

NOTIFICATION.

Dated Quetta, the 14th October, 2015.

No.PAB/Legis:V(28)/2015. The Balochistan University of Engineering & Technology (Amendment) Bill, 2014, (Bill No. 28 of 2014) having been passed by the Provincial Assembly of Balochistan on 3rd October, 2015 and assented to by the Governor, Balochistan on 12th October, 2015 is hereby published as an Act of Balochistan Provincial Assembly.

The Balochistan University of Engineering & Technology (Amendment) Act,2015
Act No .XIII of 2015.

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

AN
ACT

to amend the Balochistan University of Engineering and Technology Act, 1994 (Act No. IV of 1994)

Preamble.

WHEREAS, it is expedite to amend the Balochistan University of Engineering and Technology Act 1994, Act No. IV of 1994 in the manner hereinafter appearing;

It is hereby enacted as follows: -

Short title and Commencement.

(1) This Act may be called the Balochistan University of Engineering and Technology (Amendment) Act, 2014.

Amendment of Section 2, Act in of 1994.

2. In the Balochistan University of Engineering and Technology Act, 1994 (Balochistan Act No. IV of 1994), hereinafter referred to as the said Act, in section 2, after clause (p) and (q), the following new clause shall be inserted, respectively:-

“(p-a)” Pro-Vice Chancellor” means the Pro-Vice Chancellor appointed under section, 11 of this Act.
(q-a) “Senate” means Senate of the University.”

Amendment of Section 8, Act IV of 1994.

3. In the said Act, after clause (iii), the following new clause shall be in inserted:-
“(iii-a) Pro-Vice Chancellor.”

Amendment of
Section 9, Act IV of
1994.

In the said Act, for Section 9, the following shall be substituted:-
Chancellor

(1) The Governor of Balochistan 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. In the absence of the Chancellor the Senate may request a person of eminence to preside over the Convocation of the University.

(3) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may –

- (a) as regards proceedings of the Senate, direct that specified proceedings be reconsidered and appropriate action be taken within one month of the direction having been issued:

Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the 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 law, accountancy and administration; *and* as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Senate, direct the Senate to exercise powers under section 24.

Insertion of new
Section, Act, IV of
1994.

5. After Section 9, as so amended herein above, the following new Section shall be Inserted:-

“(9-A) The members of the Senate, the Vice-Chancellor and Pro-Vice Chancellor shall be appointed by the Chancellor as per relevant sections of the Act, from amongst the persons recommended by the Selection Committee set up for this purpose or the Search Committee established in accordance with the provisions of the Act and the Statutes, as the case may be.”

Amendment of
Section 11 Act IV
of 1994.

6. In the said Act, for Section 11, the following shall be substituted:-
11. **“Pro-Vice Chancellor”**:- (1) The Chancellor shall appoint the Pro-Vice Chancellor on such terms and conditions as may be determined by Chancellor.
- (2) The Pro-Vice Chancellor shall hold office during the pleasure of the Chancellor for a term of three years with first year on probation which may be extended by the Chancellor, from time to time.
- (3) Whereas Pro-Vice Chancellor is appointed under sub-section (1) he shall, notwithstanding anything contained in this Act, exercise such powers and perform such functions of the Vice Chancellor or such other powers and functions as the Chancellor may delegate to him.
- (4) The Pro-Vice Chancellor shall be an *ex-officio* member of the Senate, Syndicate, Academic Council, Selection Board and all other Statutory bodies.”
- (5) At any time when the office of the Vice Chancellor is vacant or the Vice Chancellor proceed on official tour or on leave, the Pro-Vice Chancellor will perform the duties of the Vice Chancellor.

Amendment of
Section 19, Act IV
of 1994.

7. In the said Act, Section 19, serial No (i) shall be re-numbered as serial No (i-a); and thereafter at serial No (i), the following shall be inserted:-
- “(i) the Senate;”

Insertion of
Section 19-A and
19-B, Act, IV of
1994.

8. In the said Act, after Section 19, if so amended hereinabove, the following new Section shall be inserted namely:-
- “19-A The Senate:-
- (1) There shall be a Senate of the University which shall be the body responsible for the governance of the University.
- (2) The Senate shall consist of the following members and the Chairperson, namely:-
- (a) the Chancellor who shall be the Chairperson of

the Senate;

- (b) the Vice-Chancellor;
- (c) Two members of the Provincial Assembly of the area nominated by the Provincial Assembly;
- (d) the Secretary or in his absence the Additional Secretary to the Government of Balochistan, Higher Education Department;
- (e) the Secretary or in his absence the Additional Secretary to the Government of Balochistan, Finance Department;
- (f) the Principal Secretary to the Governor or in his absence the Additional Secretary, Governor Secretariat;
- (g) two out of four persons nominated by academic council one male and one female from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, fine-arts, science, agriculture, architecture, engineering and technology such that the appointment of these persons reflects a balance across the various fields:

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

- (h) one person from amongst the alumni of the University;
 - (i) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college;
 - (j) four University Teachers including atleast one female; and
 - (k) One person nominated by the Higher Education Commission.
- (3) The numbers of the members of the Senate described against clauses (e) to (i) of sub-section (2) may be

increased by the Senate through Statutes subject to condition that the total membership of the Senate does not exceed twenty one, with a maximum of five University Teachers, and the increase is balanced, to the extent possible, across the different categories specified in sub-section (2).

(4) All appointments to the Senate shall be made by the Chancellor.

(5) Appointments of persons described in clauses (e) to (f) of sub-section (2) shall be made from amongst a panel of three names for each vacancy recommended by the Selection Committee set up in terms of section 29 and in accordance with 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 for appointment of members from amongst the University Teachers described in clause (g) of sub-section (2), 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 for the persons described in clauses (e) to (f) of sub-section (2).

(6) 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 secret self-assessment ballot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-third of the remaining members, other than ex officio members, of the first restructured Senate, to be determined by secret ballot, shall retire from office on the expiration of two years from the date of appointment and the remaining one - third, 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.

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

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

Provided that actual expenses may be reimbursed as

prescribed.

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

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

(11) Unless otherwise prescribed by the 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.

(12) The quorum for a meeting of the Senate shall be one half of its membership, a fraction being counted as one.”

(19-B): (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 under the Act and all other powers not expressly mentioned in the Act that are necessary for the performance of its functions

(2). The Senate will set the overall future direction of the University, and will explore vistas for University’s advancement in the pursuit of its vision of being among the leading universities of Pakistan and the world, arranging and providing means for further expansion of facilities and growth of the physical and technological infra-structure of the university.

(3). Subject to the provisions of this Act the Senate shall have the powers:-

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

(b) to 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) to consider and approve the draft Rules proposed by the Syndicate;
- (d) to appoint members to the Syndicate and other legislative and statutory bodies of the University in accordance with the provision of this Act;
- (e) to delegate any of its power to an Authority or officer or a Committee or sub-committee;
- (f) to perform such other functions as may be prescribed by Rules;
- (g) to affiliate and disaffiliate colleges on the recommendation of the Syndicate;
- (h) to admit educational institutions to the privileges of the University and withdraw such privileges, on the recommendation of the Syndicate; and
- (i) to appoint University Teachers/ Professor, Associate Professor and Assistant Professor and other Officers (B-19 and above) on the recommendation of the Selection board.

Amendment of Section 20, Act IV of 1994.

9. In the afore said Act, in Section 20, in Sub-Section (i),-
- (a) (f) before the word "Education" the word with comma "Colleges, Higher and Technical" shall be inserted;
 - (b) In Clause (m) the word "and" appearing at and shall be omitted;
 - (c) For clause (n) the following shall be substituted:-
" (n)
Principal Secretary to the Governor Balochistan; and";
and
 - (d) after clause (n), as so amended hereinabove the following new clause shall be added: -
"(o) one Professor and one Associate Professor, to be elected from amongst the University faculty."

Amendment of Section 20 Act IV of 1994.

10. In the aforesaid Act, for Section 21, the following shall be substituted:-
- "21Powers of Syndicate,- (1). The Syndicate shall be the executive body of the University and shall, subject to the provision of this Act and the Statutes, exercise general supervision over the affairs and management of the property of the University.

(2). Without prejudice to the generality of the foregoing powers, and subject to the provision of this Act and the Statutes, the Syndicate shall have the powers:

- (a) to hold, control and administer the property and funds of the University;
- (b) to govern and regulate, with due regard to the advice of the Finance and Planning Committee in this behalf, the finances, accounts and investments of the University and for that purpose to appoint such agents as it may think fit;
- (c) to consider the annual and revised budget estimates and to recommend to Senate for approval;
- (d) to Cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) to 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 (II of 1882) or relevant act best suitable to be considered by the members, or in the purchase of immovable property or in such other manner; as it may determine, with the like power of varying, such investments on the advice of the Senate;
- (f) to arrange for raising revenues from partnerships, research grants and technology transfers for strengthening University's ability to more effectively invest and allocate; resources for education;
- (g) to receive and manage any property transferred and grants, bequests, trusts, gifts, donations endowments and other contributions made to the University;
- (h) to administer any funds placed at the disposal of the University for specified purpose on the advice of the Senate;
- (i) to determine the form, provide for the custody and regulate the use of the common seal of the university;

- (j) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (k) to recommend the Senate to affiliate and disaffiliate colleges;
- (l) to recommend the Senate to admit educational institutions to the privileges of the university and withdraw such privileges;
- (m) to institute Professorships, Associate Professorships, Assistant Professorships, Lectureships, and others teaching posts or to abolish such posts;
- (n) to create or abolish such administrative research extension or other posts as may be necessary;
- (o) to appoint University teachers/lecturer and other Officers (B-18 and below) on the recommendation of the Selection board;
- (p) to appoint Emeritus Professor on such terms and conditions as may be prescribed;
- (q) to confer Honorary Degrees in accordance with the conditions prescribed following the approval of the Chancellor;
- (r) to appoint members to the various Authorities in accordance with the provisions of this Act;
- (s) to propose drafts for Statutes for submission to the Senate;
- (t) to consider and deal in the manner prescribed, the Regulations made by the Academic Council;
- (u) to regulate, determine and administer all other matters concerning good governance of the University and to this end exercise all other powers not specifically mentioned in this Act and the Statutes;
- (v) to delegate any of its power to an Authority or Officer or a Committee or Sub-committee; and
- (w) to perform such other functions as have been assigned to it by the other provisions of this Act or may be assigned to it by the Statutes, Senate or the Chancellor.

(MUHAMMAD AZAM DAWI)
Secretary
Balochistan Provincial Assembly