

[AS PASSED BY THE NATIONAL ASSEMBLY]

A
Bill

to amend the Federal Urdu University of Arts, Sciences and Technology, Islamabad Ordinance, 2002

WHEREAS it is expedient and necessary to amend the federal urdu university of arts, sciences and technology, Islamabad ordinance, 2002(cxix of 2002), in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Federal Urdu University of Arts, Sciences and Technology, Islamabad Act, 2023.

(2) It shall be come into force at once.

(Amendment)

2. **Amendment of Section 2, Ordinance CXIX of 2002.**- In the Federal Urdu University of Arts, Sciences and Technology, Islamabad Ordinance, 2002 (CXIX Of 2002) hereinafter called as the said Ordinance, in section 2,-

(a) after clause (n), the following new clauses shall be inserted, namely: -

“(na) **Pro-Chancellor**” means the Federal Minister of the Division concerned;

(qa) **Search Committee**” means the Search Committee set up by the Prime Minister of Pakistan;”.

3. **Amendment of section 3, Ordinance CXIX of 2002.**-In the said Ordinance, in section 3, for sub-sections (1), (2), and (5), the following shall be substituted, namely :-

“(1) There shall be established, in accordance with the provisions of this Ordinance, a University to be called the Federal Urdu University of Arts, Sciences and Technology, Islamabad with its principal seat at Islamabad. It shall consist of Federal Government Urdu Science College, Karachi, Federal Government Urdu Arts College, Karachi and such other colleges and institutes as may be prescribed. The university may establish in consultation with HEC and prior approval of the Division concerned, any number of campuses anywhere in or outside Pakistan as may be prescribed.

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

- (a) the Chancellor;
- (b) the Pro Chancellor;
- (c) the members of the Senate;
- (d) the Vice Chancellor;
- (e) all University teachers;
- (f) persons recognized as students of the University in accordance with terms prescribed from time to time;
- (g) all other fulltime officers; and
- (h) members of the staff of the University.

(5) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial, and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed by Division concerned, subject to the terms of this Ordinance and the Higher Education Commission Ordinance, 2002."

4. **Amendment of section 4, Ordinance CXIX of 2002.**-In the said Ordinance, in section 4, in sub-section (4) at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that such powers and functions are not contrary to the Higher Education Commission Ordinance 2002 (Ordinance No. LIII of 2002); and government rules and regulations, prescribed time to time."

5. **Amendment of section 5, Ordinance CXIX of 2002.**-In the said Ordinance, in section 5, in sub-section (4) at the end for full stop a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"After Section (5) University open to all classes, creeds, etc.-, the following proviso shall be added:

Provided that such self-finance schemes are not repugnant to HEC uniformed self-finance schemes policy and the prior approval of the concerned Division is obtained."

6. **Amendment of section 7, Ordinance CXIX of 2002.**- In the said Ordinance, section 7, clause (c) shall be omitted.

7. **Amendment of section 8, Ordinance CXIX of 2002.**- In the said Ordinance, for section 8, the following shall be substituted, namely:-

"8. Chancellor.- (1) The President of the Islamic Republic of Pakistan shall be the Chancellor of the University.

(2) The Chancellor shall, when present, preside over the convocation of the University.

(3) If the Chancellor is satisfied that the proceedings of any Authority are not in accordance with the provisions of the Act, the Statutes, the Regulations, or the Rules, he may, after calling upon such Authority to show cause why such proceedings should not be annulled, by order in writing, annul the proceedings.

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

(5) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him by the Syndicate with-hold assent or refer them back to the Syndicate, for reconsideration.

(6) The Chancellor may remove any member from the membership or any authority, if such member -

(i) has become of unsound mind; or

(ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority; or

(iii) has been convicted by a court of law of an offence involving moral turpitude.

8. **Insertion of new section 8A, Ordinance CXIX of 2002.**- In the said Ordinance, after section 8, the following new section shall be added, namely: -

“8A. Pro-Chancellor.- (1) The Federal Minister of the Division concerned to which the subject of the University allocated shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor, the Pro-Chancellor shall, when present preside over the convocations of the University.

(3) The Pro-Chancellor shall have the power to assent such statutes as are required to be submitted to him or withhold assent or refer them back to the Syndicate for reconsideration.

”

(4) The Pro-Chancellor may remove any member from the membership of any Authority, if such a member -

- (i) has become of unsound mind, or
- (ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority, or
- (iii) has been convicted by a court of law of an offence involving moral turpitude.
- (iv) has been held guilty of misconduct by a lawful authority.

9. Amendment of section 9, Ordinance CXIX of 2002.- In the said Ordinance, in section 9, in sub-section (1) for the words “Review panel”, the words “Pro-Chancellor” shall be substituted.

10. Amendment of Section 10, Ordinance CXIX of 2002.- In the said Ordinance, section 10 shall be omitted.

11. Amendment of Section 11, Ordinance CXIX of 2002.- In the said Ordinance, in section 11,

(a) for the marginal heading and sub-section (1) and (2) the following shall be substituted, namely:-

“11. Vice-Chancellor.- (1) The Vice-Chancellor shall be appointed by the Chancellor on such terms and conditions as the Division concerned may determine and shall hold office for a term not exceeding four years.

(2) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is unable to perform the functions of his office due to illness or some other cause, the Pro-Chancellor shall appoint an eligible person as Vice-Chancellor for a non-extendable period of one hundred and twenty days.”

12. Insertion of section 11A, Ordinance CXIX of 2002.- In the said Ordinance, after section 11, the following new section 11A shall be added, namely:-

11A. Powers And Duties of the Vice-Chancellor.-(1) The Vice-Chancellor shall be the chief executive officer of the University shall ensure that the provisions of the Act, the Statutes, the Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University, and shall have all powers necessary for this purpose, including administrative control over all officers, teachers and other employees of the University.

(2) The Vice-Chancellor shall, in the absence of both the Chancellor and Pro-Chancellor, preside at a convocation of the University and shall, if present, preside at the meetings of

the Authorities of which he is the chairman and be entitled to attend and preside at any meeting of any other Authority or body of the University.

(3) The Vice-Chancellor may, in case of an emergency take such action as he may consider appropriate and shall as soon thereafter as possible intimate his action to the officer, Authority or other body which in the ordinary course would have dealt with the matter.

(4) The Vice-Chancellor shall have the following powers:-

- (a) to create and fill temporary posts, in consultation with the Dean of the Faculty concerned, for a period not exceeding six months;
- (b) to sanction all expenditure provided for in the approved budget and to reappropriate funds within the same major head of expenditure;
- (c) to sanction re-appropriation of amount not exceeding five thousand rupees for an unforeseen item not provided for in the budget and report it to the Syndicate at the next meeting.
- (d) to appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant Authorities;
- (e) to make such arrangements for the scrutiny of papers, marks and results as he may consider necessary;
- (f) to direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examination and administration, and such other activities in the University;
- (g) to delegate, subject to such conditions, if any, as may be prescribed, any of his powers under this Act to an officer or other employee of the University;
- (h) to appoint employees on an initial monthly pay which is below four hundred and fifty rupees; and
- (i) to exercise and perform such other powers and functions as may be prescribed.

(5) 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 all relevant facts pertaining to:

- (a) academics;
- (b) research;
- (c) administration; and
- (d) finances.

(6) 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 prescribed manner.

13. Amendment of section 12, Ordinance CXIX of 2002.- In the said Ordinance, for section 12, the following shall be substituted, namely:-

“12. Appointment and removal of the Vice Chancellor.- (1) The Vice Chancellor shall be appointed by the Chancellor on the basis of recommendations made by the Search Committee.

(2) The following procedure shall be adopted for the appointment of Vice Chancellor:

- (a) The Division concerned shall advertise the position of the Vice-Chancellor; and
- (b) the Search Committee, composed under section 12A, will forward three (3) names to the Chancellor for consideration.

(3) The Vice Chancellor shall be appointed for a term of four years on such terms and conditions as may be prescribed by statutes.”

14. Insertion of new section 12A, Ordinance CXIX of 2002.- In the said Ordinance, after section 12, the following new section 12A shall be inserted, namely:

“12A. Composition of Search Committee.- The Search committee shall, comprise of five members including the Minister in charge of the Division concerned, be constituted by the Prime Minister.:

Provided that the members shall be academicians and management experts having relevant experience and qualification.”

15. Amendment of section 16, Ordinance CXIX of 2002.- In the said Ordinance, for section 16, the following shall be substituted, namely: -

“**16. Authorities of the University.-** (1) The following shall be the Authorities of the University, namely:

- i. The Senate;
- ii. the Syndicate;
- iii. the Academic Council; the Boards of Faculties;
- iv. the Boards of Studies;
- v. the Selection Board;
- vi. the Advanced Studies and Research Board;
- vii. the Affiliation Committee;
- viii. the Finance and Planning Committee;
- ix. the Discipline Committee;
- x. such other authorities as may be prescribed by Statutes.

16. Amendment of section 17, Ordinance CXIX of 2002.- In the said Ordinance, in section 17,-

- (a) For the marginal heading and sub-section (1), the following shall be substituted, namely:-

“**17. Senate.-** (1) The Senate shall be the body responsible for the governance of the University and shall consist of the following, namely:-

- (a) the Chancellor who shall be the Chairperson of the Senate;
- (b) Pro-Chancellor;
- (c) the Vice-Chancellor;

- (d) Secretary, of the Division concerned;
- (e) one member of the Senate of Pakistan nominated by the Chairman Senate;
- (f) five members, to be appointed by Chancellor on the recommendation of the Pro-Chancellor, of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering such that the appointment of these members reflects a balance across the various fields;
- (g) One eminent/decorated Literary member to be appointed by Chancellor on the recommendation of the Pro-Chancellor;
- (h) two University Teachers in the manner prescribed; and
- (i) one member nominated by the Commission."; and

(b) sub-section (2) shall be omitted.

17. Amendment of section 19, Ordinance CXIX of 2002.- In the said Ordinance, section for 19, the following shall be substituted, namely:-

"19. Visitation, etc.- (1) The Pro-Chancellor may cause a visitation or an inspection or inquiry to be made in respect of any matter connected with the affairs of the University and shall, from time to time appoint such person or persons as he may deem for purpose of carrying out inspection of:-

- (a) the University, its buildings, laboratories, libraries, workshops and equipments and establishments;
- (b) any institution or audience level regional centre of the University,
- (c) the teaching and other work conducted by the University, and
- (d) the conduct of examinations held by the University.

(2) The Pro-Chancellor shall give notice to the Senate of his intention to cause a visitation or an inspection or inquiry to be made under sub-section (1) and the Executive Council shall be entitled to be represented there.

(3) The Pro-Chancellor shall communicate to the Senate his views with regard to the results of a visitation or an inspection or inquiry made under section (1), and shall, after ascertaining the views of the Senate the advice on the action to be taken by it.

(4) The Senate shall, within such time as may be specified by the Pro-Chancellor, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of a visitation or an inspection or inquiry communicated to it under sub-section (3).

(5) Where the Senate does not, within the time specified by the Pro-Chancellor, take action to the satisfaction of the Pro-Chancellor, he may, after consideration of any explanation furnished or representation made by the Senate, issue such directions as he thinks fit, and the Vice-Chancellor shall comply with such directions.

18. Amendment of section 20, Ordinance CXIX of 2002.- In the said Ordinance, in section 20, for marginal heading and sub-section (1), the following shall be substituted namely:-

“20. The Syndicate.- (1) The Syndicate shall consist of:-

- (i) the Pro-Chancellor, who shall be its Chairman;
- (ii) one member of the National Assembly to be nominated by the Speaker of the National Assembly;
- (iii) the Chief Justice of Pakistan or a Judge of the Supreme Court of Pakistan nominated by him;
- (iv) the Joint Secretary, Division concerned;
- (v) the Principals of the constituent colleges;
- (vi) the Registrar;
- (vii) the Director General, HEC; and
- (viii) the Controller of Examinations.”

19. Amendment of section 33, Ordinance CXIX of 2002.- In the said Ordinance, for section 33, the following shall be substituted, namely:-

“33. Appeal to the Syndicate: Where an adverse order is passed against any officer, teacher or other employee of the University or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall have the right to appeal to the Vice chancellor or the Syndicate against the order

Provided that appeal shall be made against an order passed by,-

- (a) an officer to the vice chancellor;
- (b) the Vice Chancellor to the Syndicate.”

20. Insertion of new section 37A, Ordinance CXIX of 2002.- In the said Ordinance, after section 37, the following new section shall be inserted, namely:

“37A. Filling of vacancies in Authorities in certain circumstances: (1) Where a vacancy in the membership of an Authority cannot be filled by reason of,-

- (a) the office holder was *ex-officio* member of Authority and such office having ceased to exist;
- (b) the organization, institution or other body, other than the University, having ceased to exist or defunct; or
- (c) the occurrence of other circumstances in which it has become impracticable to fill the vacancy.

(2) The vacancy shall be filled in such manner as the Pro-Chancellor may prescribe.”

21. Amendment of section 45, Ordinance CXIX of 2002.- In the said Ordinance, in section 45, for marginal heading and sub-section (1), the following shall be substituted, namely:-

“45. Power to require officers, teachers, or employees to serve under any Government or Organization.- (1) Notwithstanding anything contained in the Ordinance,-

- (a) the Syndicate for reasons to be recorded in writing, in the public interest, direct that any officer, University Teacher or other employee of the University shall serve

under Government or any other university or an educational or research institution and such direction shall be binding ; and

- (b) the Syndicate, direct any post in the University to be filled by appointing an employee of Government or any other university or an educational or research institution.”

22. Insertion of Chapter VIII and sections, Ordinance CXIX of 2002.- In the said Ordinance, after section 45, the following new Chapter VIII and sections shall be inserted, namely:-

**“ CHAPTER VIII
AFFILIATION OF EDUCATIONAL INSTITUTIONS**

46. Affiliation to be approved by Syndicate: No educational institution shall be granted affiliation to or admitted to the privileges of the University except with the approval of the Syndicate and the Chancellor.

47. Application for Affiliation (1) An educational institution applying for affiliation to the University shall make an application to the University and shall satisfy it:-

- (a) that the educational institution is under the management of a Government or of a regularly constituted governing body;
- (b) that the financial resources of the educational institution are such as to enable it to make due provision for its continued maintenance and efficient working;
- (c) that the strength and qualifications of the teaching and other staff, and the terms and conditions of their service, are adequate to make the provision for the courses of instruction, teaching or training to be undertaken by the educational institution;
- (d) that the educational institution has framed proper rules regarding the efficiency and discipline of its staff and other employees;
- (e) that the building in which the educational institution is to be located is suitable, 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, in the hostels established and maintained by the educational institution or in hostels or lodgings approved by it; and
 - ii. the supervision and physical and general welfare of students:
- (f) that provision has been made for a library and adequate library services;
- (g) that, where affiliation is sought in any branch of experimental sciences, due arrangements have been made for imparting instruction in that branch of science in a properly equipped laboratory, museum and other places of practical work;
- (h) that due provision will, so far as circumstances may permit, be made for the residence of its Principal and members of the teaching staff in or near the educational institution or the place provided for the residence of students; and
- (i) that the affiliation of the educational institution will not be injurious to the interests of education or discipline of any other educational institution in its neighbourhood.

(2) The Application shall further contain an undertaking that, after the educational institution is affiliated, any transference of, and changes in, the management and in the teaching staff, save in the case of Government colleges, shall forthwith be reported to the University, and that the teaching staff shall possess such qualifications as are, and may be, prescribed.

48. Grant of Affiliation: The Syndicate may, after considering the report of the Affiliation Committee, grant or refuse to grant affiliation to an educational institution, and if it grants affiliation, it shall advise the Chancellor to assent to it:

Provided that affiliation shall not be refused unless the educational institution has been given an opportunity to show cause why affiliation should not be refused on the grounds to be given in writing.

49. Extension of Affiliation: Where an educational institution desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed for affiliation of educational institutions shall, so far as may be, be followed.

50. Inspection and Report (1) Every educational institution affiliated to the University shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the educational institution.

(2) The University shall cause every such educational institution to be inspected from time to time by one or more competent persons authorised by it in this behalf.

(3) The University may call upon any educational institution affiliated to it to take, within 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 (1) of section 47.

51. Disaffiliation (1) If an educational institution affiliated to the University 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 rights referred on the educational institution by affiliation may, on a report made by the Affiliation Committee and with the approval of the Syndicate and the sanction of the Chancellor, be withdrawn in whole or in part or modified:

Provided that the Syndicate may on a report of the Affiliation Committee, and after considering such representation as the educational institution may wish to make, restore to it such rights either in whole or in part.

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

52. Appeal against decision of Syndicate: An appeal shall lie to the Chancellor against the decision of the Syndicate refusing to affiliate an educational institution, or withdrawing in whole or in part, the rights conferred on such institution by affiliation, or against modification of such rights.

STATEMENT OF OBJECTS AND REASONS

Federal Urdu University of Arts, Sciences & Technology (FUUAST) has not been able to evolve in response to the rapidly changing developments in the field of Higher Education Academic and research contributions of the University have remained substandard over the years. Moreover, the University has been marred with administrative inefficiency owing to certain fundamental flaws in its statutory provisions.

2. There is a dire need to bring adequate adjustments in the statutory provisions to enhance the efficiency and stature of Federal Urdu University of Arts, Sciences & Technology (FUUAST). In this regard, the bill (Federal Urdu University of Art, Science & Technology Bill, 2023) to amend the Federal Urdu University of Arts, Sciences & Technology (FUUAST) Ordinance, 2002 is proposed.



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& Professional Training