

EXTRAORDINARY

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PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi the 28th June 2001.

No.S.LEGIS:1(22)/2000/The following Ordinance made by the Governor of Sindh is hereby publish for general information:-

THE KHADIM ALI SHAH BUKHARI INSTITUTE OF
TECHNOLOGY ORDINANCE 2001-

SINDH ORDINANCE NO. XXII OF 2001

AN
ORDINANCE

to provide for the establishment of an Institute at Karachi known as the Khadim Ali Shah Bukhari Institute of Technology.

WHEREAS it is expedient to provide for the establishment of Preamble.

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an Institute at Karachi known as the Khadim Ali Shah Bukhari Institute of Technology, and to provide for matters ancillary thereto;

WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the Khadim Ali Shah Bukhari Institute of Technology Ordinance, 2001.

(2) It shall come into force at once.

Definitions.

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

- a) "Academic Council" means the Academic Council of the Institute;
- b) "Board" means the Board of Governors of the Institute;
- c) "Campus" means the Campus of the Institute;
- d) "Chairman" means the Chairman of the Board;
- e) "Dean" means Dean of a school, faculty or other teaching or research departments or unit of the Institute;
- f) "Director" means the Director of the Institute;
- g) "Government." means Government of Sindh;
- h) "Institute" means the Khadim Ali Shah Bukhari Institute of Technology;
- i) "KASBIT" means the "Khadim Ali Shah Bukhari Institute of Technology (Private) Limited", registered under the Companies Ordinance 1984;

- j) "Patron" means the Patron of the Institute;
- k) "prescribed" means prescribed by rules or regulations;
- l) "Professor Emeritus" means a Professor who retired from Institute and is declared as "Professor Emeritus" by the Board in accordance with prescribed procedure; and
- m) "rules and regulations" means rules and regulations made under this Ordinance.

3. (1) There shall be established an Institute at Karachi with the status and functions of a Degree awarding Institute to be known as the Khadim Ali Shah Bukhari Institute of Technology consisting of -

Establishment
of the Institute.

- i. the Patron, the Chairman, the Director, the Dean and such other officers as may be prescribed;
- ii. the members of such councils, committees and other bodies as the Board may establish;
- iii. the teachers and students of the Institute and its constituent units; and
- iv. such other officers and members of the staff as may from time to time be specified by the Board.

(2) The Institute shall be a body corporate by the name of the Khadim Ali Shah Bukhari Institute of Technology, owned, managed and administered by the KASBIT having perpetual succession and a common seal with powers among others to acquire, hold and dispose of movable and immovable properties and shall sue and be sued by the said name.

(3) The Institute shall have powers to set up any additional campus within the jurisdiction of the Institute. i.e. Karachi

4. Subject to the instructions prescribed by Government or the University Grants Commission, the Institute shall have the powers -

Powers and
functions of the
Institute.

- a) to provide for instruction and training in economics, management, basic applied and computer sciences, technology and other allied disciplines in such a manner as it considers appropriate;
- b) to conduct seminars, conferences, workshops and such other functions which are necessary for curricular and extra curricular objectives of the Institute;
- c) to print, publish and circulate periodicals, journals, magazines and books and disseminate scientific, technological and other related knowledge and information conducive to the attainment of any of the objectives of the Institute;
- d) to promote, contact and establish linkage and affiliate with other universities, institutions and development organizations for effective discharge of its functions and responsibilities;
- e) to admit and examine students and to confer or award degrees, diplomas, certificates and other academic distinctions on and to the persons; who have passed its examinations under the prescribed conditions;
- f) to confer honorary degrees or other distinctions on approved persons in the prescribed manner;
- g) to prescribe courses of studies and undertake research as it may determine;
- h) to provide for the teaching of specified courses and training for the persons not being the students of the Institute and grant certificates and diplomas to such persons;
- i) to receive and manage properties, grants, bequests, trusts, gifts, donations, endowments and other contributions made to the Institute and to invest them in such manner as it may deem fit;
- j) to enter into agreements, contracts and arrangements with any government, organization, institution, body or individual for carrying out its functions and activities;
- k) to demand and receive such fees and other charges as it may determine; provided that ten percent seats will be reserved for meritorious, poor candidates on freeship or

scholarship basis;

- l) to supervise and control the discipline of the students of the Institute as may be prescribed;
- m) to appoint members of the various bodies and committees, for instructional and curricular activities and admit students of the Institute and its constituent units;
- n) to appoint such officers including teachers and members of the non-teaching staff and prescribe terms and conditions, powers and duties of such officers and staff; and
- o) to do all such other acts and things as may be required to further its objectives.

5. The Institute shall be open to all persons of either sex of whatever religion, race, class, creed, caste, colour or domicile who are academically qualified for admission to the courses of study offered by the Institute, and no such person shall be denied the privileges of the Institute on the ground only of sex, religion, race, class, creed, caste, colour or domicile.

Institute open to all.

6. (1) The academic programmes of the Institute shall be conducted in the prescribed manner and the Institute shall associate external examiners for the conduct of examinations.

Teaching and examinations in the Institute

(2) No degree shall be granted unless a student has passed an examination in Islamic Studies and Pakistan Studies at the Bachelor's degree level or, in the case of a non-Muslim student, in Ethics and Pakistan Studies.

7. The following shall be the officers of the Institute:-

Officers of the Institute.

- a) the Chairman;
- b) the Director;
- c) the Deans; and
- d) such other persons as may be prescribed to be the officers of the Institute.

- Patron.
8. (1) The Governor of Sindh shall be the Patron of the Institute.
- (2) The Patron shall, preside over at the convocation of the Institute.
- (3) Every proposal to confer an honorary degree shall be subject to conformation by the Patron.

- Visitation.
9. (1) The Patron may cause an inspection or inquiry to be made 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-

- i. the Institute, its buildings, laboratories, libraries, and other facilities;
- ii. any institution, department or hostel maintained by the Institute;
- iii. the adequacy of financial and human resources;
- iv. the teaching, research, curriculum, examination and other matters of the Institute; and
- v. such other matters as may be specified by him.

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

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

(5) The Patron shall have full power to take any action as he may deem fit against the Institute, including its closure, if found indulging in any subversive or unlawful activity.

10. (1) The Patron shall appoint the Chairman from a panel of three persons of eminence known for the contribution in the field of knowledge or education submitted by the KASBIT. The Chairman.

(2) The Chairman shall in the absence of the Patron preside over the convocation.

(3) If the Chairman is satisfied that the proceedings of any Authority or order of any officer are not in accordance with the provisions of this Ordinance, he may, after calling upon such Authority or officer to show cause why such proceedings should not be annulled, by order in writing, annul such proceedings or orders.

(4) Should the Chairman be incapacitated to act due to any cause, the Director shall act in lieu thereof.

11. (1) The Director shall be appointed by the Chairman, on the recommendation of the Board on such terms and conditions as the Board may determine. The Director.

(2) The Director shall have the following powers:-

- a) to approve and sanction in contingencies expenses not provided for in the budget for an amount not exceeding Rs. 1 million per campus;
- b) to re-appropriate any amount provided for in the budget to another category within the campus or inter-campus;
- c) to approve administrative, operational and organizational procedures and ensure effective implementation thereof;
- d) to appoint individuals, committees or groups to carry out visitations, inquires, studies or investigation into any affairs of the Institute; and
- e) to exercise and perform such other powers and functions as may be assigned by the Board.

12. The Dean shall be appointed by the Director and shall have the power - The Dean.

- a) to assign the funds allocated to the faculty for research and development to various departments in the faculty;
- b) to review and scrutinize the course and syllabi structure and recommend their amendments to the Academic Council;
- c) to recommend candidates to academic council for faculty selection; and
- d) to perform all such functions and duties as may be prescribed.

13. The following shall be the Authorities of the Institute:-

Authority of
the Institute.

- a) The Board;
- b) the Academic Council;
- c) the Advanced Studies and Research Board;
- d) the Finance and Planning Committee;
- e) the Selection Board; and
- f) any other authority constituted by the Board.

14. (1) The general supervision and control of the affairs and the power to lay down the policies of the Institute shall vest in the Board consisting of the following members:-

The Board.

- i. Chairman;
- ii. a Judge of the High Court of Sindh nominated by the Chief Justice;
- iii. Director;
- iv. the Secretary Education Department, Government of Sindh or his nominee;
- v. the Chairman, University Grants Commission or his nominee;

- vi. one Member of the Educational (Non Government Organization) to be nominated by the KASBIT;
- vii. three persons of outstanding merit, to be nominated by the KASBIT; and
- viii. Chairman, Chamber of Commerce and Industries Sindh or his nominee.

(2) The Director shall also act as the Secretary.

(3) A nominated member shall hold office for a term of three years, and shall be eligible for re-nomination on the expiry of his term.

(4) The office of a nominated member shall become vacant if he resigns or fails to attend three consecutive meetings of the Board without sufficient cause or leave of absence or the authority nominated him changes his nomination.

(5) The authority, which had nominated the member whose vacancy is to be filled, shall fill a casual vacancy of a member.

(6) No act or proceedings of the Board shall be invalid by reason only of the existence of a vacancy in or a defect in the constitution of the Board.

15. (1) The Board shall exercise and perform the powers and functions as follows:-

Powers and
functions of the
Board.

- i) to hold, control and administer the properties, funds, assets and resources of the Institute;
- ii) to transfer and accept transfer of movable or immovable properties on behalf of the Institute;
- iii) to consider and approve, on the advice of the Finance and Planning Committee, the annual and revised budget estimates and to lay down guidelines or rules of business dealing with financial, academic and administrative matters of the Institute;

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- iv) to approve, carry out, vary or cancel contracts on behalf of the Institute;
- v) to initiate and approve schemes for achievement of the objectives of the Institute;
- vi) to determine the form, and regulate the custody and use of common seal of the Institute;
- vii) to create professional, research, administrative posts and such other posts as may be required to carry out the purposes of the Institute, and suspend or abolish such posts;
- viii) to appoint teachers, researchers, officers and the employees on the recommendations of the Selection Board;
- ix) to suspend, punish and remove from service the Institute teachers, researchers, officers and employees whom it is empowered to appoint, in the manner prescribed after due enquiry;
- x) to propose regulations for submission to the Chairman for approval;
- xi) to approve rules on the recommendations of the appropriate bodies or authorities to regulate any matter relating to the affairs of the Institute; and
- xii) to determine, regulate and administer all other matters concerning the Institute and, to this end, exercise all necessary powers not specifically mentioned in the Ordinance or rules.

(2) The Board may delegate any of its powers to any Authority or officer or a committee as it deems fit.

Meetings of the Board.

16. (1) The Board shall meet at least twice in a year provided that a special meeting may be called at any time on the direction of the Chairman or on a requisition made by not less than four members of the Board to consider a matter of urgent nature.

(2) The meetings shall be presided over by the Chairman and in his absence by the Director.

(3) Not less than seven clear days notice of a special meeting shall be given to the members of the Board and the agenda of the meeting shall be restricted to the matter for which the special meeting is called.

(4) The quorum for a meeting of the Board shall be half of its members, a fraction being counted as one.

(5) The decision of the Board shall be expressed in terms of the views of the majority of the members present and voting and, if the members are equally divided, the Chairman shall have a casting vote.

17. (1) The Academic Council shall consist of -

The Academic Council.

- i. the Director, who shall be the Chairman;
- ii. the Deans;
- iii. the Chairmen of the Teaching Departments;
- iv. the Professors of the Institute;
- v. nominee of University Grants Commission or Academic Advisor;
- vi. nominee of the Education Secretary not below the rank of Deputy Secretary; and
- vii. five eminent scholars to be nominated by the Board.

(2) The nominated member shall hold office for a term of three years and shall be eligible for re-nomination.

(3) The office of a nominated member shall become vacant if he resigns or fails to attend three consecutive meetings of the Council without sufficient cause or leave of absence or the nominating authority changes his nomination.

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

Powers and functions of Academic Council.

18. (1) The Academic Council shall be the highest academic body of the Institute, and shall, subject to the provisions of this Ordinance and the regulations, have the power to lay down proper standard of instructions, research and examinations, and to regulate and promote the academic life of the Institute.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Council shall have the powers -

- i. to advise the Board on academic matters;
- ii. to regulate the admission of students to the courses of studies and examinations;
- iii. to propose to the Board, schemes for the constitution and organization of faculties, Teaching Departments, Campuses and Board of Studies;
- iv. to consider or formulate proposals for the planning and development of teaching and research in the Institute;
- v. to make regulations, on the recommendations of the Board of Studies, prescribing the course of studies and the syllabi for all Institute examinations:
Provided that, if the recommendations of the Board of Studies are not received by the prescribed date, the Council may, subject to the approval of the Board, continue for the next year the courses of studies already prescribed for an examination;
- vi. to recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- vii. to frame regulations for submission to the Board;
- viii. to appoint members to the various Authorities in accordance with the provisions of this Ordinance; and
- ix. to perform such other functions as may be prescribed.

19. (1) The Institute shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

Institute fund,
audit and
accounts.

(2) Capital and recurrent expenditure of the Institute shall be met from the contributions made by any source including foundations, universities and individuals, and from the income derived from such sources provided that Institute may obtain funds from the KASBIT according to the terms and conditions agreed upon.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the Institute, or which may involve an activity not included in the programmes, shall be accepted without the prior approval of the Board.

(4) The accounts of the Institute shall be maintained in such form and manner as may be determined by the Board and shall be audited each year within four months of the closing of the financial year of the Institute by the Chartered Accountant appointed by the Board.

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

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

20. The Board, the Academic Council and other Authorities may appoint such Standing, Special or Advisory Committees as they may deem fit for the assistance and improvement of the Institute.

Appointment of
Committees.

21. The authorities and the other bodies of the Institute may make rules consistent with this Ordinance and the regulations, to regulate the conduct of their business and the time and place of meeting and other related matters.

Rules.

Regulations.

22. (1) Subject to the provisions of this Ordinance, the Board may make regulations which may prescribe all or any of the following matters namely –

- (a) terms and conditions of service of employees of the Institute, including scales of pay, constitution of pension, insurance, gratuity, provident fund, benevolent fund and other fringe benefits;
- (b) terms and conditions of contractual appointment of teachers, researchers and other officers and staff;
- (c) constitution and functions of the Selection Board for selection of candidates for appointment to various posts of teachers, researchers and other officers and staff;
- (d) establishment of faculties, teaching departments and other academic units and divisions and their management;
- (e) powers and duties of officers and teachers;
- (f) conditions under which the Institute may enter into arrangements, partnership, collaboration with other public, government or private organizations for the purpose of instruction, research and other scholarly activities for the betterment of the Institute;
- (g) conditions of appointment of Professor Emeritus and Distinguished Professors;
- (h) award of honorary degrees;
- (i) standards for evaluation of efficiency and exercising disciplinary measures over the employees of the Institute;
- (j) acquisition and administration of properties and investment of the Institute; and
- (k) all other matters which under this Ordinance are required to be or may be prescribed by the regulations.

(2) The draft of the regulations shall be proposed by the Board for approval of the Chairman who may refer them back to the Board for reconsideration.

(3) The Chairman shall have the powers to assent to the regulations submitted to him for approval.

(4) No regulations shall be valid until assented to and signed by the Chairman.

23. No court shall have jurisdiction to entertain any proceeding, grant any injunction or make any order in relation to anything done in good faith or purported to have been done or intended to be done under this Ordinance.

Bar of
Jurisdiction.

24. No suit or legal proceedings shall lie against the Government, the Institute or any Authority or an employee of the Institute or any person, in respect of anything which is done, or purported to have been done in good faith or is intended to, or has been done under this Ordinance.

Indemnity.

25. (1) If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Chairman may make such orders, which are consistent with the provisions of this Ordinance.

Removal of
difficulties.

(2) Where this Ordinance makes any provision for anything to be done, but no provision or insufficient provision has been made as respecting 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, or at such time, or in such manner, as the Chairman may direct.

Karachi:

MOHAMMEDMIAN SOOMRO

Dated: 25th June, 2001.

GOVERNOR OF SINDH

SAYED GHULAM NABI SHAH
Secretary to Government of Sindh
Law Department

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