate and the Academic Council;

(f) Faculty Council; and
(zg) Departmental Council.

(3) 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 HSA for the purposes of this Act.

18. Semate—{1} There' shall be a body to be called the Senate, responsible for governance of the HSA and which shall. consist of the following, namely:—

- (a) the Chancellor who shall be Chairperson of the Senate;
- (b) the Vice-Chancellor;
- (c) three members of the Government not below the rank of Additional Secretary from the Division concerned, the Division to which business of education stands allocated or any other department relevant to the special focus of the HSA;
- (d) one person from amongst the alumni of the HSA;
- (e) one person from academic community of the country, other than an employee of the HSA, at the level of professor or principal of a college;
- (f) one HSA teacher; and
- (g) one person nominated by the Commission.

(2) The number of members of the Senate described against clauses (e) to (g) of sub-section (1) may be increased by the Senate through statutes subject to the condition that total membership of the Senate does not exceed twenty-one, with a maximum of three HSA teachers and the increase is balanced. to the extent possible. across different categories specified in sub-section (1).

(3) All appointments to the Senate shall be made by the Chancellor. Appointment of persons described in clauses (d) and (e) 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 25 and in accordance with procedure as may be prescribed:

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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 HSA teacher described in clause ab of sub-section (1), the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by various categories of HSA teachers:

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

(4) Members of the Senate, other than ex officio members, shall hold office for three years. One-third of the members, other than ex officio members, of the first Senate to be determined by lot shall retire from office on 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 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 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 HSA teachers appointed to the Senate may 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 in the prescribed manner.

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

(8) The Chancellor shall when present preside at meetings of the Senate and convocation of the HSA. In absence of the Chancellor, the Pro-Chancellor shall when present preside at meeting of the Senate and convocation of HSA. In absence of Pro-Chancellor, the Senate may request a person of eminence to preside over the convocation of the HSA.

(9) Unless otherwise prescribed by this Act, all decisions of the Senate shall be taken on the basis of opinion of a majority of the members present. In the event of 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 two-thirds of its membership, a fraction being counted as one.

19. Powers and functions of the Senate —(1) The Senate shall -have power of general supervision over the HSA and shall hold the Vice-Chancellor and the Authorities accountable for all functions of the HSA. The Senate shall have.all powers of the HSA 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 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 budget estimates, annual report and annual statement of accounts;

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

(c) to oversee quality and relevance of the HSA academic programmes and to review academic affairs of the HSA in general;.

(d) to approve appointment of the Deans, professors, associate professors and such other senior faculty and senior administrators as may be prescribed;

(e) "to institute schemes, make directions and guidelines for terms and conditions of appointment of all officers, teachers and other employees of the HSA;

if) to approve strategic plans:

(g) to approve financial resource development plans of the HSA;

(h) to consider draft statutes and regulations proposed by the Syndicate and the Academic Council respectively and deal those in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Senate may make statutes or regulations on

its own initiative and approve those after calling for 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 Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations made thereunder, after calling upon such Authority or officer to show cause as to why such proceedings should not be annulled:

to reco nmend to the Chancellor removal of any member of the Senate n 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 members of the Academie Council, other than ex officio members, in acccrdance with the provisions of this Act;

to appc.int emeritus professors on such terms and conditions as may be prescribed;

to rem ve any person from membership of any Authority if such person —

has become of unsound mind; or

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

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

to determine the form, provide for its custody and regulate use of

comm n seal of the HSA.

'The Sznate may, subject to the provisions of this Act, deleyate all

or any of the powers ani functions of any Authority, officer or employ ve of the HSA at its main campus, to any Authority. committee, officer or employee at its. additional campus tor 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.

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procedures as may be prescribed, cause" an inspection 10 be made in respect of any matter connected with the HSA.

21.

Syndicate—{1) There shall be a Syndicate of the HSA consisting

of the following, nz mely:—

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Deans of the faculties of the HSA;
- (c) two professors from different departments, who are not members of the Senate, to be elected by the HSA teachers in accordance with procedure to be prescribed by the Senate;
- (d) principals of the constituent colleges;
- {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 three years.

(3) As regards the two professors described in clause (c) 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 25, Appointment of persons proposed by the Representation Committee may be made by the Senate on 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 a year.

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

(2) Without prejudice to 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 annual report and 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 HSA;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the HSA;

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

(e) to invest any money belonging to the HSA including any unapplied income or any of the securities described in section 2c of the Trusts Act, 1882. (f1 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, trusts, gifts, donations, endowments and other contributions made to the HSA;

(g) to administer any funds placed at disposal of the HSA for specified purposes:

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

(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 Senate affiliation or disaffiliation of colleges;

(k) to recommend to the Senate admission of educational institutions to the privileges of the HSA and withdraw such privileges:

(l) to arrange for inspection of colleges and the departments;

(m) to institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend

or abolish such posts;

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

(o) to prescribe duties of officers, teachers and other employees of the HSA;

(p) & report to the Senate on matters with respect to which it has been asked to report:

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

to propose draft statutes for submission to the Senate;

to regulate conduct and discipline of students of the HSA;

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

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

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.

Academic Council—{1) There shall be an Academic Council of

the HSA consisting of the following, namely:—

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the Vice-Chancellor who shall be its Chairperson;

the Deans of faculties and such heads of departments as may be prescribed;

three members representing departments, institutes and constituent colleges to be elected in the manner prescribed by the Senate;

one of the principals of affiliated colleges;
three professors including emeritus professors,
the Registrar:

the Controller of Examinations. and

the Librarian

'The Senate shall appoint the members of the Academic Council,
other than ex-officio and elected members, on recommendation of the Vice-
Chancellor:

Provided that as regards the three 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 25.

Appointment of persons proposed by the Representation Committee may be made by the Senate on recommendation of the Vice-Chancellor.

(3) The Academic Council may constitute Academic Advisory Committee consisting, of national and international doctors, scientists, academicians and other experts to—

(a) delineate priorities for research;
(b) guide and direct the executive committee on all academic matters;

(c) recommend such measures which will foster and enhance interaction and collaboration between the HSA and other existing national and international organizations, institutions and research centers; and

(d) work out and propose affiliation measures with foreign institutions of repute.

(4) Members of the Academic Council shall hold office for three years.

(5) The Academic Council shall meet at least once in each quarter.

(6) The quorum for meetings of the Academic Council shall be one-half of the total number of members, a fraction being counted as one. .

24. Powers and functions of the Academic Council—{} The Academic Council shall be principal academic body of the HSA and shall, subject to the provisions of this Act and the statutes, have power to lay down proper standards of instruction, research and examinations and to regulate and promote academic life of the HSA 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 qualities of academic programmes;

(b) approve academic programmes;

(c) approve the policies and procedures: pertaining to student-related

functions including admissions, expulsions, — punishments.
examinations and certification;

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

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

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 HSA after receiving panels of names from relevant authorities;

institute programmes for continued professional development of HSA teachers at all levels;

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

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

propose regulations for submission to the Senate;
prepare an annual report on academic performance of the HSA; and

perform such other functions as may be prescribed by regulations.

Representation Committees—(1) There shall be a Representation

Committee constituted by the Senate through statutes for recommendation of persons for appointment to the Senate in accordance with the provisions of

section 18.

(2)

There shall also be a Representation Committee constituted by the Senate through statutes for recommendation of persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of sections 2] and 23 respectively. .

3)

Members of the Representation Committee for appointments to the

Senate shall consist of the following, namely:—

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(b)

three members of the Senate who are not HSA teachers;

two persons nominated by 'the HSA teachers from amongst themselves in the manner as may be prescribed;

(c) one person from the academic community, not employed by the IISA, at the level of professor or college principal to be nominated by the HSA teachers in the manner as may be prescribed; and

(d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Senate.

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

(a) two members of the Senate who are not HSA teachers;

(b) three persons nominated by the HSA teachers from amongst themselves in the manner as may be prescribed;

(5) The tenure of 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 set up by any of the other Authorities of the HSA as are considered appropriate for recommending persons for appointment to various Authorities and other bodies of the HSA.

26. 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 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

27. 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:—

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

HSA fees and other charges;

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

seales of pay and other terms and conditions of service of officers, teachers and other HSA employees:

maintenance of register of registered graduates:

affiliation and disaffiliation of educational institutions and related Matters;

admission of educational: institutions to the privileges of the HSA and withdrawal of such privileges;

establishment of faculties, departments, institutes, colleges and other academic divisions;

powers and duties of officers and teachers;
conditions under which the HSA 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;

efficiency and discipline of HSA employees;

constitution and procedure to be followed by Representation
Committees in carrying out functions under this Act;

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

constitution, functions and powers of the Authorities of the HSA:
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 Senate which may approve or pass the draft with such modifications as the Senate may think fit or, as the case may be, it may refer back the draft to the Syndicate for re-consideration:

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 views of the Syndicate:

Provided further that the Senate may initiate statutes with respect to any matter in its powers or with respect to which statutes may be made under this Act and approve such statutes after seeking views of the Syndicate.

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

(a) courses of study for degrees, diplomas and certificates of the HSA;

(b) manner in which teaching referred to in sub-section (1) of section 6 shall be organized and conducted;

(c) admission and expulsion of students to and from the HSA;

(d) conditions under which students shall be admitted to courses and examinations of the HSA and shall become eligible for award of degrees, diplomas and certificates;

(e) conduct of examinations;

(f) conditions under which a person may carry on independent research to entitle him to a degree;

(g) institution of fellowships, scholarships, exhibitions, medals and prizes;

(h) use of the library;

(i) formation of faculties, departments and board of studies; and

(j) all other matters which by this Act or the statutes or regulations are to be or may be prescribed.

(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 re-consideration. Regulations proposed by the Academic Council shall not be effective unless those receives approval of the Senate.

(3) Regulations regarding or incidental to matters contained in sub-clauses (g) and (i) of sub-section (1) shall not be submitted to the Senate without prior approval of the Syndicate.

29, Rules—(1) The Authorities and other bodies of the HSA may, by notification of official Gazette, make rules consistent with this Act, statutes and the regulations to regulate any matter relating to affairs of the HSA that is not required to be regulated by statutes or regulations, including rules to regulate conduct of business and time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Syndicate.

CHAPTER VI

HSA FUND

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

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

(2) The teaching departments, constituent colleges 'and institutes and all other bodies designated as such by the Syndicate in terms of statutes shall be independent cost centres of the HSA 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 account to another may be made by the head of a cost centre in accordance with and to the extent prescribed by statutes.

(3) All funds generated by a teaching department, constituent college or other unit of the HSA 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 statutes, to the teaching department, constituent college or other unit for its development. A part of the funds so generated may be shared with the HSA teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by statutes.

(4) No expenditure shall be made from funds of the HSA, unless a bill for its payments has been issued by the head of the cost centre concerned in accordance with the 'elevant statutes and the Treasurer has verified that atlocation for the payment as provided for in the approved budget of the cost centre is available, subject to authority of head of the cost centre for re-appropriation under proviso to sub-section (2).

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

(6) Without >rejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law for the time being in force, the annual audited statement of accounts of the HSA shall be prepared in conformity with the generally accepted accounting principles by a reputed firm of chartered accountants 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, under sub-section (6), 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 this Act, the statutes, regulations and rules, no officer, teacher or other employee of the HSA shall be reduced in rank or pay scale or removed or dismissed or compulsorily retired from service and nor be subjected to any other penalty for cause arising out of any act or omission on part of the person concerned unless he has been given a reasonable opportunity of showing cause for his defence.

33. Appeal to the Syndicate and the Senate—Where an order is passed punishing any officer, teacher or other employee of the HSA 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 HSA, 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, he shall have the right to prefer appeal before the Senate.

(2) All regular employees of HSA shall retire from service on attaining sixty years of age.

34. Transfer of officers, teachers and other employees to the HSA—

(1) Notwithstanding anything contained in any law, contract or agreement or in the conditions of service, all officers, teachers and other employees of the Academy existing immediately before the commencement of this Act, including officers, teachers and other employees on deputation to other organizations within Pakistan or abroad, stand transferred to and become employees of the HSA, on the same terms and conditions including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters applicable to them immediately before commencement of this Act until their employment in the HSA is terminated in accordance with their conditions of service or their terms and conditions are altered by regulations which shall not be less favorable than those by which they were governed immediately before their transfer to the HSA.

(2) No adverse change shall be made in the existing terms and conditions of employment of the officers, teachers and other employees of the Academy on their transfer under sub-section (1) in the employment of the HSA on commencement of this Act.

35. Benefits and insurance—(1) The HSA shall constitute schemes, as may be prescribed, for benefit of its officers, teachers and other employees providing for 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 the HSA 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 HSA 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 empowered under this Act to appoint 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 Government or because an organization, institution or other body outside the HSA 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 existence of vacancies —No act, resolution or decision of any Authority shall be invalid by reason of existence of any vacancy in 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. First statutes and regulations —Notwithstanding anything to the contrary contained in this Act, the President of the Islamic Republic of Pakistan shall promulgate the first statutes and regulations which shall be deemed to be statutes and regulations made under sections 27 and 28 respectively and shall continue to remain in force until amended or repealed or till such time as new statutes and regulations are made in accordance with the provisions of this Act.

41. Repeal and savings—{(1) The Health Services Academy Ordinance, 2002 (LXIV of 2002), hereinafter called as the repealed Ordinance, is hereby repealed.

(2) Notwithstanding the repeal under sub-section (1),—

(a) everything done, action taken, obligations or liabilities incurred, rights and assets acquired and held, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created and held, donations or grants made, scholarships, studentship or exhibitions _ instituted, affiliations or privileges granted and orders issued under any of the provisions of the repealed Ordinance 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, held, appointed, authorized, conferred, created, made, instituted, granted and issued under this Act and any documents referring to any of the provisions of the repealed Ordinance, legislative instruments or the statutes, the regulations and the rules made under the repealed Ordinance shall, so far as may be, be deemed to refer to the corresponding provisions of this Act or the statutes, the regulations and the rules made under this Act;

(b) all institutes, colleges or other constituent units of the Academy functioning in terms of the provisions of the repealed Ordinance

shall continue to function in respect of the relevant provisions of the repealed Ordinance till such time that the Senate through statutes has prescribed otherwise, and

(c) any statutes, regulations or rules made or deemed to have been made under the repealed Ordinance shall, if not inconsistent with the provisions of this Act, be deemed to be the statutes, regulations or rules made under this Act having regard to 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. :

42. **Transitory provisions**—{!} Notwithstanding anything contained in this Act, upon commencement of this Act with respect to the Academy, the Senate shall be constituted and the members thereof, except the HSA teachers, appointed afresh by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. As regards the HSA teachers to be elected or appointed to the Senate elections shall be held as soon as possible. In all other cases HSA teachers shall be appointed to the Senate by the Chancellor. The number of HSA teachers to be elected or appointed to the Senate shall be as provided in this Act. The first Senate so constituted shall initiate, as soon as possible, process for appointment of HSA teacher and members of the Syndicate and the Academic Council in accordance with the terms of this Act.

(2) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the Chancellor for a period of three years.

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 views of the Senate.

44, **Indemnity**—No suit or legal proceedings shall lie against the Government, the Academy, the HSA or any Authority, officer or employee of the

Goverment or the Acedemy, the HSA or any other person in respect of anything which is done in good faith, or deemed to have been done, under this Act.

45. Power tc allow appointment of employees of the Government,

- other universities or educational or research institutions to the HSA—

(1) Notwithstanding <nything contained in this Act, the Senate may. on the

advice of the Syndicat: and on such terms as the Senate may specify. allow any

" post in the HSA to be filled by appointment of an emp.oyee of the Government or any other university or educational or research institution.

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

AMJED PERVEZ,
Secretary.

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