

EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT



GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 21st JANUARY, 2025.

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 21st January, 2025.

No.PA/Khyber Pakhtunkhwa/Bills-35/2025/1512.— The Khyber Pakhtunkhwa Universities (Amendment) Bill, 2024 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 6th December, 2024 and is deemed to have been assented by the Governor of the Khyber Pakhtunkhwa on 23rd December, 2024 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA UNIVERSITIES (AMENDMENT) ACT, 2024. (KHYBER PAKHTUNKHWA ACT NO. XXV OF 2024)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 21st January, 2025).

AN
ACT

further to amend the Khyber Pakhtunkhwa Universities Act, 2012.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Universities Act, 2012 (Khyber Pakhtunkhwa Act No. X of 2012), for the purposes hereinafter appearing:

It is hereby enacted by the Provincial Assembly of the Khyber Pakhtunkhwa, as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Universities (Amendment) Act, 2024.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. X of 2012.**---In the Khyber Pakhtunkhwa Universities Act, 2012 (Khyber Pakhtunkhwa Act No. X of 2012), hereinafter referred to as the said Act, in section 2, after clause (v), the following new clause shall be inserted, namely:

“(v-i) “Student” means any person enrolled in the University or its constituent college or constituent institution as a learner for any academic degree, certificate, diploma or any other programme and includes students of affiliated colleges or affiliated institutions, private students and students of distant education duly registered in the University.”.

3. Deletion of section 5A of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, section 5A shall be deleted.

4. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 9,-

(a) “in sub-section (1), for the word "Governor", the words “Chief Minister” shall be substituted; and

(b) sub-section (7) shall be deleted.”.

5. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. X of 2012.--- In the said Act, in section 11, in sub-section (2), after the words “those mentioned in”, the words, brackets and letters “clauses (a), (b) and (c) of”, shall be inserted.

6. Amendment of section 12 of the Khyber Pakhtunkhwa Act No. X of 2012.--- In the said Act, in section 12,-

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

“(1) The Vice-Chancellor shall be appointed by the Chancellor, from a panel of three candidates, recommended by the Academic Search Committee:

Provided that the panel shall be in alphabetic order without any preference.”; and

(b) in sub-section (2),-

(i) the words “on the advice of Government” shall be deleted;

(ii) for clauses (a) and (b), the following shall respectively be substituted, namely:

“(a) an academician of national/international level with at least fifty (50) publications in Commission’s recognized journals and ten (10) years of administrative experience, who shall be the Chairman and convener of the Academic Search Committee;

- (b) two of the most eminent educationists of Pakistan with minimum thirty (30) research papers in Commission's recognized journals, having academic and administrative experience as Chairman, Dean or Vice Chancellor etc."; and
- (iii) in clause (c), the words "of the Province of the Khyber Pakhtunkhwa" shall be deleted; and
- (iv) for clause (c), the following shall be substituted, namely:
- "(c) two persons from society at large being persons of eminence on recommendation of the Higher Education Department."; and
- (e) for sub-section (6), the following shall be substituted, namely:
- "(6) The Vice-Chancellor shall be appointed by the Chancellor for a maximum period of four years as per salary package determined by Government which shall also be extended to the current incumbent.";
- (d) after sub-section (6), as so substituted, the following new sub-sections shall be inserted, namely:
- "(6A) The Vice-Chancellor shall, three months before completion of two years of his four years tenure, submit his performance report against the key performance indicators set by Government, to the Higher Education Department for evaluation by the Committee constituted by Government.
- (6B) If the performance of the Vice-Chancellor, under sub-section (6A), is satisfactory against the key performance indicators, he may be allowed by the Chancellor to complete his remaining tenure:
- Provided that in case, the performance of a Vice-Chancellor is below sixty five percent (65%), the Chancellor may terminate his tenure on completion of second year.".

7. Amendment of section 12A of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 12A, for sub-section (1), the following shall be substituted, namely:

"(1) There shall be a Pro-Vice-Chancellor of a University, to be appointed by the Chancellor from amongst the three senior most Professors, for a period of three (03) years, to act as officiating Vice-Chancellor or Acting Vice-Chancellor, as the case may be, in accordance with this section:

Provided that, the Professor, who is serving or has been served as a Dean, shall be eligible for appointment as Pro-Vice-Chancellor:

Provided further that, if the number of Professors in a University is less than three, the Pro-Vice-Chancellor shall be appointed from amongst the available Professors:

Provided also that, in case of non-availability of Professor, the Higher Education Department may assign the charge of the Vice-Chancellor of the University to the Vice-Chancellor of any other public sector University of the Province.”.

8. Substitution of section 13 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, for section 13, the following shall be substituted, namely:

“**13. Registrar.**---(1) There shall be a Registrar of the University, who shall be the administrative head of the University.

(2) The Registrar shall be posted by the Chancellor from amongst the three senior most administrative officer of the University. In case of non-availability of suitable administrative officer within the University, the Chancellor may post a suitable civil servant of the Administrative Cadre not below the rank of BPS-19 as Registrar:

Provided that the Registrar shall not be posted for a period of more than three years.

(3) The Registrar shall,-

- (a) act as Secretary of the Senate, Syndicate, Academic Council, Selection Board and such other authorities, bodies and committees as may be prescribed by or under this Act;
- (b) subject to the decision of authorities, shall have the power to enter into agreements, MoU, sign documents and authenticate records on behalf of the University in accordance with the relevant provisions of the Act, Statutes; rules and regulations made there under;
- (c) be the custodian of records, the common seal and such other property of the University as the Syndicate may assign to his charge;
- (d) conduct elections to various authorities in a manner as may be prescribed by Statutes;
- (e) to prepare and update the Handbook of Statutes, Regulations and Rules approved by authorities, bodies, boards or committees from time to time, and make them available to public, all respective members of the authorities and officers of the University.”.

9. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, in section 14, sub-section (4) shall be deleted.

10. Amendment of section 15 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, in section 15, sub-section (3) shall be deleted.

11. Amendment of section 16 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, in section 16, sub-section (3) shall be deleted.

12. Insertion of new section 16A in the Khyber Pakhtunkhwa Act No. X of 2012.--- In the said Act, after section 16, as so amended, the following new section shall be inserted, namely:

“16A. Pre-audit by the Government Auditor.---(1) There shall be a Government Auditor to supervise and verify pre-audit carried out by the Auditor under section 16 of this Act.

(2) The Government Auditor shall be posted by transfer by the Finance Department of Government.

(3) The Government Auditor shall be responsible to report, functionally to the Vice-Chancellor and administratively to the Finance Department of Government

13. Amendment of section 19 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, in section 19, in sub-section (1), in clause (h), the semi colon, appearing at the end, shall be replaced with colon and thereafter the following proviso shall be inserted, namely:

“Provided that if the Additional Secretary is not available, the Secretary may nominate an officer not below the rank of Deputy Secretary;”.

14. Amendment of section 22 of the Khyber Pakhtunkhwa Act No. X of 2012. ---In the said Act, in section 22-

(a) in sub-section (1)-

(i) for clause (c), the following shall be substituted, namely:

“(c) one senior most Dean of the University;

(ii) in clauses (d), (f) and (g), the semi colon, appearing at the end, shall be replaced with colon and thereafter the following proviso shall respectively be inserted, namely:

“Provided that if the Additional Secretary is not available, the Secretary may nominate an officer not below the rank of Deputy Secretary;”.

(iii) for clause (h), the following shall be substituted, namely:

- “(h) Director Higher Education or his nominee not below the rank of BPS-19”;
- (iv) after clause (h), as so substituted, the following new clause shall be inserted, namely:
 - “(h-i) one Principal of the affiliated colleges, to be nominated by the Higher Education Department, for a period of three years.”;
- (v) clauses (j) and (p) shall be deleted; and
- (b) after sub-section (4), the following new sub-section shall be added, namely:
 - “(5) Any decision, opposed by one-third of votes, shall be ratified by the Senate prior to its implementation.”.

15. Amendment of section 31 of the Khyber Pakhtunkhwa Act No. X of 2012.---In the said Act, in section 31, after sub-section (2), the following new sub-section shall be added, namely:

“(3) Without prejudice to sub-sections (1) and (2), Government may make rules, in matters where decision making power rests with Government under this Act.”.

16. Amendment of Schedule-II of the Khyber Pakhtunkhwa Act No. X of 2012.--- In the said Act, in Schedule-II,-

- (1) in PART ‘A’, in Serial No. 2, under the heading “Essential Qualification and Experience”,-
 - (a) in clause (a),-
 - (i) in sub-clause (iv), the word “and”; shall be deleted;
 - (ii) in sub-clause (v), the fullstop appearing at the end shall be replaced by the semi colon and the word “and” and thereafter the following new sub-clauses shall be added, namely:
 - “(vi) for a University of Veterinary and Animal Sciences, PhD in the field of Veterinary and Animal Sciences; and
 - (vii) for Women Universities, only female candidates shall be considered.”;

(b) for clauses (c) and (d), the following shall respectively be substituted, namely:

"(c) thirty (30) research papers in Commission's recognized Journals with at least ten (10) as Principal author;

(d) at least five (05) years of administrative experience in the field of Higher Education;"

(c) for clause (f), the following shall be substituted, namely:

"(f) execution of at least one major research project worth at least Rupees one million as Principal Investigator;" and

(d) after clause (i), the following new clause shall be added, namely:

"(j) upper age limit shall be sixty two (62) years at the time of submission of application;"

(2) in PART 'B', after Serial No. 3, the following new Serial No. shall be added, namely:

"3B. The minimum Desirable Qualification of six (06) months Post Doctoral research experience shall be preferred." and

(3) in PART 'D', in Serial No. 5,-

(i) for clauses (b) and (c), the following shall respectively be substituted, namely:

"(b) the eligible candidates shall provide curriculum-vitae to the Academic Search Committee. The Academic Search Committee shall shortlist the eligible candidates on the basis of criteria devised by the Academic Search Committee;

(c) the Academic Search Committee after interviewing the shortlisted candidates shall recommend a panel of three suitable candidates in terms of sub-section (1) of section 12 of the Act, to the Chancellor for appointment of the Vice-Chancellor;" and

(ii) after clause (c), as so substituted, the following new clause, shall be added, namely:

"(d) the Higher Education Department shall, by a notification, constitute a Scrutiny Committee to scrutinize the applications. In case of ineligibility, the grounds shall be communicated in writing to the applicant:

Provided that the applicant may prefer an appeal against the decision of the Scrutiny Committee to the Secretary of the Academic Search Committee within a period of seven (07) days, after communication of the said decision. The Secretary of the Academic Search Committee shall decide the appeal in fourteen (14) days:

Provided further that decision of the Secretary of the Academic Search Committee in all such cases shall be final.”.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(KIFAYAT ULLAH KHAN AFRIDI)
Secretary,
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar