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PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, 13th January, 2007

No. PANWFP/Legis-I/2007/763.--The Khyber Medical University Bill, 2006 having been passed by the Provincial Assembly of the North-West Frontier Province on the 24th November, 2006 and assented to by the Governor of the North-West Frontier Province on 11th January, 2007 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE KHYBER MEDICAL UNIVERSITY ACT, 2006.

(N-W.F.P. ACT NO. I OF 2007)

[First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N-W.F.P. (Extraordinary), dated the 13th January, 2007]

AN
ACT

To provide for the establishment of a Medical University at Peshawar to be known as Khyber Medical University.

Preamble. ---WHEREAS it is expedient to provide for the establishment of a Medical University at Peshawar, to be known as Khyber Medical University, for the purposes hereinafter appearing;

It is hereby enacted as follows:

CHAPTER - I
PRELIMINARY

1. Short title and commencement. --- (1) This Act may be called the Khyber Medical University Act, 2006.

(2) It shall come into force at once.

2. Definitions. --- In this Act, unless the context otherwise requires, the following expression, shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "Academic Council" means the Academic Council of the University;

(b) "Administrative Department" means Health Department of the Government of

North- West Frontier Province;

- (c) "Affiliated college" or "institution" means a college or institution imparting Knowledge in a subject or subjects related to health sciences, which is affiliated to the University but is not maintained or administered by it;
- (d) "Authority" means any of the Authorities of the University specified in section 18;
- (e) "Chairman" means the head of a Teaching Department;
- (f) "Chancellor" means the Chancellor of the University;
- (g) "Commission" means the Higher Education Commission.
- (h) ¹"Constituent college" or "institution" means a college or institution to be established by the University".
- (i) "Dean" means the Dean of a Faculty; "Department" means Department established by the University to teach a branch of learning;
- (k) "Director" means the head of an institute established as a constituent institution by the University by Statutes or Regulations in terms of the powers delegated by this Act;
- (l) "Employee" means the Employee of the University.
- (m) "Faculty" means an administrative and academic unit of the University consisting, of one or more Departments, as prescribed;
- (n) "Government" means the Government of the North. West Frontier Province;
- (o) ¹Deleted;
- (p) "Prescribed" means prescribed by the Statutes, Registrations or Rules made under this Act;
- (q) "Pro-Chancellor" means Pro-Chancellor of the University;
- (r) "Professor Emeritus" means a retired Professor designated as such under the Regulations;
- (s) "Principal" means the head of the affiliated college or institution and constituent college or institution;
- (t) "Registered graduate" means-
 - (a) A graduate of the University who has his name entered in the register maintained for this purpose; or
 - (b) A graduate of any other university who ordinarily resides within the territorial jurisdiction of the University and has his name entered in the register maintained by the University for this purpose.
- (u) "Representation Committee" means a Representation Committee constituted under section 24A:

¹ Section 2(i) & (ii), respectively of the Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

- (v) "Review Panel" means the Review Panel set up by the Chancellor in accordance with the provisions contained in clause (a) of sub-section (6) of Section 9;
- (w) "Search Committee" means the Search Committee set up by the Chancellor under sub-section (3) of Section 12;
- (x) "Senate" means the Senate of the University;
- (y) "Statutes", "Regulations" and "Rules" means respectively the Statutes, the Regulations and the Rules made under this Act;
- (z) "Syndicate" means the Syndicate of the University;-
- (aa) "Teachers" include Professors, Associate Professors, Assistant Professor, Senior Registrars, Lecturers and Research Staff engaged whole-time by the University for teaching at the University and such other persons as may be recognized to be Teachers by the Syndicate;
- (bb) "Teaching hospital" means a hospital attached to an undergraduate or postgraduate medical or dental institute, declared as such-by Government;
- (cc) "University" means the Khyber Medical University established under this Act; and
- (dd) "Vice Chancellor" means the Vice Chancellor of the University.

CHAPTER-II THE UNIVERSITY

- ²3. Establishment and, incorporation of the University. —(1) There shall be established a University to be called the Khyber Medical University (KMU).
- (2) The University shall be a body corporate having perpetual succession and a common seal and may sue and be sued by the said name.
 - (3) The University shall be competent to acquire and hold property, both movable and immovable and to lease, sell or otherwise transfer any property which vests in, or has been acquired by, it.
4. Powers of the University. The University shall have the following powers namely:
- (i) To provide for education and scholarship in such branches of medical education and allied health sciences 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;
 - (ii) To prescribe courses of studies to be conducted by it and the colleges;
 - (iii) To hold examinations and to award and confer degrees diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
 - (iv) To prescribe the terms and conditions of employment of the officers, teachers and other employees of the University and to lay down terms and conditions that may be different from those applicable to government servants in general;

² Section 3 of the Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

- (v) To engage, where necessary, persons on contracts of specified duration and to specify the terms of each engagement;
- (vi) To confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (vii) To provide for such instruction for persons not being students of the University as it may prescribe, and to grant certificates and diplomas to such persons;
- (viii) To institute programmes for the exchange of students and teachers between the University and other universities, educational institutions and research organizations inside as well as outside Pakistan;
- (ix) To provide career counselling and job search services to students and alumni;
- (x) To maintain linkages with alumni;
- (xi) To develop and implement fund-raising plans;
- (xii) To provide and support the academic development of the faculty of the University;
- (xiii) To confer degrees on persons who have carried on independent research under prescribed conditions;
- (xiv) To affiliate and disaffiliate educational institutions of medical and health sciences and nursing and paramedics under prescribed conditions;
- (xv) To inspect colleges and other educational institutions affiliated or seeking affiliation with it;
- (xvi) To accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and period of study in the University, as it may prescribe, and to withdraw such acceptance;
- (xvii) 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;
- (xviii) To institute Professorships, Associate Professorships, Assistant Professorships, Senior Registrar ships and Lecturer ships and any other posts and to appoint persons thereto;
- (xix) To create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xx) To recognize selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;
- (xxi) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxii) to establish teaching departments, colleges, faculties, institutes, museums and other centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;

- (xxiii) To provide for the residence of the students of the University and the colleges, to institute and maintain halls of residence and to PDVC or license hostels and lodging;
 - (xxiv) To maintain order, discipline and security on the campuses of the University and the colleges;
 - (xxv) To promote the extracurricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;
 - (xxvi) To demand and receive such fees and other charges as it may determine;
 - (xxvii) To make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
 - (xxviii) To enter into, carry out, vary or cancel contracts;
 - (xxix) To receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
 - (xxx) To provide for the printing and publication of research and other works;
and
 - (xxxi) To do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education learning, and research.
5. Jurisdiction of the University. (1) The University shall exercise the powers conferred on it by or under this Act within the territorial limits of the whole of the North-West Frontier Province and in respect of such medical colleges and institutions in Federally Administered Tribal Areas as may apply to the University for exercise of its process;
- Provided that Government may in consultation with the University, by general or special orders, modify the extent and scope of aforesaid powers of the University with regard to the territorial limits, colleges and institutions.
- (2) Notwithstanding anything to the contrary contained in any other enactment for the time being in force, no college of medical and health sciences and postgraduate institutes in health sciences, within the territorial limits of the University shall, save with the consent of the University and the sanction of Government, be associated in any way with or seek admission to the privileges of any other University.
 - (3) The University may admit to its privileges, under prescribed conditions, the colleges of medical and health sciences, within the territorial limits of another university, whether inside or outside Pakistan; provided that the consent of such other university and the sanction of Government are first obtained.
 - (4) An increase in any fee or charge that is in excess of ten per cent per annum on an annualized basis from the last such increase may not be made except in special circumstances, and only with the approval of the Chancellor.
 - (5) The University shall institute financial aid programmes for students in need on merit basis to the extent considered feasible by the Senate subject to the resources available.

6. University open to all. The University shall be open to all the person irrespective of sex, religion, class or colour and no person shall be denied the privileges of the University on such grounds provided that nothing in this section shall be deemed to prevent religious instructions being given to the students in their own religious faiths in such a manner as may be prescribed.

7. Teaching in the University: (1) All under-graduate and post-graduate teaching in various courses in the University shall be conducted in the prescribed manner, and it may include lectures, tutorials, discussions, seminars, demonstrations, practical works in laboratories and workshops and other methods of instructions.

- (2) The teaching in any prescribed course in the University shall be organized by such Authority as may be prescribed.
- (3) The courses and the curricula for teaching in the University, shall be such as may be prescribed.
- (4) A discipline to be called Islamic and Pakistan Studies shall be offered as a compulsory subject for the under graduates in the University; provided that non-Muslim students may opt for "Medical Ethics and Pakistan Studies".
- (5) A continuous evaluation shall be built into the system of studies, research and technology development.
- (6) The degree, diploma or certificate at the University shall only be granted to a student after he fulfils the prescribed requirements for the said degree, diploma or certificate.

CHAPTER—III

OFFICERS OF THE UNIVERSITY

8. Officers of the University. --- The following shall be the Officers of the University, namely:

- (i) The Chancellor;
- (ii) The Pro-Chancellor;
- (iii) The Vice Chancellor;
- (iv) The Principals of the constituent colleges and institutions;
- (v) The Deans;
- (vi) The Directors;
- (vii) The Chairpersons of Teaching Departments;
- (viii) The Registrar;
- (ix) The Treasurer;
- (x) The Controller of Examinations;
- (xi) The Librarian; and
- (xii) Such other persons as may be prescribed by the Statutes or Regulations to be the principal officers of the University.

9. Chancellor and Pro-Chancellor. (1) The Governor of the North-West Frontier Province shall be the Chancellor of the University and the Chairperson of 'the Senate.

- (2) The Chancellor shall, when present preside at the meetings of the Senate and the Convocation of the University.

- (3) The Minister for Health. Government of the North-West Frontier Province shall be the Pro-Chancellor of the University and shall aid and advise the Chancellor in such manner as may be required by the Chancellor. The Pro-Chancellor shall, in the absence of the Chancellor preside at the Convocation of the University.
- (4) 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 Committee established in accordance with this Act and the Statutes as the case may be, except the first Vice-Chancellor.
- 5) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.
- (6) If the Chancellor is satisfied that a serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may.-

- (a) As regards proceedings and decisions of the Senate direct that specific decisions be reconsidered and appropriate action taken within one month of the directive having been issued:

Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed he may after calling upon the Senate to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Senate. The report of the Review Panel shall be submitted within such time as may be prescribed by the Chancellor. The Review Panel shall be drawn from persons of eminence in academics and in the fields of' Health, law accountancy and administration; and

- (b) as regards proceedings of any Authority or with respect to mailers within the competence of any Authority other than the Senate, direct the Senate to exercise powers under Section 33—N
- (7) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him by the Senate or withhold assent or refer them back for reconsideration.

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

- (a) has become of unsound mind: 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 the performance of functions.
- (2) The Chancellor shall remove any person from the membership of the Senate on a resolution calling for the removal of such person supported by at least three-fourth of the membership of the Senate;

Provided that before passing such resolution the Senate shall provide the member concerned a fair hearing.

11. Vice Chancellor. (1) There shall be a Vice-Chancellor of the University who shall be an eminent medical professional and shall be appointed on such terms and conditions as may be prescribed.
- (2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions and shall ensure that the provisions of this Act, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the University.
- (3) The Vice Chancellor shall, if present, be entitled to attend any meeting of any Authority or body of the University.
- (4) The Vice Chancellor may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the Vice-Chancellor take such action and forward within seventy-two hours, a report of the action taken to the members of the Emergency Committee of the Senate, to be set up by Statute. The Emergency Committee may direct such further action as is considered appropriate.
- (5) The Vice- Chancellor shall also have the powers to:
- (a) Direct teachers, officers and other employees of the University to take up such assignments in connection with examination administration and such other activities in the University as he may consider necessary for the purposes of the University;
 - (b) 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) Create and fill temporary posts for a period not exceeding one year;
 - (d) Make appointments of such categories of employees of the University and in such manner as may be prescribed by the Statutes;
 - (e) Suspend, punish and remove, in accordance with prescribed procedure, from service officers, teachers and other employees of the University, except those appointed by or with the approval of the Senate;
 - (f) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
 - (g) To exercise and perform such other powers and functions as may be prescribed.
- (6) The Vice-Chancellor shall preside at the convocation of the University in the absence of the Chancellor and the Pro-Chancellor.
- (7) The Vice-Chancellor shall present an annual report before the Senate within three months of the close of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of the relevant facts pertaining to:
- (a) Academics:
 - (h) Research:
 - (c) Administration: and

(d) Finances

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

12. Appointment and removal of the Vice-Chancellor. (1) The Vice-Chancellor except the first Vice-Chancellor shall be appointed by the Chancellor from a panel of three candidates proposed by the Senate on the recommendation of the Search Committee.

(2) The first Vice-Chancellor of the University shall be appointed by the Chancellor on the recommendation of the Government. The Administrative Department shall coordinate all the incidental activities and provide secretariat support for the entire process.

(3) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Chancellor on the date and in the manner prescribed by the Statutes and shall consist of-

(a) Two eminent members of the Society, of whom one shall be appointed as Convener:

(b) Two members of the Senate;

(c) One academic of eminence not employed by the University;

(d) The Secretary of the Administrative Department; and

(e) Two distinguished teachers of the University.

(4) The members mentioned at clauses (a) (1) and (c) of sub-section (3) shall be nominated by the Chancellor while the two distinguished teachers mentioned at clause (e) ibid shall be selected by the Senate through a process to be prescribed by it that provides for recommendation of suitable names by the University teachers in general.

(5) The Search Committee shall remain in existence till such time as a new Vice-Chancellor is appointed by the Chancellor.

(6) The Vice-Chancellor shall be appointed for a renewable tenure of four years on terms and conditions 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 reconsider such resolution once.

(7) The Senate may pursuant to a resolution in this behalf passed by three-fourth 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.

(8) Where the Chancellor is of the view that the Vice Chancellor should be removed, he may make a reference to the Senate stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Senate may pursuant to a resolution in this behalf passed by two-third of its membership recommend to the Chancellor the removal of the Vice-Chancellor;

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

- (9) A resolution recommending the 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 for reconsideration.
- (10) At any time when the office of the Vice-Chancellor is vacant, or the Vice Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Chancellor may appoint the senior most officer of the University to officiate as Vice Chancellor.

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

- (2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be such as may be prescribed.
- (3) The Registrar shall be full-time officer of the University and shall-
 - (a) Be the administrative head of the administration branch of the University and be responsible for the provision of secretariat support to the Authorities of the University;
 - (b) Be the custodian of the common seal and the academic records of the University;
 - (c) maintain a register of registered graduates in the prescribed manner;
 - (d) Supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner;
 - (e) Conduct elections of members to the various Authorities in the prescribed manner;
 - (f) Be the Secretary of the Senate, the Syndicate, the Academic Council, Advanced Studies and Research Board, the Selection Board and such other committees / bodies as may be prescribed: and
 - (g) Perform such other duties as may be specified by the Vice-Chancellor and other Authorities from time to time.
- (4) The term of office of the Registrar shall be a renewable period of three years:
Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

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

- (2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be such as may be prescribed.
- (3) The treasurer shall be the chief financial officer of the University and shall-
 - (a) Manage the assets, liabilities, receipts, expenditures funds and investments of the University;

- (b) prepare the annual and revise budget estimates of the university and present them to the syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;
 - (c) ensure that the funds of the university are expended on the purposes for which they are provided;
 - (d) have the accounts of the University audited annually so as to be available for submission to the senate within six months of the close of the financial year; and
 - (e) perform such other duties as may be prescribed.
- (4) The term of office of the Treasurer shall be of three years and may be renewed from time to time;

15. Controller of Examination. (1) There shall be a Controller of examination to be appointed by the senate on the recommendation of the Vice Chancellor, on such terms and conditions as may be prescribed;

Provided that till such time as the senate under The Act is fully constituted, the appointment shall be made by the Chancellor on the recommendation of the Vice Chancellor.

- (2) The minimum qualifications necessary for the appointment to the post of the Controller of Examination shall be as may be prescribed.
- (3) the controller of examinations shall be a full-time officer of the university and shall be responsible for all matters connected with the conduct of the examinations and perform such other duties as may be prescribed.
- (4) the term of office of the controller of examination shall be three years and may be renewed from time to time.

Provided that the senate may, on the advice of the Vice Chancellor, terminate the appointment of the controller of examinations on the ground of inefficiency or misconduct in accordance with the prescribed procedure.

16. Auditor. (1) There shall be an internal auditor of the University to be appointed by the Senate on such terms and conditions as may be determined by it:

- (2) The internal auditor shall be responsible for pre-auditing of all bills and documents for all payments to be made by the University,

17. Other Officers. Subject to the provisions of this Act, the terms and conditions of service and powers and duties of other officers of the University shall be such as may be prescribed.

CHAPTER –IV

AUTHORITIES OF THE UNIVERSITY

18. Authorities. --- (1) The following shall be the Authorities of the University namely:

- (a) Authorities established by the Act
 - (i) The Senate;
 - (ii) The Syndicate; and
 - (iii) The Academic Council;
- (b) Authorities to be established by the Statutes

- (i) Graduate and Research Management Council;
 - (ii) Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at the level of the department, the Faculty or the University;
 - (iii) Career Placement and Internship Committee of each Faculty;
 - (iv) Search Committee for the appointment of the Vice-Chancellor;
 - (v) The Representation Committees for the purposes of Section 24A;
 - (vi) Faculty Council;
 - (vii) Departmental Council;
 - (viii) the committees or sub-committees set up under sub-section.(2);and
 - (ix) such other Authorities as may be prescribed.
- (2) The Senate, the Syndicate and the Academic Council may set up such other committees or sub-committees, by whatever name described, as are considered desirable and appropriate through Statutes or Regulations.

19. Senate. (1) The body responsible for the governance of the University shall be described as the Senate and shall consist of:

- (a) The Chancellor,
- (b) Pro Chancellor;
- (c) Vice-Chancellor;
- (d) One member of the Provincial Assembly to be nominated by the Speaker of the Assembly;
- (e) The Chief Justice of the Peshawar High Court or a serving Judge of the High Court nominated by him;
- (f) Secretary of the Administrative Department, or his nominee not below the rank of Additional Secretary;
- (g) Secretary to Government, Finance Department, or his nominee not below the rank of Additional Secretary;
- (h) Secretary to Government, Establishment Department, or his nominee not below the rank of Additional Secretary;
- (i) Two senior most Principals of the constituent colleges or institutions;
- (j) Four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering, with a view to reflecting a balance across the various fields;

Provided that the special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Senate;

- (k) One person from amongst the alumni of the University;

- (l) two persons from the medical academic community of the Province of the North-West Frontier or the country other than an employee of the University at the level of professor or principal of a college;
 - (m) Three University Teachers: and
 - (n) One person nominated by the Commission.
- (2) All appointments to the Senate shall be made by the Chancellor. Appointments of persons described in clauses (k) and (l) 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 24A and in accordance with the procedure as may be prescribed;
- Provided that effort shall be made, without compromising on quality or qualification to give fair representation to women on the Senate;
- Provided further that as regards the University Teachers described in clause (m) of sub-section (1), the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of University Teachers;
- Provided also that the Senate may alternatively prescribe that appointment of University Teachers to the Senate shall also be in the manner provided by this subsection for the persons described in clauses (k) and (l) of sub-section (1).
- (3) 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 restructured Senate, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than ex-officio members, of the first restructured Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than ex-officio members, shall retire from office on the expiration of the third year:
- Provided that no person other than an ex-officio member, may serve on the Senate for more than two consecutive terms;
- Provided further that the University Teachers appointed to the Senate may not serve for two consecutive terms.
- (4) The Senate shall meet twice in a calendar year and the service on the Senate shall be on honorary basis. The members of the Senate may, however, be reimbursed actual expenses, if any, incurred by them in connection with the affairs of the Senate in the manner prescribed. The Registrar shall be the Secretary of the Senate.
- (5) In the absence of the Chancellor meetings of the Senate shall be presided over by Pro-Chancellor and in his absence by such member, not being an employee of the University or Government, as the Chancellor may from time to time nominate. The member so nominated shall be the Convener of the Senate.
- (6) Unless otherwise prescribed by this Act, all decisions of the Senate shall be taken on the basis of the opinion of a majority of the members present in the event of the members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.
- (7) The quorum for a meeting of the Senate shall be two-third of its membership a fraction being counted as one.

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

(2) Without prejudice to the generality of the foregoing powers, the Senate shall have the powers to;

- (a) Approve the proposed annual plan of works, the annual and revised budgets, the annual report and the annual statement of account;
- (b) Hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of immovable property;
- (c) Oversee the quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;
- (d) approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) Institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University;
- (o) Approve strategic plans;
- (g) Approve financial resource development plans of the University;
- (h) Consider the drafts of Statutes and Regulations proposed by the Syndicate and the Academic Council and deal with them in the manner as provided for in Sections 27 and 28, as the case may be;

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

- (i) annul by order in writing the proceedings of any Authority or officer if the Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, Statutes or Regulations after calling upon such Authority or officer to show cause why such proceedings should not be annulled;
- (j) Recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;
- (k) Make appointment of members of the Syndicate, other than ex-officio members, in accordance with the provisions of this Act;
- (l) Make appointment of members of the Academic Council, other than ex-officio members, in accordance with the provisions of this Act;
- (m) Appoint Emeritus Professors on such terms and conditions as may be prescribed;
- (n) Remove any person from the membership of any Authority if such person;
 - (i) has become of unsound mind; or
 - (ii) has become incapacitated to function as member of such Authority; or

- (iii) has been convicted by a court of law for an offence involving moral turpitude; and
 - (o) Determine the form, provide for the custody and regulate the use of the common seal of the University.
- (3) The Senate may, subject to the provisions of this Act delegate all or any of the powers and functions of any Authority, officer or employee of the University at its main campus, to any Authority, committee, officer or employee at its additional campus, if any, for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Senate may create new posts or positions at the additional campus.

20A. Visitations. --- (1) The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the University.

- (2) The Chancellor may also cause an inspection or inquiry to be made in respect of any matter directly or indirectly concerned with the University and, from time to time, may appoint such expert or experts in the manner prescribed, for purposes of carrying out the inspection of various matters connected with the University,
- (3) The Chancellor shall communicate to the Senate his views with regards to the results of such inspection or inquiry and shall, after ascertaining the views thereon of the Senate, advise the Senate on the action to be taken.
- (4) The Senate shall communicate to the Chancellor such action, if any, as has been taken or may propose action to be taken upon the results of the inspection or inquiry.

21. The Syndicate --- (1) The Syndicate shall consist of --

- (a) The Vice Chancellor, who shall be its Chairperson;
- (b) One member of the Provincial Assembly to be nominated by the Speaker of the Assembly;
- (c) The Chief Justice of the Peshawar High Court or a serving Judge of the High Court nominated by him;
- (d) Secretary of the Administrative Department, or his nominee not below the rank of Additional Secretary;
- (e) Secretary to Government, Finance Department, or his nominee not below the rank of Additional Secretary;
- (o) Secretary to Government, Establishment Department, or his nominee not below the rank of Additional Secretary;
- (g) Principals of the constituent colleges and institutions;
- (h) One Professor, one Associate Professor, one Assistant Professor, one Senior Registrar and one Lecturer of the University, who are not members of the Senate, to be elected by the University Teachers in accordance with the procedure to be prescribed by the Senate;
- (i) Deans of the Faculties of the University;
- (j) Two principals (one each from public and private sectors) of affiliated colleges to be nominated by the Chancellor from a panel recommended by the Administrative Department;

- (k) Three persons of eminence to be nominated by the Chancellor;
 - (l) The Registrar;
 - (m) The Treasurer; and
 - (n) The Controller of Examinations; and
- (2) The members of the Syndicate, other than the ex-officio members, shall hold office for three year;
- (3) The quorum for a meeting of the Syndicate shall be two-third of the total number of members, a fraction being counted as one.
22. Powers and duties of the syndicate --- (1) The Syndicate shall be the executive body of the University and shall, subject to the provisions of this Act and Statutes, exercise general supervision over the affairs and management of the University.
- (2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the Statutes and direction of the Senate, the Syndicate shall have the powers to;
- (a) Consider the annual report, the annual and revised budget estimates and to submit these to the Senate;
 - (b) Transfer and accept transfer of movable property on behalf of the University;
 - (c) Enter into, vary, carry out and cancel contracts on behalf of the University;
 - (d) Cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
 - (e) invest any money belonging to the University including any unapplied income in any of the securities described in Section 20 of the Trusts Act, 1882 (Act II of 1882), or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investment;
 - (f) Receive and manage any properly transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made, to the University;
 - (g) Administer any funds placed at the disposal of the University for specified purposes;
 - (h) Provide the buildings, libraries, premises furniture, apparatus, equipment and other means required for carrying out the affairs of the University;
 - (i) Establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;
 - (j) Recommend to the Senate affiliation or disaffiliation of colleges;
 - (k) Arrange for the inspection of colleges and the Departments;

- (l) Institute Professorships. Associate Professorships, Assistant Professorships. Senior Registrar ships, Lecturer ships, and other teaching posts or to suspend or abolish such posts;
- (m) Create, suspend or abolish such administrative or other posts as may be necessary;
- (n) Prescribe the duties of officers, teachers and other employees of' the University;
- (o) Report to the Senate on matters with respect to which it has been asked to report;
- (p) Appoint members to various Authorities in accordance with the provisions of this Act;
- (q) Propose drafts of Statutes for submission to the Senate;
- (r) Regulate the conduct and discipline of the students of the University;
- (s) Take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary;
- (t) Delegate any of its powers to any Authority or officer or a committee; and
- (u) Perform such other functions as have been assigned to it by the provisions of this Act or the Statutes made there under.

23. Academic Council. (1) There shall be an Academic Council of the University consisting of the following:

- (a) The Vice Chancellor who shall be its Chairperson;
 - (b) The Principals of the constituent colleges and institutions;
 - (c) The Deans of Faculties and such Heads of Departments as may be prescribed;
 - (d) The Directors of Advance Studies and Research Development;
 - (e) Five members representing the Departments, institutes and constituent colleges to be elected in the manner prescribed by the Senate;
 - (g) Two Principals of affiliated colleges, one each from public and private affiliated colleges;
 - (h) Five Professors including Emeritus Professors;
 - (i) The Registrar;
 - (j) The Controller of Examinations; and
 - (k) The Librarian.
- (2) The Senate shall appoint the members of the Academic Council, other than the ex-officio and the elected members, on the recommendation of the Vice Chancellor.

Provided that as regards the five professors and the members representing the Departments, institutes and the constituent colleges, the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 24A. Appointment of persons

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

- (3) Members of the Academic Council shall hold office for three years.
- (4) The Academic Council shall meet at least once in six months.
- (5) The quorum for meetings of the Academic Council shall be two-thirds of the total number of members, a fraction being counted as one.

24. Powers and duties of the Academic Council --- (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the Statutes have the power to lay down proper standards of instruction research and examinations and to regulate and promote the academic life of the University 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 powers to-

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

(b) approve academic programmes;

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

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

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

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

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

(h) Institute programmes for the continued professional development of University Teachers at all levels;

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

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

(k) propose, from to time, Regulations to the Senate on the recommendations of the Board of Faculties and the Board of Studies prescribing the courses of studies, the syllabi and examinations;

Provided that if the recommendations of the Board of faculty or Board of Studies are not received by the prescribed date, the Academic Council may subject to the approval of the Senate permit the existing Regulations to continue for the following year;

(l) Prepare an annual report on the academic performance of the University: and

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

24A. Representation Committee. --- (I) There shall be a Representation Committee constituted by the Senate through Statute for recommendation of persons for appointment to the Senate, in accordance with the provisions of Section 20.

- (2) There shall also be a Representation Committee constituted by the Senate through Statute for the recommendation of persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of Sections 21 and 23.
- (3) Members of the Representation Committee for the purposes of sub-section (I) shall consist of the following:-
 - (a) Three members of the Senate who are not University Teachers;
 - (b) Two persons nominated by the University Teachers from amongst themselves in the manner prescribed;
 - (e) one person from the medical academic community, not employed by the University, at the level of professor or college principal to be nominated by the University Teachers in the manner prescribed; and
 - (d) One eminent citizen with experience in administration, philanthropy development work law or accountancy to be nominated by the Senate.
- (4) Members of the Representation Committee for the purpose of sub-section (2) shall consist of the following;
 - (a) Two members of the Senate who are not University Teachers;
 - (b) Three persons nominated by the University Teachers from amongst themselves in the manner 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 working procedures of the Representation Committees shall be such as may be prescribed.
- (7) There may also be such other Representation Committees set up by any of the other Authorities of the University as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the University.

25. Constitution functions and powers of other Authorities. -- The constitution function and powers of the Authorities for which no specific provisions, or insufficient provisions, have been made in this Act shall be such as may be prescribed by the statutes.

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 committee persons who are not members of the Authorities appointing the Committees.

- (2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by Statutes or Regulations.

CHAPTER –V

STATUTES, REGULATIONS & RULES

27. Statutes --- (I) Subject to the provisions of this Act, Statutes may be made to regulate or prescribe all or any of the following matters, namely:

- (a) The contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Senate shall be prepared;
 - (b) the University fees and other charges;
 - (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;
 - (d) the scales of pay and other terms and conditions of service of officers, teachers and other University employees;
 - (e) the maintenance of the register of registered graduates;
 - (f) affiliation and disaffiliation of educational institutions and related matters;
 - (g) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
 - (h) the establishment of Faculties, Departments, institutes, colleges and other academic divisions;
 - (i) the powers and duties of officers and teachers;
 - (j) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
 - (k) conditions for appointment of Emeritus Professors and award of honorary degrees;
 - (l) efficiency and discipline of University employees;
 - (m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;
 - (n) the constitution and procedure to be followed by the Search Committee for appointment of the Vice Chancellor;
 - (o) constitution, functions and powers of the Authorities of the University: and
 - (p) all other matters which by this Act are to be or may be prescribed or regulated by Statutes.
- (2) The draft of Statutes shall be proposed by the Syndicate to the Senate which may approve or pass with such modifications as the Senate may think fit or may refer back to the Syndicate, as the case may be, for reconsideration of the proposed draft:
- Provided that Statutes concerning any of the matters mentioned in clauses (a) and (l) of sub-section (1) shall be initiated and approved by the Senate, after seeking the views of the Syndicate;
- Provided further that the Senate may initiate a Statute with respect to any matter in its power or with respect to which a Statute may be framed in terms of this Act and approve such Statute after seeking the views of the Syndicate.
28. Regulations. --- (1) Subject to the provisions of this Act and the Statutes, the Academic Council may make Regulations for all or any of the following matters, namely:
- (a) The courses of study for degrees, diplomas and certificates of the University;
 - (b) the manner in which the teaching referred to in sub-section (l) of section 7 shall be organized and conducted;

- (c) the admission and expulsion of students to and from the University;
 - (d) the conditions under which students shall be admitted to the courses and the examinations of the University and shall become eligible for the award of degrees diplomas and certificates;
 - (e) the conduct of examinations;
 - (f) conditions under which a person may carry on independent research to entitle him to a degree;
 - (g) the institution of fellowships, scholarships, exhibitions medals and prizes;
 - (h) the use of the Library;
 - (i) the formation of Faculties, Departments and Board of Studies: and
 - (j) all other matters which by this Act or the Statutes made there under are to be or may be prescribed by Regulations;
- (2) Regulations shall be proposed by the Academic Council and shall be submitted to the Senate which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A Regulation proposed by the Academic Council shall not be effective unless it receives the approval of the Senate.
- (3) Regulations regarding or incidental matters contained in sub-clauses (a) and (i) shall not be submitted to the Senate without the prior approval of the Syndicate.
29. Rules. --- (1) The Authorities and the other bodies of the University may make rules consistent with this Act Statutes or the Regulations to regulate any matter relating to the affairs of the University for which no detailed provisions have been provided in this Act or which is not required to be regulated by Statutes or Regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.
- (2) Rules shall become effective upon approval by the Syndicate.

CHAPTER-VI

AFFILIATION OF EDUCATIONAL INSTITUTIONS TO THE UNIVERSITY

30. Affiliation. (1) Subject to this Act,-
- (a) all Medical and Dental Colleges and all Institutions of medical and allied health sciences in Public Sector in the North-West Frontier Province, shall be affiliated to the Khyber Medical University: and
 - (b) ³"All private Medical and Dental Colleges and Institutions of medical and allied health Sciences in the Province, whether affiliated with or constituent of any other University, Examination Board or a Medical Faculty, notwithstanding anything contained in any other law for the time being in force, shall affiliate with the University through a process prescribed hereinafter;"
- (2) An institution applying for affiliation to the University shall make an application to the University and shall satisfy that-
- (a) The institution is under the management of Government or a regularly constituted governing body;
 - (b) that the financial resources of the institution are sufficient to enable it to make due provision for its continued maintenance and efficient working;

³ Under Section 4 Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

- (c) the strength and qualifications of the teaching staff and the other staff, and the terms and condition of their service, are adequate to make due provision for the course of instruction, teaching or training to be undertaken by the institution according to the Rules and Regulations of Pakistan Medical and Dental Council and other related accrediting bodies;
 - (d) the institution has framed proper Rules regarding the efficiency and discipline of its staff and the employees;
 - (e) that the institution has a teaching hospital with staff equipments, bed strength and other facilities according to the requirements of Pakistan Medical and Dental Council and other related accrediting bodies;
 - (f) the building in which the institution is to be located is suitable, and purpose built, and that provision will be made in conformity with the statutes and the Regulations for-
 - (i) the residence of students, not residing with their parents or guardians, or lodging approved by it; and
 - (ii) the supervision and physical and general welfare of students;
 - (g) provision has been made for a library and adequate library services;
 - (h) where affiliation is sought in any branch of experimental sciences, due arrangements have been made for imparting instruction in that branch of science in properly equipped laboratory museum and the places of practical work;
 - (i) due provision will, so far as circumstances may permit be made for the residence of the principal and members of the teaching staff in or near the institution or place provided for the residence of students: and
 - (j) due provision of the institution will not be injurious to the interests of education or discipline of institutions in its neighbourhood.
- (3) The application shall further contain an undertaking that after the institution is affiliated, any change in the management and in the teaching staff, shall be forthwith reported to the University, and that the teaching staff shall possess such qualifications as are or may be prescribed.
- (4) The procedure to be followed in disposing of an application for the affiliation of an institution shall be such as may be prescribed.
- (5) The Syndicate may, on the recommendation of the Affiliation Committee grant or refuse affiliation to institution:

Provided that affiliation shall not be refused, unless the institution has been given an opportunity of making a representation against the proposed decision.

31. Addition of courses by affiliated institution.--- Where an Institution desires to add to the course of instruction in respect of which it is affiliated the procedure prescribed under sub-section (2) and (3) of section 30 shall, so far as may be, be followed.

32. Reports from affiliated institutions.---(1) Every institution affiliated to [he University shall furnish such reports, returns and the information as the University may require to enable it to judge the efficiency of the institutions.

(2) The University may call upon any institution affiliated to it to take with in a specified period such action as may appear to the University to be necessary in respect of any of the matters referred to in sub-section (2) of section 30.

33. Withdrawal of affiliation.---(I) If an institution affiliated to the University fails at any time to fulfil any of the requirements mentioned in this Act, or if an institution has failed to observe any of the conditions of its affiliation, or its affairs are conducted in a manner which is prejudicial to the interests of education, the Syndicate may, on recommendation of the Affiliation Committee, and after considering such representation as the institution may wish to make, withdraw either in whole or in part the rights conferred on the institution by affiliation or modify such rights.

(2) The procedure to be followed for the withdrawal of affiliation shall be such a may be prescribed.

34. Appeal against refusal or withdrawal of affiliation---An appeal shall lie to the Chancellor against the decision of the Syndicate refusing to affiliate an Institution, or withdrawing in whole or part, the rights conferred on an institution by affiliation, of modifying such rights; provided that the Chancellor shall not pass any order adversely affecting the institution without giving the institution concerned an opportunity of being heard.

CHAPTER-VII

UNIVERSITY FUND

35. University Fund.--- (1) The University shall have a Fund to which shall be credited from Provincial and Federal Government allocations, grants and its income from fee, donations, trusts, bequests endowments, contributions and all other sources.

(2) Deleted⁴.

36. Recovery of University dues.---The University or any person generally or specially authorized by it may apply to the Collector for recovery of any sum due to the University under any bond or otherwise and the Collector shall thereupon proceed to recover the sum due as if it were an arrears of land revenue.

37. ⁵Deleted. [(a) All movable and immovable property, including fixed assets of the constituent colleges and institutions, and all liabilities pertaining to such colleges and institutions, which were transferred to the University by virtue of section 37 hereby deleted shall revert back to the respective colleges and institutions];

38. Audits and accounts. --- (I) The accounts of the University shall be maintained and audited in such form and in such manner as may be prescribed.

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

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

⁴ Under Section 5 of the Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

⁵ Under Section 6 of Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

- (3) All funds generated by a Teaching Department, constituent colleges or other unit of the University through consultancy research or other provision of service shall be credited to the University fund:

Provided that the Teaching Department, constituent colleges or other unit concerned may be allowed enhanced budget allocation equivalent to a part of the funds generated in accordance with prescribed terms and procedure.

- (4) No expenditure shall be made from the funds of the University, unless a bill for its payments has been issued by the head of the cost centre concerned in accordance with the Statutes and the Treasurer has verified that the payment is provided for in the approved budget of the cost centre, subject to the authority to re-appropriate the fund available to the head of the cost centre.
- (5) Provision shall be made for an internal audit of the finances of the University.
- (6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law in force, the annual audited statement of accounts of the University shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) 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, 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.

38A. Opportunity to show cause.---Except as otherwise provided by law, no officer, teacher or other employee of the University, holding a permanent post, shall be reduced in rank, or removed or compulsorily retired from service for cause arising out of any act or omission on the part of the person concerned, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

38B. Appeal to the Syndicate and the Senate.---Where an order is passed punishing any officer (other than the Vice-Chancellor), teacher or other employee of the University 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 University other than the Vice-Chancellor, have the right to appeal to the Syndicate against the order, and where the order is passed by the Vice-Chancellor, have the right to appeal to the Senate.

38C. Service of the University.---(1) All persons employed by the University in accordance with the terms and conditions of service prescribed by Statutes shall be persons in the service of Pakistan for the purposes of any court or tribunal set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973:

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

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

38D. Benefits and insurance. --- (I) The University shall constitute for the benefit of its officers, teachers and other employees schemes, as may be prescribed, for the provision of post-employment benefits as well as health and life insurance while in service.

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

CHAPTER-VIII

GENERAL PROVISIONS

39. First Statute.---Notwithstanding anything contained in this Act, the Statutes set out in the Schedule shall be deemed to be the Statutes framed under section 27 and remain in force until they are amended or repealed by new Statutes framed in accordance with this Act.

40. ⁶Deleted.

41. Pension, Insurance, Gratuity, Provident Fund and Benevolent Fund. The University may, in such manner and subject to such conditions as may be prescribed institute pension, insurance, gratuity, provident fund and benevolent fund for the benefit of its officers, teachers and other employees:

Provided that if any provident fund instituted under this Section, the Provisions of the Provident Fund Act, 1925 (XIX of 1925) shall apply to such fund as if it were the General Provident Fund and the University were the Government.

42. Commencement of term of office of members of Authorities. ---- (I) When a member of a newly constituted Authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remains absent from the University for a period of not less than six months, he shall be deemed to have resigned and vacated his seat.

43. A member of an Authority to cease to be member in certain circumstances.---An elected, appointed or nominated member of any Authority shall cease to be a member if he-

- (a) Absents himself, without the leave of such Authority, from three consecutive meetings thereof; or
- (b) Accepts any assignment which involves his absence from the University for a period of six months or more.

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

45. Filling of vacancies other than casual vacancies.---Where a vacancy in the membership of an Authority cannot be filled in because of-

- (a) The office holder whereof was to be a member of the Authority ex- officio having ceased to exist or
- (b) The organization, institution or other body, other than the University, having either ceased to exist or to function: or

⁶ Under Section 6 of the Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)

- (c) The occurrence of other circumstances in which it has become impracticable to fill the vacancy, the vacancy shall be filled in such manner as the Syndicate may decide.

46. 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 University 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.

47. Proceedings of Authorities not invalidated by the vacancies.---No act, resolution or decision of any Authority shall be invalid by reason of any vacancy on the Authority doing passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

48. Bar on jurisdiction.---No court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done or purported to have been done in good faith under this Act.

49. Indemnity. ---No suit or legal proceedings shall lie against Government, the University or any authority, officer or employee of Government or the University or any person, in respect of anything which is done or purported to have been done or is intended to or has been done in good faith under this Act.

50. Transitional provisions. ---Notwithstanding anything contained in this Act the Syndicate shall start functioning as soon as the Chancellor had made nomination of its members.

51. ⁷Deleted. [(b) The services of all employees of the constituent colleges and institutions transferred to the University under Section 51 hereby deleted shall revert back to the respective colleges and institutions];

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

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

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

53. ⁸Deleted. [(c) The Ayub Medical College Board of Governors Ordinance, 1978, (N-W.F.P Ordinance No. XIX of 1978), repealed under section 53 hereby deleted shall stand revived as if it had never been repealed]

⁷ Under Section 6 of the Khyber Medical University (Amendment) Act, 2008 (N-W.F.P. Act No. IV of 2008)