

Passed on
16-5-2023

[AS PASSED BY NATIONAL ASSEMBLY]

A

Bill

to provide for the establishment of National Excellence Institute

WHEREAS it is expedient to provide for the establishment of National Excellence Institute and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.— (1) This Act shall be called the National Excellence Institute *Bill, 2023*.

- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,-

- (a) “Academic Council” means the Academic Council of the Institute;
- (b) “Authority” means any of the Authorities of the Institute specified or set up in terms of section 17;
- (c) “Board of Governors” or “Board” means the Board of Governors of the Institute;
- (d) “Chancellor” means the Chancellor of the Institute;
- (e) “Commission” means the Higher Education Commission set up under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (f) “constituent college” means an educational institution, by whatever name described, maintained and administered by the Institute;

- (g) "Dean" means the head of a Faculty or the head of an academic body granted the status of a Faculty by this Act or by the Statutes or Regulations;
- (h) "Department" means a teaching department maintained and administered, or recognized by the Institute in the prescribed manner;
- (i) "Director" means the head of an institute established as a constituent institution by the Institute by Statutes or Regulations in terms of the powers delegated by this Act;
- (j) "Faculty" means an administrative and academic unit of the Institute consisting of one or more schools, established in the prescribed manner;
- (k) "Foundation" or "CAM Foundation" means Chaudhary Abdul Majeed (CAM) Foundation registered under the Trusts Act, 1882 (II of 1882) vide Registration No. 2230, dated the 15th day of May, 2020;
- (l) "Government" means the Federal Government;
- (m) "Institute" means the National Excellence Institute established under this Act;
- (n) "Institute Teacher" means a full-time teacher appointed and paid by the Institute, or recognized by the Institute as such;
- (o) "Patron" means the Patron of the Institute;
- (p) "prescribed" means prescribed by Statutes, Regulations or Rules made under this Act;
- (q) "Principal" means the head of a constituent unit or college;
- (r) "Pro Vice-Chancellor" means the Pro Vice-Chancellor of the Institute;
- (s) "Review Panel" means the Review Panel set up by the Chancellor in accordance with the provisions of this Act;
- (t) "Search Committee" means the Search Committee set up by the Board of Governors under this Act;
- (u) "Schedule" means a Schedule to this Act;
- (v) "Statutes, Regulations and Rules" mean the Statutes, Regulations and Rules made under this Act and for the time being in force;

- (w) "Syndicate" means the Syndicate of the Institute;
- (x) "Teachers" include Professors, Associate Professors, Assistant Professors and lecturers engaged full-time by the Institute or by a constituent college and such other persons as may be declared by Regulations to be teachers; and
- (y) "Vice-Chancellor" means the Vice-Chancellor of the Institute.

CHAPTER II THE INSTITUTE

3. Establishment and incorporation of the Institute.— (1) There shall be established an Institute to be called the National Excellence Institute.

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

- (a) the Patron, the Chancellor, the members of the Board of Governors, Syndicate, and the Vice-Chancellor;
- (b) the members of the authorities of the Institute established under section 17;
- (c) all Institute Teachers and persons recognized as students of the Institute in accordance with terms prescribed from time to time; and
- (d) all other full-time officers and members of the staff of the Institute.

(3) The Institute shall be a body corporate by such name as may be notified and shall have perpetual succession and a common seal and may sue and be sued by the said name.

(4) The Institute shall be competent to acquire and hold property, both movable and immovable and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(5) Notwithstanding anything contained in any other law for the time being in force, the Institute shall have academic, financial, and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the Higher Education Commission Act, 2002 (LIII of 2002). In particular and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board of Governors in the annual budget of the Institute.

4. Powers and functions of the Institute.-- The Institute shall have the following powers, namely:-

- (i) to provide education and scholarship in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
- (ii) to prescribe courses of studies to be conducted by it and the constituent colleges or units;
- (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 terms and conditions of employment of officers, teachers and other employees of the Institute and to lay down terms and conditions that may be different from those applicable to government servants in general;
- (v) to engage, where necessary, persons on contracts of specified duration and to specify the terms for each engagement;
- (vi) to confer honorary degrees or other distinctions to approved persons in the manner prescribed;

- (vii) to provide instructions or trainings to individuals not being students of the Institute as it may prescribe and to grant certificates and diplomas to such persons;
- (viii) to initiate programmes for exchange of students and teachers between the Institute and universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (ix) to provide career counselling and job search services to its students and alumni;
- (x) to maintain linkages with alumni and organizations;
- (xi) to develop and implement fund-raising plans and projects;
- (xii) to provide facilities and support academic development of the faculty as well as administrative personnel of the Institute;
- (xiii) to confer degrees on persons who have carried on independent research under prescribed conditions;
- (xiv) to accept the examinations passed and the period of study spent by students of the Institute at other universities and places of learning equivalent to such examinations and periods of study in the Institute, as it may prescribe and to withdraw such acceptance;
- (xv) 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;
- (xvi) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
- (xvii) to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xviii) to recognize, as Institute Teachers, selected members of the teaching staff of colleges or educational institutions admitted to the privileges of the Institute or such other persons as it may deem fit;

- (xix) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xx) to establish teaching constituent colleges, departments, faculties, institutes, museums and other centers of learning for the development of teaching and research, professional and technical training and special studies and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxi) to provide for the residence of the students of the Institute and the constituent units, to institute and maintain halls of residence and to approve or license hostels and lodging;
- (xxii) to maintain order, discipline and security on the campuses of the Institute and the constituent units;
- (xxiii) to promote the extra curricular and recreational activities of such students and to make arrangements for promoting their health and general welfare;
- (xxiv) to demand and receive such fees and other charges as it may determine;
- (xxv) 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;
- (xxvi) to enter into, carry out, vary or cancel contracts;
- (xxvii) to receive and manage property transferred and grants, contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xxviii) to provide for the printing and publication of research and other works;
- (xxix) to do all such other acts as may be requisite or expedient for furtherance of objectives of the Institute as a center of education, learning, research,

professional and technical training, special studies and for safeguarding tangible and intangible cultural heritage;

- (xxx) to purchase, manage or operate properties using its funds to further the objectives of the institute;
- (xxxii) cooperate with a public authority, university or private organization in the manner and for such purpose as may be prescribed; and
- (xxxiii) perform any other functions as may be prescribed or an ancillary function as may be determined by the Board of Governors.

5. Institute open to all classes, creeds, etc..- (1) The Institute shall be open to all persons of any gender and of whatever religion, race, creed, class, colour or domicile and no person shall be denied privileges of the Institute on the grounds of religion, race, caste, creed, class, colour or domicile.

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

(3) The Institute shall initiate financial aid programs for students in need, to the extent considered feasible by the Board of Governors given the resources available, so as to enable admission and access to the Institute and the various opportunities provided by it to be based on merit rather than ability to pay.

6. Teaching at the Institute.- (1) All recognized teaching, professional and technical training in various courses shall be conducted by the Institute or the schools in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, trainings, distance learning and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other governmental or private organizations subject to policies prescribed by the Commission.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

CHAPTER III OFFICERS OF THE INSTITUTE

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

- (a) the Patron;
- (b) the Chancellor;
- (c) the Vice-chancellor;
- (d) the Pro Vice Chancellor;
- (e) the Deans;
- (f) the Principals of the constituent colleges or units;
- (g) the Chairpersons of the teaching departments;
- (h) the Registrar;
- (i) the Treasurer;
- (j) the Controller of Examinations; and
- (k) such other persons as may be prescribed by the Statutes or Regulations to be the principal officers of the Institute.

8. Patron.— (1) The President of The Islamic Republic of Pakistan shall be the Patron of the Institute.

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

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

9. Visitation.— (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made on his own motion or at the request of the Commission in respect of any matter connected with the affairs of the Institute and shall, from time to time, direct any person or persons to inquire into or carry out inspection of—

- (a) the Institute, its buildings, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the Institute;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the Institute; and
- (e) such other matters as the Patron may specify.

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

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

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

10. Chancellor.— (1) The Chairperson of the Board of Directors of the CAM Foundation shall be Chancellor of the Institute.

(2) The members of the Board of Governors as well as the Vice-Chancellor shall be appointed by the Chancellor as per the prescribed procedure.

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

- (a) as regards proceedings of the Board of Governors, direct that specified proceedings be reconsidered, and

appropriate action taken within one month of the direction having been issued:

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

- (b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Board of Governors, direct the Board of Governors to exercise powers under section 24.

11. Removal from the Board of Governors.— (1) The Chancellor may remove any person from the membership of the Board of Governors on the ground that such person—

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Board of Governors; or
- (c) has been by a court of law convicted 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 Board of Governors on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Board of Governors:

Provided that before passing such resolution, the Board of Governors shall provide the member concerned a fair hearing.

12. Vice-Chancellor.— (1) There shall be a Vice-Chancellor of the Institute who shall be an eminent academician or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the Institute responsible for all administrative and academic functions of the Institute and for ensuring that the provisions of this Act, Statutes, Regulations and Rules as delegated by the Chancellor are faithfully observed to promote the general efficiency and good order of the Institute. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the officers, teachers, and other employees of the Institute.

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

(4) The Vice-Chancellor, in an emergency requiring immediate action ordinarily not in the competence of the Vice-Chancellor, may take such action and forward, within seventy-two hours, a report of the action taken to the members of the Emergency Committee of the Board of Governors, to be set up by Statute. The Emergency Committee may direct such further action as it considers appropriate.

(5) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to direct teachers, officers and other employees of the Institute to take up such assignments in connection with examinations, administration and such other activities in

the Institute as he may consider necessary for the purposes of the Institute;

- (b) to sanction by re-appropriation an amount not exceeding an amount specified by the Board of Governors for an unforeseen item not provided for in the budget and report it to the Board of Governors at the next meeting;
- (c) to make appointments of such categories of employees of the Institute and in such manner as may be prescribed by the Statutes;
- (d) to suspend, punish and remove, in accordance with prescribed procedure, from service officers, teachers and other employees of the Institute except those appointed by or with the approval of the Board of Governors;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the Institute;
- (f) to exercise and perform such other powers and functions as may be prescribed; and
- (g) to perform any duties as prescribed or delegated by the Chancellor.

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

(7) The Vice-Chancellor shall present an annual report before the Board of Governors 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.

(8) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Board of Governors, to all officers and Institute Teachers and shall be published in such numbers as are required to ensure its wide circulation.

13. 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 Board of Governors.

(2) 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 by the Board of Governors in support of such renewal:

Provided that the Chancellor may call upon the Board of Governors to reconsider such resolution once.

(3) The Board of Governors may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Board of Governors 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 Board of Governors may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further 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.

(4) 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 Board of Governors.

(5) 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 Board of Governors shall make such arrangements for the performance of the duties of the Vice-Chancellor as it may deem fit.

14. Registrar.— (1) There shall be a Registrar of the Institute to be appointed by the Board of Governors 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 as may be prescribed.

(3) The Registrar shall be a full-time officer of the Institute and shall—

- (a) be the administrative head of the secretariat of the Institute and be responsible for the provision of secretarial support to the Authorities of the Institute;
- (b) be the custodian of the common seal and the academic records of the Institute;
- (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; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board of Governors 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.

15. Treasurer.— (1) There shall be a Treasurer of the Institute to be appointed by the Board of Governors, 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 as may be prescribed.

(3) The Treasurer shall be the chief financial officer of the Institute and shall—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the Institute;
- (b) prepare the annual and revised budget estimates of the Institute and present them to the Board of Governors;
- (c) ensure that the funds of the Institute are expended on the purposes for which they are provided;
- (d) have the accounts of the Institute audited annually to be available for submission to the Board of Governors 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 a renewable period of three years:

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

16. Controller of Examinations.— (1) There shall be a Controller of Examinations, to be appointed by the Board of Governors on such terms and conditions as may be prescribed.

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

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

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

Provided that the Board of Governors may terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

CHAPTER IV

AUTHORITIES OF THE INSTITUTE

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

- (a) Authorities established by this Act,—
 - (i) the Board of Governors;
 - (ii) the Syndicate; and
 - (iii) the Academic Council; and
- (b) Authorities to be established by the Statutes, —
 - (i) Board of Advanced Studies and Research;
 - (ii) Board of Studies;
 - (iii) Selection Board;
 - (iv) Finance and Planning Committee; and
 - (v) Discipline Committee.

(2) The Board of Governors may set up such other committees or sub-committees, by whatever name described, as are considered desirable through Statutes or Regulations. Such committees or sub-committees shall be Authorities of the Institute for the purposes of this Act.

18. Board of Governors.— (1) The body responsible for the governance of the Institute shall be described as the Board of Governors and shall consist of the following, namely:—

- (a) the Chancellor who shall be the Chairperson of the Board of Governors;
- (b) the Vice-Chancellor;
- (c) the Pro Vice-Chancellor;
- (d) one member of the Government not below the rank of Additional Secretary or equivalent from the concerned division to which business of this Act stands allocated or any other department relevant to the special focus of the Institute;
- (e) four persons, prominent in the fields of their specializations because of their experience and achievements, to be nominated by the Board of Governors;
- (f) two persons from the academic community of the country, other than an employee of the Institute;
- (g) one person nominated by the Commission;
- (h) Teachers;
- (i) five member of the trust formed by the CAM Foundation; and
- (j) one Alumini.

(2) The numbers of the members of the Board of Governors specified against clauses (f) to (i) of sub-section (1) may be increased by the Board of Governors through Statutes subject to the condition that the total membership of the Board of Governors does not exceed twenty-one.

(3) All appointments to the Board of Governors shall be made by the Chancellor:

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Board of Governors.

(4) Members of the Board, other than *ex-officio* members, shall hold office for a term of three years and shall be eligible for re-appointment on the expiry of their term of office.

(5) The Secretary shall, with the approval of the Chairperson of the Board, call a meeting of the Board.

(6) The Board of Trustees may fill a casual vacancy occurring because of death or resignation of a member of the Board of Governors nominated by the Board of Trustees to the extent of the remainder of the term of the former member.

(7) The Board of Governors shall meet at least twice in a calendar year.

(8) Service on the Board of Governors shall be on honorary basis. However, actual expenses may be reimbursed as may be prescribed.

(9) The Registrar shall be the Secretary of the Board of Governors.

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

(11) Unless otherwise prescribed by this Act, all decisions of the Board of Governors 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 Chancellor shall have a casting vote.

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

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

(2) Without prejudice to the generality of the foregoing powers, the Board of Governors shall have the following powers, namely:—

- (a) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of accounts;
- (b) to hold, control and lay down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee the quality and relevance of the Institute's academic programs and to review the academic affairs of the Institute in general;
- (d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the Institute;
- (f) to approve strategic plans;
- (g) to approve financial resource development plans of the Institute;
- (h) to 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 Board of Governors 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) to annul by order in writing the proceedings of any Authority or officer if the Board of Governors 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) to recommend to the Chancellor removal of any member of the Board of Governors in accordance with the provisions of this Act;
 - (k) to make appointment of members of the Syndicate, other than *ex-officio* members, in accordance with the provisions of this Act;
 - (l) to make appointment of members of the Academic Council, other than *ex-officio* members, in accordance with the provisions of this Act;
 - (m) to appoint Emeritus Professors on such terms and conditions as may be prescribed;
 - (n) to 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 by a court of law convicted for an offence involving moral turpitude;
 - (o) to determine the form, provide for the custody and regulate the use of the common seal of the Institute;
 - (p) formulate or approve the principles, policies and plans governing the activities and operations of the Institute so as to facilitate research, teaching and other academic work as per policies of Board of Trustees;
 - (q) make or approve regulations;
 - (r) create a component of the Institute such as Faculty, department, constituent college or institute, subject to the provisions of this Act as per policies of Board of Trustees;

- (s) constitute a committee, council and any other administrative or academic advisory body;
- (t) create such academic or administrative posts as it may deem necessary and to approve appointments to such posts as it may specify;
- (u) hold, control and administer the property, funds and resources of the Institute and raise funds for the purpose of the Institute upon such security as may be required under the regulations;
- (v) take all such initiatives as it may consider necessary or desirable for efficient and effective management and functioning of the Institute; and
- (w) to approve all affiliations and other similar arrangements through which institutions or individuals may become associated with the Institute.

(3) The Board of Governors 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 Institute at its main campus, to any Authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Board of Governors may create new posts or positions at the additional campus.

(4) The Board shall recommend the draft statutes to the Chancellor but the statutes shall come into force when approved by him.

20. Visitation.— The Board of Governors 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 Institute.

21. Syndicate.— (1) There shall be a Syndicate of the Institute consisting of the following, namely:—

- (a) the Vice-Chancellor or the nominee of the Chancellor shall be its Chairperson;
- (b) the Pro Vice-Chancellor;

- (c) the Deans of the Faculties of the Institute;
- (d) three professors from different departments, who are not members of the Board of Governors, to be elected by the Institute Teachers in accordance with procedure to be prescribed by the Board of Governors;
- (e) Principals of the constituent colleges or units;
- (f) the Registrar;
- (g) the Director (QEC);
- (h) the Director (ORIC);
- (i) the Director (P&D);
- (j) the Treasurer; and
- (k) the Controller of Examinations.

(2) Members of the Syndicate, other than *ex-officio* members, shall hold office for three years.

(3) The Chancellor shall appoint the three Professors .

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

(5) The Syndicate shall meet at least once in each quarter of the year.

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

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the Statutes and directions of the Board of Governors, the Syndicate shall have the following powers, namely:—

- (a) to consider the annual report, the annual and revised budget estimates and to submit these to the Board of Governors;

- (b) to transfer and accept transfer of movable property on behalf of the Institute;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the Institute;
- (d) to cause proper books of accounts to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute;
- (e) to invest any money belonging to the Institute 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 investments;
- (f) to receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the Institute;
- (g) to administer any funds placed at the disposal of the Institute for specified purposes;
- (h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the Institute;
- (i) to establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;
- (j) to recommend to the Board of Governors, admission of educational institutions to the privileges of the Institute and withdraw such privileges;
- (k) to arrange for the inspection of schools and the departments;
- (l) to institute professorships, associate professorships, assistant professorships, lectureships, and other teaching posts or to suspend or to abolish such posts;
- (m) to create, suspend or abolish such administrative or other posts as may be necessary;
- (n) to prescribe the duties of officers, teachers and other employees of the Institute;

- (o) to report to the Board of Governors on matters with respect to which it has been asked to report;
- (p) to appoint members to various Authorities in accordance with the provisions of this Act;
- (q) to propose drafts of Statutes for submission to the Board of Governors;
- (r) to regulate the conduct and discipline of the students of the Institute;
- (s) to take actions necessary for the good administration of the Institute in general and to this end exercise such powers as are necessary;
- (t) to delegate any of its powers to any Authority or officer or a committee; and
- (u) to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by the Statutes.

23. Academic Council.— (1) There shall be an Academic Council of the Institute consisting of the following, namely:—

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Pro Vice-Chancellor;
- (c) the Deans of Faculties and such heads of departments as may be prescribed;
- (d) five members representing the departments, institutes and the constituent schools to be elected in the manner prescribed by the Board of Governors;
- (e) three persons eminent in the field of art or science of whom at least one shall be from each category, to be nominated by the Board; and
- (f) the Registrar;

(2) The Board of Governors 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 schools, the Board of Governors may appoint themselves.

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

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

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

24. Delegation of powers.— (1) Subject to sub-section (2), the Board may delegate any of its powers or functions to a person or nominee or committee of the Board.

(2) The Board shall not delegate the power to—

- (a) make the statutes or regulations;
- (b) recommend any action to the Patron;
- (c) appoint the Registrar, Controller of Examinations and Treasurer; and
- (d) approve annual budget and make consideration of audit reports.

25. Powers and functions of the Academic Council.— (1) The Academic Council shall be the principal academic body of the Institute 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 Institute and the schools.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the Statutes, the Academic Council shall have the power to—

- (a) approve the policies and procedures pertaining to the quality of academic programs;
- (b) approve academic programs;
- (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) propose to the Board of Governors schemes for the constitution and organization of Faculties, teaching departments and Boards of Studies;
- (f) appoint paper setters and examiners for all examinations of the Institute after receiving panels of names from the relevant authorities;
- (g) institute programs for the continued professional development of Institute Teachers at all levels;
- (h) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- (i) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (j) frame Regulations for submission to the Board of Governors;
- (k) prepare an annual report on the academic performance of the Institute;
- (l) perform such functions as may be prescribed by Regulations;
- (m) advise the Board on academic matters;
- (n) regulate the conduct of teaching, research and publication;
- (o) regulate the conduct and discipline of the students of the Institute;
- (p) approve policies and procedures pertaining to continuing education and professional development trainings and programs; and

- (q) recommend the policies and procedures for affiliation of other educational institutions.

26. Appointment of committees by certain Authorities.— (1) The Board of Governors, 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 AND RULES

27. Statutes.— (1) 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 Board of Governors shall be prepared;
- (b) the Institute fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for Institute employees;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other Institute employees;
- (e) the maintenance of the register of registered graduates;
- (f) admission of educational institutions to the privileges of the Institute and the withdrawal of such privileges;
- (g) the establishment of Faculties, departments, institutes, schools and other academic divisions;
- (h) the powers and duties of officers and teachers;

- (i) conditions under which the Institute may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (j) conditions for appointment of Emeritus Professors and award of honorary degrees;
- (k) efficiency and discipline of Institute employees;
- (l) the constitution and procedure to be followed for appointment of the Vice-Chancellor;
- (m) constitution, functions and powers of the Authorities of the Institute; and
- (n) 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 to the Board of Governors which may approve or pass with such modifications as the Board of Governors may think fit:

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 Board of Governors:

Provided further that the Board of Governors 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.

28. Regulations.- (1) Subject to the provisions of this Act and the Statutes, the Academic Council may, by notification in the official Gazette, make Regulations for all or any of the following matter, namely:-

- (a) the courses of study for degrees, diplomas and certificates of the Institute;
- (b) the manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) the admission and expulsion of students to and from the Institute;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the Institute 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 are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board of Governors 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 Board of Governors.

29. Amendment and repeal of Statutes and Regulations.— The procedure for adding to, amending or repealing the Statutes and the Regulations shall be the same as that prescribed respectively for framing or making Statutes and Regulations.

30. Rules.— (1) The Authorities and the other bodies of the Institute may make Rules, consistent with this Act, Statutes or the Regulations, to regulate any matter relating to the affairs of the Institute which has not been provided for by this Act or that 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 INSTITUTE FUND

31. Institute Fund.— The Institute shall have a Fund to which shall be credited its income from fees, charges, donations, trusts, bequests, endowments, contributions, grants and all other sources.

32. Budget, audit and accounts.— (1) The budget of the Institute shall be approved in such manner as may be determined by the Board of Trustees.

(2) The Board of Trustees may approve the budget of the Institute.

(3) The Accounts of the Institute shall be maintained in such form and in such manner as may be prescribed by the Board of Trustees, and shall be audited each year within four months of the closing of the financial year of the Institute by a chartered accountant appointed by the Board of Trustees.

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

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

CHAPTER VII GENERAL PROVISIONS

33. Opportunity to show cause.— Except as otherwise provided by law, no officer, teacher or other employee of the Institute holding a permanent post shall be reduced in rank, or removed or compulsorily retired or dismissed 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.

34. Appeal to the Syndicate and the Board of Governors.— Where an order is passed punishing any officer (other than the Vice-Chancellor), teacher or other employee of the Institute 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 Institute, other than the Vice-Chancellor, have the right to appeal to the syndicate within thirty days against the order, and where the order is passed by the Vice-Chancellor, have the right to appeal within thirty days to the Board of Governors.

35. Service of the Institute.— (1) All persons employed by the Institute in accordance with the terms and conditions of service prescribed by statutes shall be persons in the service of the Institute.

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

36. Benefits and insurance.— (1) The Institute shall constitute for the benefit of its officers, teachers and other employees schemes, as may be prescribed.

37. Commencement of term of office of members of Authority.— (1) 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 Institute for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

38. 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.

39. 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 or because an organization, institution or other body outside the Institute 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 Board of Governors may direct.

40. Proceedings of Authorities not invalidated by 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.

41. First Statutes and Regulations.— Notwithstanding anything to the contrary contained in this Act, the President of the Islamic Republic of Pakistan shall promulgate the First Statutes and Regulations which shall be deemed to be the Statutes and the Regulations respectively framed under section 27 and 28 and shall continue to remain in force until amended or replaced or till such time as new Statutes and Regulations are framed in accordance with the provisions of this Act.

42. Removal of difficulty.— (1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Chancellor and the Commission 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 Board of Governors, 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 Board of Governors.

43. Indemnity.— No suit or legal proceedings shall lie against the Government, the Institute or any Authority, officer or employee of the Government or the Institute or any other person in respect of anything which is done in good faith under this Act.

STATEMENT OF OBJECTS AND REASONS

Education plays a leading role in improving the economic condition of the country and is a vital investment for human and economic development. Quality education with access and equity can produce human capital which is essential for improving productivity, economic growth and establishing knowledge-based society.

2. It is not the responsibility of Government alone to establish quality educational institutions because of its commitment in other sectors as such private sector must invest in establishment of quality educational institutions especially in the field of science and technology. Cognizant of this fact the CAM Foundation has established a quality higher education in sector B-17, Islamabad through establishment of an Institute namely "National Excellence Institute". The Institute is easily accessible from the city as well as neighboring cities through active transportation facilities. The Institute is spread over 35 kanal of land with a beautiful purpose built infrastructure. The Institute will have state-of-the art facilities for provision of quality education comprising auditorium, lecture rooms, seminar rooms, committee rooms, administrative offices, staff offices, faculty rooms, library, computer laboratories etc. The sponsoring trust plans to increase the build-up infrastructure in form of hostels and additional academic block as per future requirements. The Institute has well stocked library and has number of computer labs to facilitate students in field of computer science and information technology with latest computing facilities and internet access of 50mbps through PTCL DSL facility is available for students as well as teaching staff.

3. The institute has already been granted NOC by Higher Education Commission, Islamabad. The institute would be totally funded by the Private sector and there would be no financial cost to the Government.

4. The Bill seeks to achieve the above objectives.

SD/-

RANA MUHAMMAD QASIM NOON
Member, National Assembly