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SINDH ACT NO.III OF 2010

THE COMMECS INSTITUTE OF BUSINESS AND EMERGING SCIENCES ACT, 2009

[18th February, 2010]

An Act to provide for the establishment of
Commecs Institute of Business and Emerging Sciences,

Karachi

WHEREAS it is expedient to provide for the
establishment of Commecs Institute of Business and

Emerging

Sciences, Karachi and to provide for matters

ancillary thereto;

It is hereby enacted as follows:-

(1) This Act may be called the Commecs Institute of
Business and Emerging Sciences Act, 2009

(2) it shall

In

come into force at once.

this Act, unless there is anything repugnant in

the subject or context-

Qa.

b.

m.

“Academic Council” means the Academic
Council of the Institute;

“Authority” means any of the Authorities of
the Institute specified and set up in terms of
section 7;

. “Board” means the Board of Governors of
the Institute;

. “Chairperson” means the Chairperson of the
Board;

. “Commission” means the Higher Education

Commission;

“Dean” means Dean of the Faculty;

. “Director” means the Director of the Institute;

. “Faculty” means the Faculty of the Institute;

“Government” means the Government of
Sindh;

“Head” means head of a_ Teaching
Department:

. “Institute” means the Commecs Institute of

Business and Emerging Sciences;

“Patron” means the Governor Sindh;

“Prescribed” means prescribed by statutes,
regulations or rules made under this act;

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Definitions.

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“Registrar” means the Registrar of the Institute;

o. “statutes , regulations and rules” means the statutes, regulations and rules respectively made under this Act;

p. “teacher” means Professor, Associate Professor, Assistant Professor and Lecturer engaged whole time by the Institute and includes such other persons declared as such by the Board;

q. “Teaching Department” means Teaching Department established and maintained by the Institute; and

r. “Trust” means the Commecs Educational Trust.

3. (1) There shall be established an Institute at Karachi to be known as the Commecs Institute of Business and Emerging Sciences, Karachi consisting of-

i. the Chairperson, the Director, the Deans and the members of the Board;

ii. the teachers and students of the Institute and its constituent units;

iii, the members of such councils, committees and other bodies of the Institute as the Board may establish; and

iv. such other officers and members of the staff of the Institute as may from time to time be specified by the Board.

(2) The Institute shall be a body corporate by the name of Commecs Institute of Business and Emerging Sciences, Karachi having perpetual succession and a common seal, with powers, amongst others, to acquire and hold property, both movable and immovable and to lease, sell or otherwise transfer any property vesting in it and shall by the said name sue and be sued.

4. Subject to control and directions prescribed by Government from time to time the Institute shall have

the powers-

(a) to provide for instructions and training in such

Incorporation.

Powers and
functions of the
Institute.

5.

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branches of learning as it may deem fit, and to make provision for research, demonstration and for the advancement and dissemination of knowledge in such manner as it may determine;

(6) to admit students and prescribe courses of studies in various branches of learning established by the Institute;

(c) to decide teaching methods and strategies in order to ensure the most effective educational and training programs;

(d) to hold examinations and confer or award degrees , diplomas, certificates and other academic distinctions on and to the persons who have passed its examinations under the prescribed conditions;

(e) to establish and promote teaching departments, faculties and other centres of learning;

(f) to confer honorary degrees or other distinctions in the prescribed manner;

(g) to institute Professorships and Lecturerships and any other post and appoint person thereunder;

(h) to prescribe the terms and conditions of

employment and re-employment on contract basis of the officers, teachers and other employees of the Institute;

(i) to create posts for research administration and other related purposes and to appoint persons that to demand and receive fees, and award scholarships and financial assistance to the students in need;

(j) | to maintain order, discipline and security in the campus of the Institute;

(k) to cooperate with Universities, Institutes or public authorities or private organizations;

(l) to enter into agreements, vary and cancel such agreements and contract for the purpose of carrying out its functions; and

(m) to do all such other acts and things as may be

requisite to further the objectives of the
Institution as a place of education, learning,
and research.

The Institute shall be open to all persons of either sex of
whatever religion, race, creed, colour or domicile who all

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Institute open to

are academically qualified for admission to the course of study offered by the Institute and no such person shall be denied the privileges of the Institute on the grounds of sex, religion, creed, race, class, colour or

domicile.

6. (1) The academic programmes of the Institute shall Teaching and be conducted in the prescribed manner examinations in

the Institute.

(2) The Institute may also associate external examiners for the conduct of examinations

(3) No degree shall be granted unless a student has passed an examination in Islamic Studies and Pakistan Studies at the Bachelor's degree level or, in the case of non-Muslim student, in Ethics or Pakistan Studies at his option.

(4) In prescribing syllabi, courses of studies and instructions for the conduct of studies, the Institute shall abide by the directions given from time to time by Government or the Commission.

7. The following shall be the Authorities of the Institute:- Authorities of the Institute.

- (1) the Board;
- (2) the Academic Council;
- (3) the Advanced Studies and Research Board;
- (4) the Finance & Planning Committee;
- (5) the Selection Board; and
- (6) any other authority set up by the Board.

8. — The following shall be the officers of the Institute- Officers of the Institute.

- (1) the Chairperson;
- (2) the Director;
- (3) the Deans;
- (4) the Heads of the Teaching Department;
- (5) the Registrar; and
- (6) such other persons as may be specified by the regulations to be the officers.

9. (1) The Governor of Sindh shall be the patron of the Institute.

(2) The Patron shall, when present, preside at the convocation of the Institute.

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

(4) The appointment of the Chairperson of the Institute shall be made by the Patron for a tenure of four years from a panel recommended by the Trust.

10. (1) The Patron may cause an inspection or inquiry to Visitation.

be made on his own motion in respect of any

matter connected with the affairs of the Institute

and shall, from time to time, direct any person or

persons to inquire into or carry out inspection of-

(a) The Institute, its buildings, laboratories, libraries, and other facilities;

(6b) any Institution, or department maintained by the Institute;

(c) the adequacy of financial and human resources of the Institute;

(d) the teaching, research, curriculum, examination and other matters of the Institute; and

(e) such other matters as may be specified by him.

(2) The Patron shall communicate to the Board his views with regard to the result of inspection or enquiry and shall, after ascertaining the views of the Board, advise the Board on the action to be taken by it.

(3) The Board Shall, within such time as may be specified by the Patron, communicate to him such action , if any has been taken or may be proposed to be taken upon the results of visitation.

(4) Where the Board does not within the time specified, take action or the action taken is not to the satisfaction of the Patron, the Patron may issue such directions as he deems fit and the Board shall comply with all such directions.

(5) The Patron shall have powers to take any action, as he may deem fit against the Institute, including withdrawal of the Charter and closure of the Institute.

11. (1) The general supervision and control of the officers Board of the Institute and its powers to lay down policies shall Governors. vest in the Board consisting of-

(a) the Chairperson;

(6) a Judge of the High Court of Sindh to be nominated by the Chief Justice;

12.

(c) Chairperson of the Commission or his nominee;

(d) Secretary Education or his nominee not below the rank of an Additional Secretary;

(e) three nominees of the Trust:

(f) Chairperson or President Chamber of Commerce and Industry;

(g) one scientist of national or international repute nominated by the Board; and

(h) the Director who shall also act as Secretary of the Board.

(2) The members of the Board other than the ex-officio members shall hold office for the period of three years.

(3) No act or proceedings of the Board shall be invalid by reasons only of the existence of a vacancy in, or any defect in the constitution of the Board.

The Board shall exercise the powers and perform the functions as follows:-

(1) to hold, control and administer the property , funds and resources of the Institute and raise funds for the purpose of the Institute Upon such security as may required under regulations;

(2) to undertake responsibility for the financial viability of the Institute including responsibility for ensuring effectiveness of its operations, their continuity and preservation of the autonomy of the Institute;

(3) to consider and pass annual report, plan of work, statement of accounts and annual budget estimates of the Institute:

(4) to formulate or approve the principles, policies and plans governing the activities and operations of the Institute so as to facilitate research, teaching and other academic work;

(5) to make statutes and approve regulations and rules;

(6) to have prepared and revised from time to time rules and regulations for the efficient and effective operation of the Institute;

Powers and
functions of the
Board.

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(7) to create a component of the Institute, faculties, departments and institutes and to constitute such standing committees or sub-committees, and other administrative or academic advisory bodies at it deems necessary, and review their work;

(8) to call for and consider reports relating to the activities of the Institute and the execution of the plans of work and to direct the Director to furnish information relating to any matter specified by the Board;

(9) to create such academic and administrative posts as it may deem necessary and to approve appointment to such posts;

(10) to prescribe the terms and conditions and duties of teachers and other employees;

(11) to take all such initiatives as it may consider necessary for the efficient and effective management and functioning of the Institute;

(12) to delegate its powers to an authority or officer including the Director or a Committee; and

(13) to appoint teachers and other employees on the recommendations of the Selection Board.

(1) The Board shall meet at least twice a year on the dates to be fixed by the Director, with the approval of the Chairperson, provided that a special meeting may be called at any time by the Chairperson on the request by not less than five members of the Board to consider any matter of urgent nature.

(2) In case of a special meeting not less than ten clear days notice shall be given to the members of the Board and the agenda of the meeting shall be restricted to the matter for which the special meeting is called.

(3) The quorum for a meeting of the Board shall be one half of its members, a fraction being counted as one.

(4) The decisions of the Board shall be expressed in terms of the views of the majority and voting of the members present and if the members are equally divided, the chairperson shall have the power to

Meetings of the
Board.

14.

15.

exercise a casting vote.

(1) The Chairperson shall be appointed by the Patron from a panel recommended by the Trust on such terms and conditions as the Patron may determine.

(2) The Chairperson in the absence of the Patron shall preside over the convocation.

(3) If the Chairperson is satisfied that the proceedings of any Authority or orders of any officer, are not in accordance with the provisions of this Act, the statutes, the regulations, or the rules, he may, after calling upon such Authority or officer to show cause why such proceedings should not be annulled, and by order in writing, annul such proceedings and orders.

(4) The Chairperson may remove any person from the membership of any Authority if such person-

(a) has become of un sound mind; or

(6) has been incapacitated to function as member of such authority; or

(c) has been convicted by court of law for an offence involving moral turpitude or has been found indulging in any activity against the interest of the Institute

(5) Should the Chairperson, be incapacitated from acting as such due to absence or any other cause, the Director or nominee of the Chairperson shall act for him.

(1) The Director who shall be an eminent scholar of national or international repute and = an educationist of distinction shall be appointed by the Chairperson with the approval of the Board for a period of four years on such terms and conditions as may be determined by the Board.

(2) The Director shall be the Chief Academic and Administrative officer of the Institute and shall be responsible for the implementation of the decisions

of the Board and for the execution of the Programmes of the Institute in accordance with the guidelines and policies formulated by the Board.

Chairperson.

Terms and conditions of appointment of Director.

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(3) The Director shall also have powers-

(a) to submit plans of work and budget estimates of the Institute to the Board for consideration and approval;

(b) to regulate the activities connected with the execution of Programmes for instruction, training, research and _= services to the community;

(c) to incur expenditure provided for in the approved budget and _ to-re-appropriate funds within the same major head of expenditure and report it to the Board in its next meeting;

(d) to sanction and re appropriate an amount not exceeding one lac rupees for an unforeseen item not provided for in the budget , and report it to the Board in the next meeting;

(e) to appoint on the recommendations of the Selection Board and with the approval of the Board, teachers, officers, , and members of the staff of the Institute and such other persons of highest caliber and persons of moral qualities as may be necessary in accordance with the policies and procedure approved by the Board;

(f) to submit to the Board in accordance with the rules of procedures , reports on the activities of the Institute and the execution of the plans of work;

(g) to create temporary posts for a period not exceeding six months; and

(h) to undertake any work assigned by the Board.

The academic and administrative staff of the Institute

shall be selected with a view to achieving its stated objectives and the basic criteria for their selection shall be the highest standards of competence, integrity and

efficiency:

Provided that in the case of academic staff,

academic qualification and fringe benefits shall not be less than those approved or laid down by the

commission for such appointments.

credited income from fees, donations,

(1) The institute shall have a Fund to which shall be

trusts,

Academic and
administrative
Staff.

Institute fund,
audit and

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bequests, endowments, grants, contribution and any other source.

(2) No contribution, donation or grant which, may directly or indirectly involve any immediate or subsequent financial liability of the institute or which involve an activity not included in its programs for the time being shall be accepted without the prior approval of the Board.

(3) The accounts of the Institute shall be maintained in such form and in such manner as may be prescribed by rules.

(4) The accounts of the institute shall be audited each year within four months of the closing of financial year of the Institute by a Chartered Accountant appointed by the Board.

(5) The accounts, together with the report of the auditor, thereon, shall be submitted to the Board for approval.

(6) The auditor's report shall certify that the auditor has complied with the standards of audit and certification laid down by the Institute of Chartered Accountant of Pakistan.

18. (1) There shall be an Academic Council consisting of-

- (a) The Director who shall be its Chairperson;
- (b) all the Deans;
- (c) all the Heads of the Teaching Departments;
- (d) all the Professors and Associate Professors of the Institute;
- (e) a nominee of Education Department not below the rank of a Deputy Secretary;
- (f) Executive District Officer (Education):
- (g) Executive District Officer (Technical) concerned;
- (h) two Assistant Professors and two Lecturers to be nominated by the Board;
- (i) three persons of eminence in arts, science and the professions one from each category to be nominated by the Board;
- (j) Advisor, (Academics) of the Commission, or

accounts.

The Academic
Council.

his nominee; and

(k) the Registrar who shall act as its Secretary.

(2) Members appointed by nomination shall hold office for a period of three years.

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

19. (1) The Academic Council shall be the academic Powers and body of the Institute and shall, subject to the duties of provisions of this Act and the statutes, have the Academic powers to lay down proper standards of Council. instructions, research, publications and examinations, and to regulate and promote the

academic life of the Institute.

(2) Without prejudice to the generality of the foregoing powers, the Academic Council shall have the powers to-

(a) advise the Board on academic matters;

(6) regulate the conduct of teaching, research, publication and examination;

(c) regulate the admission of the students to the courses of studies and examinations in the Institute;

(d) regulate the conduct and discipline of the students of the Institute;

(e) propose to the Board Scheme for the constitution and organization of the Faculties and Teaching Departments;

(f) consider and formulate proposals, for the planning and development of teaching and research in the Institute;

(g) prescribe the course of studies, the syllabi and the outlines of tests for all examination, with the approval of the Board;

(h) recognize the examinations of other University or examining bodies as equivalent to corresponding examination of the Institute;

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

(j) frame regulations with the approval of the

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Board;

(k) appoint or nominate members to the various Authorities in accordance with provisions of this Act; and

(l) perform such other functions as may be prescribed by the statutes.

The constitution, functions and the powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by the statutes.

The Authorities may with the approval of the Board, make rule consistent with this Act, statutes and the regulations.

The Academic Council, and other Authorities may from time to time appoint such standing , special or advisory committee as they may deem fit and may nominate such persons on the committees who are not member of the authority appointing the committees.

(1) The Institute shall work within the framework of the Education Policy and other law or policy framed by the Government or the Commission from time

0 time.

(2) The academic qualifications, salaries and fringe benefits of the academic staff shall not be less than those admissible to such staff in the public Universities in the Province.

(3) Annual Monitoring charges as fixed by Government

from time to time shall be paid by the Institute to Government through a pay order in the name of the Secretary Education Government of Sindh.

If any question arises as to the interpretation of any of the provisions of the Act it shall be placed before the Patron whose decision thereon shall be final.

If any difficulty arises in giving effect to any of the provisions of this Act, the Chairperson may make such order, not inconsistent with the provisions of this Act as may appear to him to be necessary for removing the difficulty.

Notwithstanding anything to the contrary contained in this Act, the First statutes shall be deemed to be the

Constitution,
functions and
powers of other
Authorities.

Rules.

Appointment of
Committees by
the Authorities.

General
Provisions.

Interpretation.

Removal of
difficulties.

First Statutes.

statutes framed under this Act and shall continue to remain in force until amended repealed or new statutes are framed in accordance with provisions of this Act.

The First Statutes

(See section 26)

The Institute shall include the following faculties and The Faculties. such other faculties as may be prescribed:-

- (1) Faculty of Business Administration;
- (2) Faculty of Information and Technology; and
- (3) Faculty of Education.

(1) There shall be a Board of each Faculty which shall Board of Faculty. consists of-

(a) the Dean of the Faculty;

(b) the Professors and the Head of the Teaching Departments;

(c) one member other than Professor and Head of Teaching Department to be nominated by the Head;

(d) two teachers to be nominated by the Academic Council by reason of their specialized knowledge of the subjects which , though not assigned to the faculty, but has in the opinion of the Academic Council, important, bearing on the subjects assigned to the Faculty;

(e) two experts in the relevant field from outside the Institute to be appointed by the Board; and

(f) one member to be nominated by the

Director.

(2) The members other than ex-officio members shall hold office for a period of three years.

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

The Board of Faculty shall, subject to the general Functions of the control of the Academic Council and the Board have Board of Faculty. the powers to-

(a) co-ordinate the teaching and research work

in the subjects assigned to the Faculty;

(6b) scrutinize the recommendations of the Board of the Studies comprising the Faculty with regard to the appointment of paper-setters, and examiners for graduate and Post graduate examinations and to forward the panels of suitable paper-setters and examiners for each examination to the Director;

(c) consider any other academic matter relating to the Faculty and report there-on to the Academic Council;

(d) prepare a comprehensive annual report regarding the performance of each department, comprising the faculty for presentation to the Academic Council; and

(e) perform such other functions as may be prescribed by the statutes.

(1) There shall be a Dean of each faculty who shall be The Dean of the Chairperson and convener of the Board of Faculty. Faculty.

(2) The Dean shall be appointed by the Board from amongst the three most senior Professors of the faculty on the recommendation of the Director and shall hold office for a period of three years and shall be eligible for re-appointment.

(3) The Dean shall have such powers and duties as may be prescribed by the Board on the recommendations of the Director.

(1) There shall be Teaching Department for each Teaching subject or a group of subject, as ay be prescribed by Departments and the Regulations and shall be headed by a Head of Heads of Department. Department.

(2) The head of Teaching Department shall be appointed by the Board, on the recommendations of the Director, from amongst the three senior most Professors or Associate Professors other than Professors already working as Deans for a period of three years and shall be eligible for re-appointment.

Provided that when in a Department there is no Professor or Associate Professor, no such appointment shall be made and the department shall be looked after by the Dean with the assistance of the senior

most teacher of the Department.

(3) | The Head of the Department shall-

(a) plan, organize and supervise the work of the department and shall be responsible to the Dean for the work of his Department;

(6) under the general supervision of the Director and the Dean, shall exercise all administrative, financial and academic powers and such other duties or powers as may be delegated to him; and

© prepare a comprehensive annual report on the performance of the Department at graduate and post-graduate levels, and _ faculty research and development and submit it to the Dean of the Faculty for evaluation.

6. (1) The Board of Advanced Studies and research shall Board of consist of- Advanced Studies and Research.

(a) the Director as its Chairperson;

(b) all Deans;

€ one Professor from each faculty having experience in research in relevant field to be

appointed by the Academic Council;

(d) one Professor from each faculty other than the Dean to be appointed by the Board;

€ one member to be nominated by the

Director;

(f) three members from the relevant field from the Research Organizations and

Government Departments, to be nominated by the Board; and

(g) the Registrar, who shall act as its Secretary.

(3) The term of office of members of the Board of Advance Studies and Research, other than Ex-Officio members, shall be for a period of three years.

(4) The quorum for a meeting of the Board of Advance Studies and Research shall be one-half

of the total number of members, a_ fraction
being counted as one.

7.

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The functions of the Board of Advanced Studies and Research shall be to-

(a) advise the Authorities on all matters connected with the promotion of advanced studies, research and publications in the Institute;

(6) consider and report to the authorities on the institution of research degrees in the Institute;

(c) propose regulations regarding the award of research degree;

(d) appoint supervisors for post graduate research students and to approve titles and synopsis of their thesis or dissertations;

(e) recommend panels of names of examiners for evaluation of their thesis and other research examinations; and

(f) perform such other functions as may be prescribed by the statutes

(1) There shall be a Selection Board consisting of -

(a) the Director, who shall be the Chairperson;

(b) the Dean of the concerned Faculty;

€ the Head of the concerned Teaching Department:

(d) one member of the Board to be nominated by the Board;

€ one eminent scholar to be nominated by the Board; and

(f) one subject expert to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Selection Board.

(3) The members other than ex-officio members shall hold office for a period of three years.

(5) the quorum for a meeting of the Selection Board shall be four.

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Functions of
Board of
Advanced

Studies and
Research.

Selection Board.

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(6) No member who is a candidate for the posts to which appointment is to be made shall take part in the proceedings of the Selection Board.

(6) In selecting candidates for the posts of Professors and Associate Professors, the Selection Board shall co-opt or consult three experts in the subject concerned and in selecting candidates for other teaching posts two experts in the subject concerned, to be nominated by the Director from a standing list of experts to be revised from time to time for each subject approved by the Board on recommendations of the Selection Board.

(1) The Selection Board, for teaching staff and other officers and officials, shall consider the applications and recommend to the Board the names of suitable candidates for appointment and recommend suitable salary for the person concerned-

(2) The Selection Board, shall consider all cases of promotion or selection of officers of the Institute and recommend the names of — suitable candidates for such promotion or selection to the Board.

(3) In the event of an unresolved difference of opinion between the Selection Board and the Board the decision of the Board shall be final.

(1) There shall be Finance and Planning Committee consisting of-

(a) the Director who shall be the Chairperson;

(b) all the Deans;

€ One member of the Board to be nominated by the Board;

(d) One nominee of the commission;

€ One member of the Academic Council to be nominated by the Academic Council;

(f) One representative each from Education Department and Finance Department not below the rank of Deputy Secretary; and

(g) the treasurer, who shall act as Secretary.

Functions of the
Selection Board.

The Finance and
Planning
Committee.

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(2) The term of office of the nominated members shall be for a period of three years.

(3) The quorum for a meeting of the Finance and Planning Committee shall be five members.

11. The functions of Finance and Planning Committee shall be to-

(a) prepare the annual statement of accounts, propose annual budget and advise the Board thereon;

(b) review periodically the Financial Position of the Institute;

(c) advise the Board on all matters relating to finance, investment and accounts of the Institute; and

(d) perform such other functions as may be prescribed under the statutes.

The Functions of
Finance and
Planning
Committee.