



## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH OCTOBER, 2016

### PROVINCIAL ASSEMBLY SECRETARIAT, KHYBER PAKHTUNKHWA

#### NOTIFICATION

Dated Peshawar, the 20<sup>th</sup> October, 2016.

No. PA/Khyber Pakhtunkhwa/Bills/2016/10862.—The BRAINS Institute Bill, 2016 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 7<sup>th</sup> October, 2016 and assented to by the Governor of the Khyber Pakhtunkhwa on 18<sup>th</sup> October, 2016 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

#### THE BRAINS INSTITUTE ACT, 2016

(KHYBER PAKHTUNKHWA ACT NO. XXIV OF 2016)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 20<sup>th</sup> October, 2016).*

#### AN ACT

*to provide for the establishment of BRAINS Institute  
and to give it degree awarding status in the field of management,  
information technology and engineering & technology*

**WHEREAS** it is expedient to provide for the establishment of BRAINS Institute and to give it degree awarding status in the field of management, information technology and engineering & technology and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

**CHAPTER I  
PRELIMINARY**

**1. Short title and commencement.**---(1) This Act may be called the BRAINS Institute Act, 2016.

(2) 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, constituted under section 20 of this Act;
- (b) "Board" means the Board of Governors of the Institute, constituted under section 8 of this Act;
- (c) "constituent college" means an educational institution, maintained and administered by the Institute;
- (d) "Director" means the Director of the Institute;
- (e) "Executive Committee" means the Executive Committee of the Institute, constituted under section 22 of this Act;
- (f) "Government" means the Government of the Khyber Pakhtunkhwa;
- (g) "Institute" means the BRAINS Institute, established under section 3 of this Act;
- (h) "prescribed" means prescribed by regulations and bye-laws, made under this Act;
- (i) "Principal" means the head of the constituent college;
- (j) "Pro-Director" means the Pro-Director of the Institute;
- (k) "Pro-Rector" means Pro-Rector of the Institute;
- (l) "Rector" means the Rector of the Institute;
- (m) "Representation Committee" means the Representation Committee, constituted under section 24 of this Act;
- (n) "regulations" mean the regulations made under this Act;

- (o) "teaching department" means the teaching department within the Institute; and
- (p) "teachers" mean and include Professors, Associate Professors, Assistant Professors, Lecturers and Research staff, engaged whole time by the Institute for teaching degree, honors or post-graduate classes and such other persons as may be declared to be teachers.

## **CHAPTER II THE INSTITUTE**

**3. Establishment of the Institute.**---(1) There shall be established an Institute to be known as the BRAINS Institute, Peshawar, which shall be a body corporate, having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

(2) 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 and conditions as may be prescribed.

**4. Powers and functions of the Institute.**---The Institute shall exercise and perform the following powers and functions:

- (a) provide for the education and scholarship in such branches of management, information technology and engineering and to make provisions for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
- (b) prescribe courses of studies to be conducted by it and the constituent colleges with the approval of the Academic Council;
- (c) 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;
- (d) prescribe the terms and conditions of appointment of the officers, teachers and other employees of the Institute;
- (e) engage, where necessary, persons on contract for specified duration and to specify the terms of each engagement;
- (f) confer honorary degrees or other distinctions on approved persons in the manner as may be prescribed;

- (g) provide for such instruction for persons not being students of the Institute, as it may prescribe, and to grant certificates and diplomas to such persons;
- (h) Institute programmes for the exchange of students and teachers between the Institute and other universities, educational institutions and research organisations;
- (i) pursue and make provisions for research, innovations, inventions, demonstration and other services as it may deem fit;
- (j) undertake joint investigation and collaborative research in the field of management, information technology and engineering sciences and other allied disciplines;
- (k) provide for career counselling and job-search services to students and alumni;
- (l) maintain linkages with alumni;
- (m) develop and implement fund-raising plans;
- (n) provide and support the academic development of the Institute;
- (o) confer degrees on persons who have carried on independent research under prescribed conditions;
- (p) 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 and to withdraw such acceptance;
- (q) co-operate with other institutes, universities, public authorities or private organisations, in such manner and for such purposes, as it may prescribe;
- (r) institute Professorships, Associate Professorships, Assistant Professorships and Lectureships etc; and any other posts and to appoint persons thereto;
- (s) create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (t) recognize selected members of the teaching staff of educational institutions, admitted to the privileges of the Institute or such other persons, as it may deem fit, as teachers;



- (u) institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (v) establish teaching departments, schools, constituent colleges, institutes, academies, laboratories, museums and other centres of learning, for the development of teaching and research and to make such arrangements for their maintenance, management and administration, as it may prescribe;
- (w) provide for the residence of the students of the Institute and the constituent colleges to institute and maintain halls of residence and to approve hostels and lodging;
- (x) maintain order, discipline and security in the campuses of the Institute;
- (y) promote the co-curricular, extra-curricular and recreational activities of such students and to make arrangements for promoting their health and general welfare;
- (z) demand and receive such fees and other charges, as it may determine;
- (aa) make provision for research, advisory or consultancy services and with these objectives to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (bb) enter into, carry out, vary or cancel contracts;
- (cc) receive and manage property, grants, bequests, trusts, gifts, donations, endowments and contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments and contributions in such manner, as it may deem fit;
- (dd) provide for the printing and publication of research and other works; and
- (ee) do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the Institute as a place of education, learning, and research.

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

(2) An increase in any fee or charge from the last such increase may be made with justification and based on market information and only with the approval of the Rector.

(3) The Institute shall initiate financial aid programmes for students in need to the extent considered feasible by the Board 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.**---All recognized teaching, in various courses, shall be conducted by the Institute or the constituent colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, distance learning and other methods of instruction as well as practical work in the laboratories, hospitals, workshops, fields and other Government or private organizations.

### 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 Rector
- (c) the Pro-Rector
- (d) the Director;
- (e) the Pro-Director Administration;
- (f) the Pro-Director Finance;
- (g) the Principals of the constituent colleges;
- (h) the Chairpersons of the teaching departments;
- (i) the Controller of Examinations; and
- (j) such other officers, as may be prescribed by regulations or bye-laws.

8. **Board of Governors.**---(1) There shall be a Board to be known as the Board of Governors, which shall consist of the following:

- (a) the Rector; Chairperson
- (b) the Pro-Rector; Member

- |     |   |                      |
|-----|---|----------------------|
| (c) | the Director;   | Member               |
| (d) | a representative of the Higher Education, Archives and Libraries Department, not below the rank of BPS-19;  | Member               |
| (e) | four persons from society at large, being persons of distinction in the field of administration, management, education, academics, law, medicine, fine arts, architecture, agriculture, science, technology or engineering, to be nominated by the Chairperson; | Members              |
| (f) | Principals of the constituent colleges;   | Members              |
| (g) | a nominee of the Higher Education Commission; and   | Member               |
| (h) | the Director.   | Member-cum-Secretary |

(2) The Board may nominate any member as co-opted.

(3) The Director shall be responsible for all the affairs in connections with the Board.

(4) Members of the Board, mentioned in clause (e) of sub-section (1) of section 8, shall hold office for a term of three (03) years.

(5) The Board shall meet at least twice in a calendar year. All the meetings of the Board shall be presided over by the Chairperson of the Board.

(6) Service on the Board shall be on honorary basis; provided that actual expenses may be reimbursed to the members in the manner as may be prescribed.

(7) Unless otherwise provided by this Act, all decisions of the Board shall be taken on the basis of the opinion of a majority of the members of the Board present. In the event of the members, being evenly divided on any matter, the Chairperson shall have a casting vote.

(8) The quorum for a meeting of the Board shall be two-thirds of its membership, a fraction being counted as one.

**9. Powers and functions of the Board.**---(1)The Board shall have the power of general supervision over the Institute and shall hold the Director, the Academic Council and the Executive Committee accountable for all the functions of the Institute. The Board shall have all powers of the Institute, not expressly vested in the Director, the Academic Council and the Executive Committee or any other officer of the Institute by this Act that are necessary for the performance of its functions.

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

- (a) approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (b) hold, control and lay down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of immovable property;
- (c) oversee the quality and relevance of the Institute's academic programmes and to review the academic affairs of the Institute, in general;
- (d) approve the appointment of Professors, Associate Professors, Assistant Professors, Lecturers and such other senior administrators, as may be prescribed;
- (e) Institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the Institute;
- (f) approve strategic plans;
- (g) approve financial resource development plans of the Institute;
- (h) consider and approve the regulations and bye-laws proposed by the Academic Council and the Executive Committee, respectively;
- (i) annul, by order in writing, the proceedings of the Academic Council, the Executive Authority or any of the officers of the Institute, as the case may be, if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, after calling upon the Academic Council, the Executive Authority or any of the officers of the Institute, to show cause why such proceedings should not be annulled;

- (j) remove any member of the Board in the manner, as may be prescribed;
- (k) appoint Emeritus Professors on such terms and conditions, as may be prescribed;
- (l) determine the form, provide for the custody and regulate the use of the common seal of the Institute;
- (m) transfer and accept transfer of movable property on behalf of the Institute;
- (n) 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 No. 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;
- (o) institute Professorship, Associate Professorship, Assistant Professorship, lectureship, and other teaching posts or to suspend or to abolish such posts; and
- (p) create, suspend or abolish such administrative or other posts, as may be necessary.

(3) The Board may, subject to the provisions of this Act, delegate all or any of its powers and functions to the Academic Council, the Executive Authority or any of the officers of the Institute, as the case may be, at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus.

**10. Removal from the Board.**---(1) The Chairperson of the Board may, upon a resolution passed by three-fourths of the total membership of the Board, remove any member from the membership of the Board, on the grounds that such member has-

- (a) become of unsound mind;
- (b) become incapacitated to function as member of the Board;
- (c) been convicted by a Court of law for an offence involving moral turpitude;
- (d) absented himself from two consecutive meetings of the Board without just cause; or
- (e) been guilty of misconduct, including use of position for personal advantage of any kind or gross inefficiency in the performance of his functions.

(2) The member shall be given an opportunity of being heard, before he is removed from the membership of the Board.

**11. Patron.**---(1) The Governor of the Khyber Pakhtunkhwa shall be the Patron of the Institute.

(2) The Patron shall preside over the convocations of the Institute. In his absence, the Rector shall preside over the convocations.

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

Provided that in case of absence of the Patron, the confirmation shall be made by the Rector.

**12. Rector.**---(1) The incumbent Chairman of the BRAINS Education Foundation shall be the first Rector of the Institute.

(2) If the Rector 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, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued:

Provided that if the Rector is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed, he may, constitute a Review Panel, which shall consist of such number of persons and perform such functions as may be prescribed, to examine the matter and report, in this regard, be submitted to the Rector on the functioning of the Board. The report of the Review Panel shall be submitted within such time, as may be prescribed; and

- (b) as regards proceedings of the Academic Council or the Executive Committee with respect to matters within the competence of any Authority other than the Board, take any appropriate action not inconsistent with the provisions of this Act.

**13. Visitation.**---(1) The Rector may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the Institute and may, when consider necessary and subject of prior notice to the Board, direct one or more officers, including a member of the Board, to carry out inspection or inquiry of-

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

- (b) any constituent college or hostel, if any, maintained by the Institute;
- (c) the adequacy of human and financial resources;
- (d) the teaching, research, curriculum, examinations and other matters of the Institute; and
- (e) such other matters, as the Rector may deem appropriate.

(2) The officer or a member of the Board, so authorized by the Rector, as the case may be, shall, within such time, as may be specified by the Rector, report to him such action, if any, as has been taken or may be proposed to be taken upon the results of an inspection or inquiry.

(3) The Rector shall communicate to the Board his views with regard to the results of an inspection or inquiry and shall, after considering the explanation or representation, if any, made by the Board, advise the Board to take such actions or refrain from doing such things as he may specify in this behalf.

(4) Where the officer or the member of the Board, so authorized, do not take action within the time specified, the Rector may issue such direction, as may be considered appropriate.

**14. The Pro-Rector.**---(1)The Pro-Rector shall be appointed by the Rector on such qualifications and terms and conditions as may be prescribed.

(2) The Pro-Rector shall be a person known for contributions and services to society and appreciated for high moral and intellectual caliber.

(3) The Pro-Rector shall aid and advise the Rector in such manner, as may be required by the Rector.

**15. Director.**---(1) There shall be a Director of the Institute, who shall be an eminent academic and a distinguished administrator and shall be appointed by the Rector on such terms and conditions, as may be prescribed.

(2) The Director shall be the executive officer of the Institute, responsible for all administrative and academic functions of the Institute and for ensuring that the provisions of this Act are faithfully observed in order to promote the general efficiency and good order of the Institute. The Director shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the Institute, except the Rector as well as the Pro-Rector.

(3) Without prejudice to the forgoing powers, the Director may perform the following functions:



- (a) direct officers, teachers and other employees of the Institute except the Rector and Pro-Rector to take up such assignments in connection with examination, administration and such other activities in the Institute, as he may consider necessary for the purposes of the Institute;
- (b) sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget and report it to the Board at the next meeting;
- (c) make appointments of such categories of employees of the Institute, not within the competence of the Board, Rector and Pro-Rector, as the case may be, in such manner as may be prescribed;
- (d) 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;
- (e) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the Institute; and
- (f) exercise and perform such other powers and functions as may be prescribed.

(4) The Director shall present an annual report before the Board within three months of the close of the academic year. The annual report shall provide 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.

(5) The annual report shall be made available, prior to its presentation before the Board, to all officers and heads of teaching departments and shall be published in such numbers as are required to ensure its wide circulation.

**16. Pro-Director Administration.**---(1) There shall be a Pro-Director Administration of the Institute, who shall be appointed by the Board, on such qualifications and terms and conditions as may be prescribed.

(2) The Pro-Director Administration shall be a full-time officer of the Institute and shall-

- (a) be responsible for the provision of secretariat support;
- (b) be the custodian of the common seal 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 of the Academic Council and the Executive Committee, as the case may be, in the manner as may be prescribed; and
- (e) perform such other duties as may be prescribed.

**17. Pro-Director Finance.**---(1) There shall be a Pro-Director Finance of the Institute, who shall be appointed by the Board, on such qualifications and terms and conditions, as may be prescribed.

(2) The Pro-Director Finance shall be the financial officer of the Institute under the general supervision of the Director 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 Executive Committee for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that the funds of the Institute are expended on purposes for which they are provided;
- (d) get the accounts of the Institute audited annually so as to be available for submission to the Board within six months of the close of the financial year; and
- (e) perform such other duties as may be prescribed.

**18. Controller of Examinations.**---(1) There shall be a Controller of Examinations, who shall be appointed by the Board, on such qualifications and terms and conditions, as may be prescribed.

(2) 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. He shall be the custodian of the academic records and perform such other duties as may be prescribed.

**19. Removal of the officers of the Institute.**---The Director, the Pro-Director Administration, the Pro-Director Finance, the Controller of Examinations or any other officer of the Institute, except Rector and Pro-Rector, may be removed in the manner as may be prescribed.

**20. Academic Council.**---(1) There shall be an Academic Council of the Institute, consisting of the following:

- |     |  |                      |
|-----|--|----------------------|
| (a) | the Director of the Institute;   | Chairperson          |
| (b) | five Professors, including Emeritus Professors, to be nominated by the Rector; | Members              |
| (c) | the Controller of Examinations;  | Member               |
| (d) | the Librarian of the Institute; and  | Member               |
| (e) | the Pro-Director Administration.   | Member-cum-Secretary |

(2) The meetings of the Academic Council shall be presided over by the Chairperson and shall meet at least once in each quarter of the year.

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

**21. 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 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 constituent colleges.

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

- (a) approve the policies and procedures pertaining to the quality of academic programmes;
- (b) approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;
- (c) approve the policies and procedures assuring quality of teaching and research;
- (d) propose schemes for the constitution and organization of teaching departments;
- (e) appoint paper-setters and examiners for all examinations of the Institute after receiving panels of names;

- (f) institute programmes for the continued professional development of Teachers at all levels;
- (g) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- (h) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (i) propose regulations for approval of the Board;
- (j) prepare an annual report on the academic performance of the Institute; and
- (k) perform such functions as may be prescribed by regulations.

**22. Executive Committee.**---(1) There shall be an Executive Committee of the Institute, consisting of the following:

- |     |  |                      |
|-----|--|----------------------|
| (a) | the Director of the Institute;   | Chairperson          |
| (b) | three Professors from teaching departments, who are not members of the Board, to be nominated by the Rector; | Members              |
| (c) | Principals of the constituent colleges;  | Members              |
| (d) | the Pro-Director Finance;  | Member               |
| (e) | The Controller of Examinations; and  | Member               |
| (f) | The Pro-Director Administration.   | Member-cum-Secretary |

(2) The meetings of the Executive Committee shall be presided over by the Chairperson.

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

(4) The Executive Committee shall meet at least once in each quarter of the year.

**23. Powers and duties of the Executive Committee.**---(1) The Executive Committee shall be the executive body of the Institute and shall, subject to the provisions of this Act, 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 and directions of the Board, the Executive Committee shall also have the following powers:

- (a) consider the annual report, the annual and revised budget estimates and to submit these to the Board;
- (b) enter into, vary, carry out and cancel contracts on behalf of the Institute ;
- (c) cause proper books of account to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute ;
- (d) recommend to the Board the investment schemes of money belonging to the Institute;
- (e) receive and manage any property transferred, grants, bequests, trust, gifts, donations, endowments, and other contributions made to the Institute ;
- (f) administer any funds placed at the disposal of the Institute for specified purposes;
- (g) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the Institute ;
- (h) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;
- (i) recommend to the Board admission of educational institutions to the privileges of the Institute;
- (j) arrange for the inspection of constituent college or any other college or centre run by the Institute;
- (k) specified the duties of officers, teachers and other employees of the Institute;
- (l) report to the Board on matters with respect to which it has been asked to report;
- (m) propose bye-laws for approval of the Board;

- (n) regulate the conduct and discipline of the students of the Institute;
- (o) take actions necessary for the good administration of the Institute, in general, and to this end exercise such powers as are necessary;
- (p) delegate any of its powers to any officer or a committee, as the case may be; and
- (q) perform such other functions as may be assigned to it.

**24. Representation Committee.**---There shall be a Representation Committee, which shall consist of such number of members and performs such functions and duties as may be prescribed.

#### **CHAPTER IV REGULATIONS AND BYE-LAWS**

**25. Regulations.**---(1) Subject to the provisions of this Act, the Academic Council may make regulations for all or any of the following matters:

- (a) the courses of study for degrees, diplomas and certificates of the Institute;
- (b) the manner in which the teaching referred to in 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) exhibitions, medals and prizes;
- (h) the use of the Library;
- (i) audit and accounts of the Institute; and
- (j) all other matters as may be assigned to it.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. Regulations, proposed by the Academic Council, shall not be effective unless approved by the Board.

**26. Bye-laws.**---(1) Subject to the provisions of this Act, the Executive Committee may make bye-laws to regulate or prescribe all or any of the following matters:

- (a) the contents of, and the manner in which the annual report to be presented by the Director before the Board, shall be prepared;
- (b) the Institute fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for the employees of the Institute;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other employees of the Institute;
- (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 teaching departments, institutes, constituent colleges and other academic divisions or centres;
- (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 or Honorary Professors and award of honorary degrees;
- (k) candidates for award of honorary degrees to emirate scholars and dignitaries;
- (l) prescribe conditions to prepare efficiency and discipline for the employees of the Institute;
- (m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;



- (n) the constitution and procedure to be followed by the Search Committee for appointment of the Director;
- (o) all other matters as may be assigned to it.

(2) The bye-laws shall be proposed by the Executive Committee to the Board, which may approve or pass it with such modifications as the Board may think fit or may refer the same back to the Executive Committee for reconsideration.

## CHAPTER V INSTITUTE FUND

**27. Institute Fund.**---The Institute shall have a Fund to which shall be credited all grants made by Government, including Federal Government or contributions and donations made by individuals, local bodies, organizations or agencies and income from fees, charges, received, sale proceeds and royalties on publications and such other lawful sources, as may be approved by the Board.

**28. Audits and accounts.**---(1) The Accounts of the Institute shall be maintained in such form and in such manner as may be prescribed.

(2) No expenditure shall be made from the Fund unless a bill for its payment has been audited by the Audit Officer of the Institute, in accordance with the prescribed manner.

(3) The teaching departments, constituent colleges and all other bodies, designated as such by the Executive Committee, in terms of bye-laws, shall be independent cost-centres of the Institute with authority vested in the head of each cost-centre to sanction expenditure out of the budget allocated to it.

(4) All funds, generated by the Institute and re-appropriation from one head of expenditure to another, may be made by the head of a cost-centre, shall be made available without prejudice to the budgetary allocation otherwise made, after deduction of overheads in the manner as may be prescribed.

## CHAPTER VI GENERAL PROVISIONS

**29. Power to make regulations.**---The Board may, on the recommendation of the Academic Council, make regulations for carrying out the purposes of this Act.

**30. Power to make bye-laws.**---The Board may, on the recommendation of the Executive Committee, make bye-laws for carrying out the purposes of this Act.

**31. Removal of difficulties.**---(1) If any difficulty arises in giving effect to any of the provisions of this Act, the Rector may make such order after obtaining the views of the Board, not inconsistent with the provisions of this Act, as may appear to him to be necessary for removing the difficulty.

(2) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respect to 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 Rector may direct after obtaining the views of the Board.

**32. Indemnity.**—No suit or legal proceedings shall lie against the officers, teachers and other employees of the Institute which is done or intended to be done in good faith under this Act.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

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( AMANULLAH )  
Secretary,  
Provincial Assembly of Khyber Pakhtunkhwa