

Minhaj University Lahore Act, 2005

12 of 2005

[17 October 2005]

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SCHEDULE 1 :- SCHEDULE I

Minhaj University Lahore Act, 2005

12 of 2005

[17 October 2005]

An Act to provide for the establishment of the Minhaj University, Lahore. Preamble.- Whereas it is expedient to provide for the establishment of the Minhaj University, Lahore in the private sector

and matters connected therewith and ancillary thereto; It is hereby enacted as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Minhaj University, Lahore Act 2005.

(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 University;

(b) "Authority" means any of the Authorities of the University specified in section 14;

(c) "Board" means the Board of Governors of the University constituted under section 15;

(d) "Chairperson" means the Head of a teaching department;

(e) "Chancellor" means the Governor of the Punjab;

(f) "Chief Executive" means the Patron-in-Chief of the Company;

(g) "Company" means Markazi Idara Minhaj-ul-Quran;

(h) "Dean" means the head of a Faculty;

(i) "Department" means a teaching department maintained and administered, or recognized by the University in the manner prescribed;

(j) "Faculty" means a faculty of the University;

(k) "Government" means the Government of the Punjab;

(l) "Higher Education Commission" means the Higher Education Commission set up by the Higher Education Commission Ordinance 2002;

(m) "Prescribed" means prescribed by Statutes, Regulations or Rules made under this Act;

(n) "Registrar" means the Registrar of the University;

(o) "Schedule" means the Schedule to the Act;

(p) "Search Committee" means a Search committee set up for making recommendations for appointment of Vice Chancellor;

(q) "Statutes", "Regulations" and "Rules" mean respectively the Statutes, the Regulations and the Rules made or deemed to have been made under this Act;

(r) "Teachers" include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole time by the University and such other persons as may be declared to be Teachers by

Regulations;

(s) "University" means the Minhaj University, Lahore constituted under this Act;

(t) "University Teachers" means a whole time teacher appointed and paid by the University, or recognized by the University as such; and

(u) "Vice Chancellor" means the Vice Chancellor of the University.

3. Establishment Of The University :-

(1) There shall be established a University to be called the Minhaj University, Lahore in the private sector with its campus located at Lahore.

(2) The University shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall, by the said name, sue and be sued.

(3) The University shall consist of the following namely-

(a) the Chancellor, the Chairman and members of the Board of Governors and the Vice Chancellor;

(b) the members of the authorities of the University established under section 14;

(c) all University teachers and persons recognized as students of the University in accordance with the terms prescribed from time to time; and

(d) all other full time officers and members of the staff of the University.

4. Functions And Powers Of The University :-

The functions and powers of the University shall be-

(a) to provide for instruction and training in the Faculties of-

(i) Computer Sciences & Information Technology (Department of Information Technology, Computer Sciences), Basic Sciences & Mathematics (Department of Physics, Statistics, Mathematics, Chemistry, Biology), Commerce & Management Sciences (Department of Commerce, Management Sciences), Social Sciences & Humanities (Department of Political Science, History, Pakistan Studies, Economics), Languages (Department of Urdu, Arabic, English), Islamic Studies (Department of Islamic Studies, Shariah); and

(ii) such other branches of learning as the Board may determine with the approval of the Chancellor given on the recommendation of a committee constituted by the Education Department,

Government of the Punjab:

Provided that in case of medical and engineering education, approval of the Pakistan Medical & Dental Council and Pakistan Engineering Council respectively shall be a pre-requisite;

(b) to provide for research, demonstration and other services, and for the advancement and dissemination of knowledge;

(c) to hold examinations in a manner as may be determined by the Government and confer on or award degrees, diplomas, certificates and other academic distinctions to persons who have passed its examinations;

(d) to select and promote Faculties;

(e) to prescribe courses of studies;

(f) to establish and support other facilities for education, training and research; and

(g) to decide teaching methods and strategies in order to ensure the most effective educational and training programs.

5. University Open To All :-

The University shall be open to persons of either sex of whatever religion, race, creed, colour or domicile who are academically qualified for admission to the courses of study offered by the University and no person shall be denied the privileges of the University on any of such grounds.

6. Jurisdiction :-

(1) The jurisdiction of the University shall be restricted to the Province of the Punjab.

(2) The University shall not open any sub-campus or affiliate any other educational institution for a period of ten years from the commencement of this Act after which period it may have sub-campuses with the approval of the Chancellor.

7. Chancellor :-

(1) The Governor of the Punjab shall be the Chancellor of the University.

(2) The Chancellor or his nominee shall preside at the convocations of the University.

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

(4) The Chancellor shall have the power to assent to the Statutes

submitted to him by the Board or refer them back to the Board for reconsideration.

8. Inspection And Inquiry :-

(1) The Chancellor may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the University.

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

(3) The Board shall, within such time as may be specified by the Chancellor, communicate to him such action as has been taken as a result of the inspection or inquiry.

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

(5) The Chancellor may, on the recommendation of a committee constituted by him and comprising a nominee of the Board, a Judge of the Lahore High Court to be nominated by the Chief Justice of the said Court and a Professor Emeritus or Vice Chancellor, take appropriate action against the University by appointing an administrator who shall exercise the powers of the Board to run the affairs of the University till such time as may be specified:

Provided that no action under sub-section (5) shall be taken unless the Chairman of the Board is afforded an opportunity of being heard.

(6) The Government may make Rules to give effect to the provisions of sub-section (5).

(7) The Chancellor shall have the authority to annul any decision or action of the Board, which he thinks was taken against the interest of academic excellence, religious and cultural ideology and national integrity.

9. Vice Chancellor :-

(1) The Vice Chancellor shall be an eminent scholar of national repute and shall be appointed by the Government on the recommendations of the Search Committee, out of a panel of three persons in order of preference, on such terms and conditions as may be determined on the recommendations of the Board.

(2) The Vice Chancellor shall perform such functions as are assigned to him by the Board.

(3) The Search Committee shall cease to exist after making recommendations for the appointment of Vice Chancellor.

10. Appointments :-

The University may appoint such persons in its service as may be necessary on such terms and conditions as may be determined by the Board.

11. University Fund :-

There shall be a fund to be known as the Minhaj University, Lahore Fund which shall vest in the University and to which shall be credited all sums received by the University.

12. Budget, Audit And Accounts :-

The budget of the University shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed by the Board.

13. Officers Of The University :-

The following shall be the officers of the University:-

- (a) the Chancellor;
- (b) the Vice Chancellor;
- (c) the Deans;
- (d) the Chairpersons of the teaching departments;
- (e) the Registrar;
- (f) the Treasurer;
- (g) the Controller of examination; and
- (h) such other authorities as may be prescribed by the Statutes or Regulations to be the officers of the University.

14. Authorities Of The University :-

The following shall be the Authorities of the University:-

- (a) the Board of Governors;
- (b) the Academic Council;
- (c) the Boards of Faculties;
- (d) the Board of Advanced Studies and Research;
- (e) the Selection Board;

- (f) the Finance and Planning Committee; and
- (g) such other authorities as may be prescribed by the Statutes and the Regulations.

15. Board Of Governors :-

(1) The Board of Governors of the University shall consist of the following:-

- (i) the Chief Executive of the Company;
- (ii) Directors of the Company subject to a maximum of eight directors;
- (iii) the Chairman, Higher Education Commission or his nominee not below the rank of a Director;
- (iv) a Vice Chancellor of a public sector University in the Punjab nominated by the Chancellor;
- (v) the Vice Chancellor; and
- (vi) Secretary to Government of the Punjab, Education Department or his nominee not below the rank of Additional Secretary.

(2) The Chief Executive of the Company shall be the Chairman of the Board.

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

(4) The quorum for a meeting of the Board shall be one-half of the total number of members, a fraction being counted as one; provided that at least two members shall be official members.

16. Powers And Duties Of The Board :-

(1) The administration and management of the affairs of the University shall vest in the Board.

(2) The Board shall forward the draft of Statutes to the Chancellor for approval;

(3) Without prejudice to the generality of the aforementioned powers, the Board may exercise powers and perform functions as follows:-

- (a) to formulate or approve the principles, policies and plans governing the activities and operations of the University so as to facilitate research, teaching and other academic work;
- (b) to make and, from time to time, revise Regulations for the efficient and effective operations of the University;
- (c) to create a component of the University such as faculties, departments, institutes under its jurisdiction subject to sub-para

(ii) of para (a) of section 4;

(d) to constitute such standing committees, councils and other administrative or academic advisory bodies as it deems necessary, and review their work; and to create such academic or administrative posts as it may deem necessary and to approve appointments to such posts as it may specify;

(e) to hold, control and administer the property, funds and resources of the University and raise funds for the purpose of the University upon such security as may be required under Regulations;

(f) to undertake the responsibility for the financial viability of the University including responsibility for ensuring effectiveness of its operations, their continuity and preservation of the autonomy of the University;

(g) to consider and pass, through a resolution, the annual report, plan of work, statement of accounts and the annual budget estimates;

(h) to call for and consider reports relating to the activities of the University and to direct the Vice Chancellor to furnish information relating to any matter specified by the Board; and

(i) to take all such initiatives as it may consider necessary or desirable for the efficient and effective management and functioning of the University.

17. Business Of The Board :-

(1) The meetings and business of the Board shall be conducted in such manner and in accordance with such procedure as may be prescribed in the Regulations and until these matters are prescribed, as may be determined by the Board.

(2) No Statute, Regulation or proceeding of the Board shall be invalid by reason of any vacancy or defect in the constitution of the Board.

18. Delegation Of Powers :-

The Board may delegate to any person or a committee any of its powers, duties or functions.

19. Academic Council :-

(1) There shall be an Academic Council of the University which shall consist of-

- (i) the Vice Chancellor (Chairman);
 - (ii) all the Deans;
 - (iii) all the Heads of the Departments/Institutes;
 - (iv) all Professors of the University;
 - (v) a nominee of the Secretary Education, Government of the Punjab not below the rank of Deputy Secretary;
 - (vi) two Associate Professors, two Assistant Professors and two Lecturers to be nominated by the Board;
 - (vii) three persons eminent in the fields of arts and sciences, of whom at least one shall be from each category, to be nominated by the Board;
 - (viii) Director Academic, Higher Education Commission; and
 - (ix) the Registrar (Member/Secretary).
- (2) Members appointed by nomination shall hold office for three years;
- (3) The quorum for a meeting of the Academic Council shall be one-half of the total number of members, a fraction being counted as one.

20. Powers And Duties Of Academic Council :-

- (1) The Academic Council shall be the academic body of the University and shall, by the Statutes, have the powers to lay down proper standards of instruction, research, publication and examination and to regulate and promote the academic life of the University.
- (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 powers to-
- (a) advise the Board on academic matters;
 - (b) regulate the conduct of teaching, research and publication;
 - (c) regulate the admission of students to the courses of studies and examinations in the University;
 - (d) regulate the conduct and discipline of the students of the University;
 - (e) propose to the Board, scheme for the constitution and organization of Faculties and teaching departments;
 - (f) consider or formulate proposals for the planning and development of teaching and research in the University;
 - (g) make Regulations prescribing the courses of studies, the syllabi and the outlines of tests for all University examinations subject to the approval of the Board;

- (h) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (i) frame Regulations for submission to the Board;
- (j) appoint or nominate members to the various Authorities in accordance with the provisions of this Act; and
- (k) perform such other functions as may be prescribed by the Statutes.

21. Statutes :-

Subject to the provisions of sub-section (4) of section 7 and section 23 and approval of the Chancellor, Statutes may be made by the Board to provide for and to regulate any matter relevant to the University.

22. First Statutes :-

Notwithstanding anything to the contrary contained in this Act, the Statutes set out in the Schedule appended to this Act shall be deemed to be the Statutes framed under section 21 of this Act and shall continue to remain in force until amended or repealed.

23. Regulations :-

The Board may, by notification, make Regulations for the administration and management of the affairs of the University.

24. Removal Of Difficulties :-

If any difficulty arises in giving effect to any of the provisions of this Act, the Board may, with the approval of the Government, give such directions, not inconsistent with the said provisions, as it may consider necessary for the removal of such difficulty.

25. Validation :-

All actions taken, liabilities incurred, rights and assets acquired, persons appointed or authorized, endowments, bequests, funds created, donations or grants received by the Company for the establishment of University after the issuance of no objection certificate by the Education Department, Government of the Punjab shall be deemed to have been taken, incurred, acquired, appointed or authorized, created, received under this Act.

SCHEDULE 1

SCHEDULE I

(See section 22)

THE FIRST STATUTES OF THE MINHAJ UNIVERSITY, LAHORE

1. Faculties.- There shall be a Faculty for a teaching department or a group of teaching departments. The University shall include the following Faculties and such other Faculties as may be established pursuant to the Act:-

- (a) Faculty of Computer Sciences & Information Technology (Department of Information Technology, Computer Sciences);
- (b) Faculty of Basic Sciences & Mathematics (Department of Physics, Statistics, Mathematics, Chemistry, Biology);
- (c) Faculty of Commerce & Management Sciences (Department of Commerce, Management Sciences);
- (d) Faculty of Social Sciences & Humanities (Department of Political Science, History, Pakistan Studies, Economics);
- (e) Faculty of Languages (Department of Urdu, Arabic, English); and
- (f) Faculty of Islamic Studies (Department of Islamic Studies, Shariah).

2. Board of Faculty.- (1) There shall be a Board of each Faculty which shall consist of-

- (a) the Dean of the Faculty;
- (b) the Professors and the heads of the teaching departments in the Faculty;
- (c) one member, other than Professors and head of each teaching department, to be nominated by the Head of Department;
- (d) two teachers to be nominated by the Academic Council by reason of their specialized knowledge of the subjects which, though not assigned to the Faculty, have in the opinion of the Academic Council, important bearing on the subjects assigned to the Faculty;
- (e) two experts in the field from outside the University to be appointed by the Board of Governors; and
- (f) one member to be nominated by the Vice Chancellor.

(2) The members, other than ex-officio members, shall hold office for a period of three years.

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

(4) The Board of each Faculty shall, subject to the general control of the Academic Council and the Board, have the powers to-

- (i) co-ordinate the teaching and research work in the subjects assigned to the Faculty;
- (ii) scrutinize the recommendations of the Boards of Studies comprising the Faculty with regard to the appointment of paper-setters and examiners for Graduate and Postgraduate examinations and to forward the panels of suitable paper-setters and examiners for each examination to the Vice Chancellor;
- (iii) consider any other academic matter relating to the Faculty and report thereon to the Academic Council;
- (iv) prepare a comprehensive annual report regarding the performance of each department comprising the Faculty for presentation to the Academic Council; and
- (v) perform such other functions as may be prescribed by the Statutes.

(5) There shall be a Dean of each Faculty who shall be the Chairman and Convener of the Board of Faculty.

(6) The Dean shall be appointed by the Board from amongst the three senior most professors of the Faculty on the recommendation of the Vice Chancellor and shall hold office for a period of three years and shall be eligible for re-appointment.

(7) The Dean shall present candidates for admission to degree, except honorary

degrees, courses falling within the purview of the Faculty.

(8) The Dean shall have such powers and duties as may be prescribed by the Board on the recommendations of the Vice Chancellor.

3. Academic Departments and Heads of the Departments.- (1) There shall be an Academic Department for each subject or a group of subjects, as may be prescribed by the Regulations and each Academic Department shall be headed by a Head of Department.

(2) The Head of an Academic Department shall be appointed by the Board on the recommendations of the Vice Chancellor from amongst three senior most Professors, other than a Professor already working as Dean, for a period of three years and shall be eligible for re-appointment; provided that in a department where there are less than three eligible Professors, the appointment shall be made from amongst the three senior most Professors and Associate Professors of the Department.

(3) The Head of the Department shall plan, organize and supervise the work of the department and shall be responsible to the Dean for the work of his department.

(4) The Head of the Department shall, under the general supervision of the Vice Chancellor and the Dean, exercise all administrative, financial and academic powers and such other duties or powers as may be delegated to him.

(5) The Heads of the departments shall prepare a comprehensive annual report on the performance of department at the Graduate and Postgraduate levels, Faculty research and development and submit this report to the Dean of the Faculty for his evaluation.

4. Board of Advanced Studies and Research.- (1) The Board of Advanced Studies and Research shall consist of-

(a) the Vice Chancellor (Chairman);

(b) all the Deans;

(c) one University Professor from each Faculty other than Dean to be appointed by the Board;

(d) one member to be nominated by the Vice Chancellor;

(e) three members from the relevant field, research organizations and Government departments, to be nominated by the Board; and

(f) the Registrar (Secretary).

(2) The term of office of the members of the Board of Advanced Studies and Research, other than ex-officio members, shall be three years.

(3) The quorum for a meeting of the Board of Advanced Studies and Research shall be one-half of the total number of members, a fraction being counted as one.

5. Functions of the Board of Advanced Studies and Research.- The functions of the Board of Advanced Studies and Research shall be to-

(a) advise the Authorities on all matters connected with the promotion of advanced studies and research publication in the University;

(b) consider and report to the Authorities of research degrees in the University;

(c) propose Regulations regarding the award of research degrees;

(d) appoint supervisors for Postgraduate research students and to approve titles and synopses of their theses/dissertations;

(e) recommend panels of names of examiners for evaluation of their other research examinations; and

(f) perform such other functions as may be prescribed by the Statutes.

6. Selection Board.- (1) The Selection Board shall consist of-

(a) the Vice Chancellor (Chairman);

(b) the Dean of the Faculty concerned;

(c) the Head of the Academic Department concerned;

- (d) one member of the Board of Governors to be nominated by the Board;
- (e) one eminent scholar to be nominated by the Board of Directors of the Company; and
- (f) one expert in the subject to be nominated by the Secretary to Government of the Punjab, Education Department.

(2) The Registrar shall be the Secretary of the Selection Board.

(3) The members, other than ex-officio members, shall hold office for a period of three years.

(4) The quorum for a meeting of the Selection Board shall be four.

(5) No member, who is a candidate for the posts to which appointment is to be made, shall take part in the proceedings of the Selection Board.

(6) In selection of candidates for the posts of Professors and Associate Professors, the Selection Board shall co-opt or consult three experts in the subject concerned and in selecting candidates for other teaching posts, two experts in the subject concerned, to be nominated by the Vice Chancellor from a standing list of experts for each subject approved by the Board on the recommendation of the Selection Board and revised from time to time.

7. Functions of the Selection Board.- The functions of the Selection Board shall be to-

(a) consider the applications and recommend to the Board of Governors the names of suitable candidates for appointment to teaching and other posts, as the case may be, and recommend suitable salary for the person concerned; and

(b) consider all cases of promotion or selection of officers of the University and recommend the names of suitable candidates for such promotion or selection to the Board.

8. Finance and Planning Committee.- (1) The Finance and Planning Committee shall consist of-

(a) the Vice Chancellor (Chairman);

(b) all the Deans;

(c) one member of the Board to be nominated by the Board;

(d) one member of the Academic Council to be nominated by the Academic Council;

(e) one representative each from Education Department and Finance Department of the Government of the Punjab, not below the rank of Deputy Secretary;

(f) Director Planning, Higher Education Commission;

(g) the Registrar; and

(h) one nominee of the Board of Directors of the Company.

(2) The term of office of the nominated members shall be three years.

(3) The quorum for a meeting of the Finance and Planning Committee shall be five.

9. Functions of the Finance and Planning Committee.- The functions of the Finance and Planning Committee shall be to-

(a) prepare the annual statement of accounts, propose annual budget estimates and advise the Board thereon;

(b) review periodically the financial position of the University;

(c) advise the Board on all matters relating to finance, investments and accounts of the University; and

(d) perform such other functions as may be prescribed by the Statutes.