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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 4th December, 2019

No. F. 22(49)/2019-Legis.—The following/Bills Reports have been introduced/presented in the National Assembly on 4th December, 2019:—

N. A. BILL NO. 123 OF 2019

A Bill further to amend the Port Qasim Authority Act, 1973

WHEREAS it is expedient further to amend the Port Qasim Authority Act, 1973 (XLIII of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Port Qasim Authority (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XLIII of 1973.**—In the Port Qasim Authority Act, 1973 (XLIII of 1973), hereinafter referred to as the said Act, in section 2, after clause (f), the following new clause shall be inserted, namely:—

2003(1-68)

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[1941(2019)/Ex. Gaz.]

- (s) “Division concerned” means the Minister of the Division to which the business of the Authority stands allocated”.

3. **Amendment of section 6, Act XLIII of 1973.**—In the said Act, in section 6, for the words “Federal Government” the words “Prime Minister” shall be substituted.

4. **Amendment of section 7, Act XLIII of 1973.**—In the said Act, in section 7, for the words “Federal Government” the words “Prime Minister” shall be substituted.

5. **Amendment of section 8, Act XLIII of 1973.**—In the said Act, in section 8, for the words “Federal Government” the words “Division concerned” shall be substituted.

6. **Amendment of sections 10, 11 & 12, Act XLIII of 1973.**—In the said Act, in section 10, 11 & 12, for the words “Federal Government” the words “Division concerned” shall be substituted.

7. **Amendment of section 13, Act XLIII of 1973.**—In the said Act, in section 13;—

- (a) in sub-section (2), in clause (j), in the proviso for the words “Federal Government” the words “Division concerned” shall be substituted; and
- (b) in sub-section (4), for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

8. **Amendment of section 14, Act XLIII of 1973.**—In the said Act, in section 14, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

9. **Amendment of section 25, Act XLIII of 1973.**—In the said Act, in section 25, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

10. **Amendment of section 26, Act XLIII of 1973.**—In the said Act, in section 26, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

11. **Amendment of section 30, Act XLIII of 1973.**—In the said Act, in section 30, for the words “Federal Government”, the words “Division concerned” shall be substituted.

12. **Amendment of section 31, Act XLIII of 1973.**—In the said Act, in section 31, in sub section(2), for the words “Federal Government” the words “Division concerned” shall be substituted.

13. **Amendment of section 32, Act XLIII of 1973.**—In the said Act, in section 32, in sub-section (1), for the words “Federal Government”, wherever occurring, the words “Finance Division” shall be substituted.

14. **Amendment of section 51, Act XLIII of 1973.**—In the said Act, in section 51, for the words “Federal Government”, the words “Division concerned” shall be substituted.

15. **Amendment of section 56(I), Act XLIII of 1973.**—In the said Act, in section 56(I), for the words “Federal Government” wherever occurring, the words “Division concerned” shall be substituted.

16. **Amendment of section 57, Act XLIII of 1973.**—In the said Act, in section 57, for the words “Federal Government” wherever occurring, the words “Division concerned” shall be substituted.

17. **Amendment of section 63, Act XLIII of 1973.**—In the said Act, in section 63, for the words “Federal Government” wherever occurring, the words “Division concerned” shall be substituted.

18. **Amendment of section 69, Act XLIII of 1973.**—In the said Act, in section 69, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

19. **Amendment of section 70, Act XLIII of 1973.**—In the said Act, in section 70, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Port Qasim Authority (PQA) was established under Port Qasim Authority Act, 1973 (**Flag-A**). The ibid Act confers powers to the Federal Government to carry out official business which are meant to be disposed of at Ministry’s level. In terms of honorable Supreme Court decision in Al-Mustafa Impex case, the Federal Government has been defined as Federal Cabinet. Hence disposal of routine matters in Port Qasim Authority take lengthy procedure and loss of government exchequer for presenting the cases before the Federal Cabinet. The powers of Federal Government envisaged in the ibid Act have been specified in the proposed PQA Amendment Act, 2019 (**Flag-B**).

2. In view of above, it is therefore proposed that amendments may be passed in Port Qasim Authority Act, 1973 for smooth running of Official Business of Port Qasim Authority, Karachi.

SYED ALI HAIDER ZAIDI,
Minister for Maritime Affairs.

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N.A. BILL NO. 124 OF 2019

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BILL

to amend the Surveying and Mapping Act, 2014

WHEREAS it is expedient to amend the Surveying and Mapping Act, 2014 (I of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Surveying and Mapping (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 2, Act I of 2014.**—In the Surveying and Mapping Act, 2014 (I of 2014), hereinafter referred to as the said Act, in section 2, in clause (xiv), for the words “Federal Government”, the words “concerned Division” shall be substituted;

3. **Amendment of section 3, Act I of 2014.**—In the said Act, in section 3,—

(a) in sub-section (2),—

- (i) for the word “Genera” the word “General”, shall be substituted;
- (ii) for the words “Federal Government”, occurring for the first time, the words “Prime Minister”, shall be substituted; and
- (iii) the words “as may be appointed by the Federal Government” shall be omitted; and

- (b) after sub-section (2), the following new sub-section shall be added, namely:—

“(3) Survey of Pakistan shall be technical department for all activities involving surveying, mapping, geographic information system or remote sensing and geospatial information technologies in the country,”.

4. **Amendment of section 6, Act I of 2014.**—In the said Act, in section 6,—

- (a) in clause (f), for the words “Federal Government”, the words “Prime Minister” shall be substituted;
- (b) in clause (g), for the words “Federal Government”, the words “Prime Minister” shall be substituted;
- (c) in clause (i), for the words “Federal Government”, the words “concerned Division” shall be substituted; and
- (d) in clause (r), for the words “Federal Government”, the words “concerned Division” shall be substituted.

5. **Amendment of section 11, Act I of 2014.**—In the said Act, in section 11, in sub-section (1), after the words “shall”, occurring for the first time, the words and commas “use insert, print or publish maps of Pakistan or atlases” shall be inserted.

6. **Amendment of section 13, Act I of 2014.**—In the said Act, in section 13, for the words “Federal Government”, the words “concerned Division” shall be substituted.

7. **Amendment of section 16, Act I of 2014.**—In the said Act, in section 16,—

- (a) in sub-section (2), the words “Federal Government”, the words “concerned Division” shall be substituted; and
- (b) after sub-section (5), the following new sub-section shall be added, namely:—

“(6) No one can print, display, disseminate, use or circulate incorrect and unofficial version of map of Pakistan or any part of

Pakistan in hard or digital form. All individuals firms, organizations or departments shall get their maps vetted and cleared from Survey of Pakistan before use, publication, dissemination or circulation”.

8. **Amendment of section 18, Act I of 2014.**—In the said Act, in section 18, in sub-section (1), for the words “Federal Government”, the words “concerned Division” shall be substituted.

9. **Amendment of section 19, Act I of 2014.**—In the said Act, in section 19, in sub-section (1), for the words “Federal Government”, the words “concerned Division” shall be substituted.

10. **Amendment of section 20, Act I of 2014.**—In the said Act, in section 20, in clause (iv), the word “and”, occurring at the end, shall be omitted and in clause (v), the full stop, a semi colon and the word “;and” shall be substituted and thereafter following new clause shall be added, namely:—

“(vi) Any individual, firm, organization or department involved in printing, displaying, disseminating, using or circulating incorrect and unofficial version of map of Pakistan or any part of Pakistan in hard or digital form shall be liable to be imprisoned for a term which may extend up to five years or a fine of five millions rupees or both.” Shall be inserted.

11. **Amendment in section 23, Act I of 2014.**—In the said Act, in section 23, for the words “Federal Government”, the words “concerned Division” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Survey of Pakistan (SOP), a National Mapping Organization is responsible to meet the Surveying & Mapping requirements of Armed Forces as well as other civil organizations/departments.

2. In line with the Supreme Court of Pakistan’s Judgment reported as PLD 2016 SC 808, the Cabinet in its meeting held on 08 November 2017 has decided that “all Ministries and Divisions should in consultation with law & Justice Division, make amendments in the respective Acts/Rules and replace the words “Federal Government” with appropriate authority(ies)”.

3. The major objectives & reasons of the bill are:—

- a. To transform SoP into National Mapping Agency i.e Agency regulating Surveying & Mapping activities in the Country.

- b. To replace the words “Federal Government” with appropriate authorities.
- c. To carry out spelling corrections.
- d. To ensure efficient technical functioning of the department.
- e. To stop/prohibiting printing, displaying, dissemination or using incorrect and un-official Map of Pakistan.

4. After completing all codal formalities the Surveying & Mapping (Amendment) Bill – 2019 has been vetted by Law & Justice Division. The Cabinet Committee on Legislative Cases (CCLC) in Case No. CCLC-64/09/2019, dated 04-10-2019 has recommended the Amendments in Surveying & Mapping Bill – 2019 for its introduction in either of the Houses of the Parliament and Cabinet *vide* case No.840/38/2019 dated 14-10-2019 has ratified the said CCLC decision/recommendations.

MR. PERVAIZ KHATTAK,
Minister for Defence.

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N.A. BILL NO. 125 OF 2019

A

BILL

further to Amend the Gwadar Port Authority Ordinance, 2002

WHEREAS it is expedient further to amend the Gwadar Port Authority Ordinance, 2002 (LXXVII of 2002), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Gwadar Port Authority (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 2, Ordinance LXXVII of 2002.**—In the Gwadar Port Authority Ordinance, 2002 (LXXVII of 2002), hereinafter referred to as the said Ordinance, in section 2, after clause (g), the following new clause shall be inserted, namely:—

“(ga) “Division concerned” means Division to which the subject of the Authority stands allocated;”

3. **Amendment of section 6, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 6, for the words “Federal Government”, the word “Prime Minister” shall be substituted.

4. **Amendment of section 7, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 7, for the words “Federal Government”, the words “Division concerned” shall be substituted.

5. **Amendment of section 8, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 8, in sub-section (2), for the words “Federal Government”, the words “Division concerned” shall be substituted.

6. **Amendment of section 13, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 13, in sub-section (2), for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

7. **Amendment of section 14, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 14, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

8. **Amendment of section 20, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 20, for the words “Federal Government”, the words “Division concerned” shall be substituted.

9. **Amendment of section 25, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 25, for the words “Federal Government”, the words “Division concerned”, shall be substituted.

10. **Amendment of section 26, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 26, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

11. **Amendment of section 29, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 29, for the words “Federal Government”, the words “Division concerned” shall be substituted.

12. **Amendment of section 30, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 30, for the words “Federal Government”, the words “Division concerned” shall be substituted.

13. **Amendment of section 31, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 31, for the words “Federal Government”, the words “Division concerned” shall be substituted.

14. **Amendment of section 32, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 32, for the words “Federal Government”, wherever occurring the words “Finance Division” shall be substituted.

15. **Amendment of section 51, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 51, for the words “Federal Government”, the words “Division concerned with the concurrence of other relevant stakeholders” shall be substituted.

16. **Amendment of section 52, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 52, for the words “Federal Government”, the word “Prime Minister” shall be substituted.

17. **Amendment of section 53, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 53, for the words “Federal Government”, the words “Division concerned” shall be substituted.

18. **Amendment of section 60, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 60, for the words “Federal Government”, wherever occurring the words “Division concerned” shall be substituted.

19. **Amendment of section 66, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 66, for the words “Federal Government”, wherever occurring, the words “Division concerned” shall be substituted.

20. **Amendment of section 70, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 70, in the proviso, for the words “Federal Government”, the words “Division concerned” shall be substituted.

21. **Amendment of section 71, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 71, for the words “Federal Government”, the words “Division concerned” shall be substituted.

22. **Amendment of section 72, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 72, for the words “Federal Government” the words “Division concerned” shall be substituted.

23. **Amendment of section 73, Ordinance, LXXVII of 2002.**—In the said Ordinance, in section 73, for the words “Federal Government”, the words “Division concerned” shall be substituted.

24. **Amendment of section 75, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 75, for the words “Federal Government”, the words “Division concerned” shall be substituted.

25. **Amendment of section 77, Ordinance LXXVII of 2002.**—In the said Ordinance, in section 77, for the words “Federal Government”, the words “Division concerned” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of incorporating amendments in the GPA Ordinance is to substitute the words “Federal Government” with the appropriate terms so that the official work may be done efficiently and expeditiously in light of the Judgment of the Supreme Court reported as PLD 2016 SC 808.

MINISTER-IN-CHARGE

N.A. BILL NO. 126 OF 2019

A

BILL

further to amend the Privatisation Commission Ordinance, 2000

WHEREAS it is expedient further to amend the Privatisation Commission Ordinance, 2000 (LII of 2000) for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Privatisation Commission (Amendment) Act 2019.

(2) It shall come into force at once.

2. **Amendment in section 7, Ordinance LII of 2000.**—In the Privatisation Commission Ordinance, 2000 (LII of 2000), hereinafter referred to as the said Ordinance, in section 7,—

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

“(1) The Prime Minister of Pakistan shall appoint the Chairman, Secretary and a member.”; and

- (b) in sub-section (6), in clause (c), for the words “Federal Government”, the words “Prime Minister of Pakistan” shall be substituted.

3. **Substitution of section 19, Ordinance LII of 2000.**—In the said Ordinance, for section 19, the following shall be substituted, namely:—

“19. **Bank accounts.**—(1) Subject to sub-section (2), the Commission may open and maintain its accounts at such scheduled banks as it may determine.

(2) The Commission may open an account in a scheduled bank with high credit quality assigned by a credit rating agency recognized by the State Bank of Pakistan.”

STATEMENT OF OBJECTS AND REASONS

Article 90 of the Constitution as interpreted by the Supreme Court defines the ‘Federal Government’ to mean the Prime Minister and the Federal Ministers, collective known as the Cabinet. Section 7 of the Privatisation Commission Ordinance, 2000, *inter alia*, provides that the Chairman, Secretary and member shall be appointed by the Federal Government. Previously, they were appointed by the Prime Minister. Similarly, constitution of Special Medical Board by the Federal Government on physical or mental incapacity of the Chairman, Secretary or Member of the Privatisation Commission casts unnecessary burden on the Cabinet. Furthermore, section 19 of the Ordinance provides that the Privatisation Commission may open a bank account in consultation with the Federal Government. Burdening the Cabinet in matter like opening of a bank account of an autonomous body is not at all appropriate. All these measures require amendments in the Ordinance. Hence this Bill.

2. The bill is designed to achieve the aforesaid object.

MINISTER-IN-CHARGE

Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committees, presented to the National Assembly on 4th December, 2019 are published for information:—

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE
MUTUAL LEGAL ASSISTANCE (CRIMINAL MATTERS) BILL, 2019

I, the Chairman of Standing Committee on Interior have the honor to present this report on the Bill to enact a law for mutual legal assistance in criminal matters [The Mutual Legal Assistance (Criminal Matter) Bill, 2019] (Government Bill) referred to the Committee on 13th September, 2019.

2. The Committee comprises the following:

(1)	Raja Khurram Shahzad Nawaz	Chairman
(2)	Mr. Sher Akbar Khan	<i>Member</i>
(3)	Mehar Ghulam Muhammad Lali	<i>Member</i>
(4)	Mr. Raza Nasrullah	<i>Member</i>
(5)	Khawaja Sheraz Mehmood	<i>Member</i>
(6)	Mr. Rahat Aman Ullah Bhatti	<i>Member</i>
(7)	Malik Karamat Ali Khokhar	<i>Member</i>
(8)	Sardar Talib Hassan Nakai	<i>Member</i>
(9)	Ms. Nafeesa Inayatullah Khan Khattak	<i>Member</i>
(10)	Mr. Muhammad Akhtar Mengal	<i>Member</i>
(11)	Malik Sohail Khan	<i>Member</i>
(12)	Syed Iftikhar Ul Hassan	<i>Member</i>
(13)	Mr. Mohammad Pervaiz Malik	<i>Member</i>
(14)	Mr. Nadeem Abbas	<i>Member</i>
(15)	Ms. Maryam Aurangzaib	<i>Member</i>
(16)	Syed Agha Rafiullah	<i>Member</i>
(17)	Nawab Muhammad Yousuf Talpur	<i>Member</i>
(18)	Mr. Abdul Qadir Patel	<i>Member</i>
(19)	Mr. Asmatullah	<i>Member</i>
(20)	Mr. Ijaz Ahmad Shah	<i>Ex-officio Member</i>
	Minister for Interior	

3 The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meetings held on 04-10-2019, 24-10-2019 and 13-11-2019. The Committee recommended that the Bill as introduced may be passed by the National Assembly.

-sd-
(TAHIR HUSSAIN)
Secretary

Islamabad, the 26th, 2019

-sd-
(RAJA KHURRAM SHAHZAD NAWAZ)
Chairman
Standing Committee on Interior

Annex “A”

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to enact a law for mutual legal assistance in criminal matters

WHEREAS it is expedient to enact a law relating to mutual legal assistance in criminal matters and matters connected therewith and ancillary thereto;

It is hereby enacted as follows.

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Mutual Legal Assistance (Criminal Matters) Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “agreement” means a treaty, agreement, memorandum of understanding, convention or other international arrangement to which Islamic Republic of Pakistan is a party and which contains provisions relating to mutual legal assistance in criminal matters;
- (b) “appropriate authority” in relation to a foreign country, means a person or body in that country referred to in the agreement or reciprocal arrangement with Islamic Republic of Pakistan as the authority responsible for administering mutual legal assistance to and from such country;
- (c) “central authority” means the Secretary to the Ministry of Interior, Government of Islamic Republic of Pakistan or such other officer of the Government, as the Secretary to the Ministry of Interior may, by notification in the official Gazette, designate to exercise powers and perform functions of the central authority under this Act.

- (d) information system includes an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing any information;
- (e) “data” means content data and traffic data;
- (f) “electronic” means electrical, digital, magnetic, optical, biometric, electrochemical, electromechanical, wireless or electromagnetic technology;
- (g) “computer system” means any device or a group of interconnected or related devices one or more of which, pursuant to a programme, performs automatic processing or recording data, and includes a mobile telephone and other telecommunication devices;
- (h) “confiscation” means deprivation of property by order of a court or competent authority subject to the prescribed procedure;
- (i) “confiscation order” means an order made by a court or other competent authority in Islamic Republic of Pakistan or a court of a country with whom Islamic Republic of Pakistan has entered into an agreement or reciprocal agreement or notified under sub-section (3) of section 3 of the confiscation of proceeds or instrumentalities of crime or terrorist property, whether or not the order is based on criminal conviction;
- (j) “court” means the court which has jurisdiction to try an offence for which a request has been made under this act;
- (k) “criminal matter” includes any investigation, prosecution or judicial proceedings relating to,—
 - (i) a criminal offence;
 - (ii) identification or tracing of proceeds or instrumentalities of crime or other related articles for evidentiary process;
 - (iii) the determination as to whether a property is proceeds or instrumentalities of crime, money laundering or terrorist property or corruption;
 - (iv) a confiscation order;
 - (v) the freezing or seizure of proceeds or instrumentalities of crime or terrorist property; or

- (vi) an investigation carried out by a law enforcement agency with a view to refer the case for prosecution under the criminal law;
- (l) “criminal offence” means a thing punishable under Islamic Republic of Pakistan Penal Code 1860 or under any law of Islamic Republic of Pakistan;
- (m) “freezing” or “seizure” means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other authority and includes an order restraining such dealings;
- (n) “instrumentalities of crime” means any property,—
 - (i) used in, or in connection with, the commission of a criminal offence; or
 - (ii) intended to be used in, or in connection with, the commission of a criminal offence, whether the property is located, or the offence is committed, within or outside Islamic Republic of Pakistan.
- (o) “material” includes any book, document, computer data or mobile data or other record in any form and in any container or article relating to it;
- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “proceeds of crime” means any property derived from or obtained, directly or indirectly, through commission of a criminal offence whether such property is located, or the offence is committed, within or outside Islamic Republic of Pakistan;
- (r) “property” means property/assets of every description, whether moveable or immovable, corporeal or incorporeal, tangible or intangible, a legal document or instrument evidencing title to or interest in property, and whether situated in or outside Islamic Republic of Pakistan;
- (s) “rules” means rules made under this Act;
- (t) “service provider” shall have the same meaning as given to it by section 2 (XX VIII) of the Prevention of Electronic crimes Act, 2016;

- (u) “terrorism” shall have the same meaning as given to it by section 6 of the Anti-terrorism Act, 1997 (XXVII of 1997); and
- (v) “terrorist property” shall have the same meaning as given to it by section 2(Z)(aa) of the Anti-terrorism Act, 1997 (XXVII of 1997).

3 Application of the Act.—(1) This Act shall regulate the procedure for rendering and soliciting mutual legal assistance in criminal matters by Islamic Republic of Pakistan.

(2) Subject to the provisions of this Act, the mutual legal assistance may be provided by Islamic Republic of Pakistan to a country on the basis of an agreement or reciprocal arrangement.

(3) Where the Federal Government considers it expedient to provide mutual legal assistance in a criminal matter to a country which has not entered into an agreement or reciprocal arrangement with Islamic Republic of Pakistan, it may, by notification in the official Gazette, direct that the provisions of this Act shall, subject to such modifications and conditions as may be specified therein, have effect to that country.

(4) Nothing in this section shall be taken to limit the nature or extent of mutual legal assistance that Islamic Republic of Pakistan may otherwise lawfully provide to, or receive from, a country.

4. Functions of the central authority.—(1) The central authority shall have all such powers as may be necessary to perform its duties and functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the central authority shall be authorized to,—

- (a) make a request on behalf of Islamic Republic of Pakistan to the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in Islamic Republic of Pakistan relating to a criminal offence committed, or suspected on reasonable grounds to have been committed within or outside Islamic Republic of Pakistan;
- (b) receive and deal with requests received from the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in that country relating to an offence committed, or suspected on reasonable grounds to have been committed within or outside that country;

- (c) certify or authenticate, or arrange for the certification and authentication of any documents or other material supplied in response to a request for assistance;
- (d) to take practical measures to facilitate the orderly and rapid disposition of request for assistance;
- (e) to make any arrangements deemed necessary in order to transmit the evidentiary material gathered in response to request for assistance to the appropriate authority of the requesting country or to authorize any other authority as prescribed to do so; and
- (f) to carry out such other tasks as provided for in this Act or which may be necessary for effective assistance to be provided or received.

(3) The central authority may, having regard to its functions and to exercise its powers efficiently, delegate its functions and powers to one or more subordinate officers.

5. **Transmission of information.**—(1) Where the central authority considers it expedient, it may initiate transmitting of any information relating to criminal matters confidentially to the appropriate authority in a country concerned with such criminal matters, without prior request by that country.

(2) Subject to the provisions of this Act, a request transmitted by a country to any other agency or authority in Islamic Republic of Pakistan may be referred by such agency or authority to the central authority and this shall not affect the validity of the request or actions taken thereupon.

6. **Form and manner of requests.**—The central authority may specify the form, manner and conditions of making requests to Islamic Republic of Pakistan and all requests shall be entertained in accordance with such form, manner and conditions:

Provided that the central authority may dispense with any particular condition where it is likely to cause undue delay and frustrate the object for which the request for mutual legal assistance has been made by a country.

7. **Mutual legal assistance request by Islamic Republic of Pakistan.**—A request for mutual legal assistance by the central authority to a country may comprise one or more of the following matters, namely:—

- (a) inquire about the location and identification of witnesses, suspects, perpetrators and offenders;
- (b) have evidence taken or documents or other articles produced;
- (c) obtain search warrants or other lawful instruments authorizing a search for evidence relevant to investigations or proceedings in Islamic Republic of Pakistan, located or as permissible under the domestic law of that country believed to be located in that country and if found, to seize them as permissible under the domestic law of that country;
- (d) freeze or seize properties that may be the subject of investigations or proceedings, through relevant legal process in that country, to the extent to which the properties are believed on reasonable ground to be located in that country;
- (e) confiscate properties, subject to the confiscation order, to the extent to which the properties are believed to be located in that country;
- (f) transmit to Islamic Republic of Pakistan any evidence, documents, articles, properties or proceeds realized from the disposal of properties;
- (g) transfer in custody to Islamic Republic of Pakistan a person in foreign country who consented to assist Islamic Republic of Pakistan in the relevant investigation or proceedings;
- (h) effect service of judicial documents;
- (i) identify or trace proceeds or instrumentalities of crime or properties for evidentiary purpose;
- (j) facilitate the voluntary appearance of persons required in relation to any existing or intended investigations or proceedings in Islamic Republic of Pakistan;
- (k) provide original or certified copies of relevant documents and records, including government, bank, financial, corporate or business records; and
- (l) provide any other type of assistance that is not contrary to the domestic law of that country.

8. **Foreign request for assistance.**—(1) Where a country makes a request to Islamic Republic of Pakistan for mutual legal assistance, the central

authority may approve mutual legal assistance for similar purposes as those specified in section 7 to the country in relation to investigations commenced or proceedings instituted in that country.

(2) The request under sub-section (1) shall be made out in conformity with the form, manner and conditions specified under section 6 and include the following, namely:—

- (a) the name of the appropriate authority or such other authority concerned with the criminal matter to which the request relates;
- (b) “a description of nature of the criminal matter and a statement setting out a summary of relevant facts and law;
- (c) the description of the purpose of the request and the nature of assistance being sought;
- (d) in the case of request to freeze, seize or confiscate assets believed on reasonable grounds to be located in Islamic Republic of Pakistan, be accompanied with the details of the criminal offence, particulars of any investigation or proceedings commenced in respect of that offence and a copy of any relevant freezing, seizure or confiscation order of the court;
- (e) details of any procedure that the country wishes to be followed by Islamic Republic of Pakistan in giving effect to the request, particularly in the case of a request to take evidence, as far as it is not contrary to the laws of Islamic Republic of Pakistan;
- (f) a statement setting out any requirements of the country concerning any confidentiality relating to the request and the reasons thereof;
- (g) details, of the period within which the country wishes the request to be complied with;
- (h) details, where applicable, regarding the grounds for believing that the relevant properties to be traced, frozen or seized or confiscated, are located in Islamic Republic of Pakistan; and
- (i) any other information that may assist in giving effect to the request.

9. Foreign request for an evidence gathering order or search warrant.—(1) Notwithstanding anything contained in any other law for the time

being in force, where the central authority approves the request of a country pursuant to section 8 for the following purposes;

- (a) taking of a statement or testimony from a person; or
- (b) production of documentary or other evidence in Islamic Republic of Pakistan; or
- (c) identification of a person, property or record,

the central authority may apply to the court for a search warrant or any evidence gathering order, as the case may be.

(2) The court, to which an application is made under sub-section (1), may issue a search warrant or, as the case may be, an evidence-gathering order where it is satisfied that there are reasonable grounds to believe that,—

- (a) an offence has been committed, or is suspected on reasonable grounds to have been committed, against the laws of the requesting country and which, if committed in Islamic Republic of Pakistan, constitutes an offence under the laws of Islamic Republic of Pakistan;
- (b) evidence of commission of the offence is likely to be found in any place in Islamic Republic of Pakistan; and
- (c) the person suspected of committing the offence or the witness is likely to be present in Islamic Republic of Pakistan.

(3) An evidence-gathering order,—

- (a) shall provide for the manner in which the statement or testimony is to be taken or the evidence is to be obtained or the person or thing to be identified in order to give proper effect to the request unless prohibited under the laws of Islamic Republic of Pakistan, and, in particular, may require any person named therein to—
 - (i) make a record from data or make a copy of record;
 - (ii) attend court to give evidence on oath; or
 - (iii) produce to the court or to any person, named by the court, anything including any article, record or copy thereof; and

- (b) may include such terms and conditions as the court considers expedient, including those relating to the interests of the person named therein or of the third party.

(4) Where the evidence sought under this Act is a statement or testimony from a witness, an expert or defendant, as the case may be, the court may permit,—

- (a) any person to whom the foreign investigation, prosecution or proceedings relate or that person's legal representative to participate in the proceedings; and
- (b) the legal representative of the country to participate in the proceedings and question the witness.

(5) A person named in an evidence-gathering order may refuse to answer a question or to produce a record or thing where such refusal is based on,—

- (a) a law in force in Islamic Republic of Pakistan ;
- (b) privilege recognized by a law in force in the country that made the request; or
- (c) a law in force in the country that made the request providing that the answering of that question or the production of that record or thing by that person in its own jurisdiction is, or shall be deemed to be, a criminal offence.

(6) Where a person refuses to answer a question or to produce a record or thing under sub-section (5), the court shall refer the matter to the central authority which shall notify the requesting country accordingly and request it to provide a response on whether the person's refusal is well founded under the law of that country.

(7) Any response received by the central authority from the country in response to a request under sub-section (6) shall, notwithstanding anything contained in the Qanoon-e-Shahadat 1984, (P.O. No. 10 of 1984), be admissible in the evidence-gathering proceedings.

(8) The court may issue a warrant for the arrest of a person named in an evidence-gathering order where it is satisfied that the person was personally served with the order and he wilfully did not attend or remain in attendance as required or is about to abscond.

(9) A person arrested in pursuance of warrant issued under sub-section (8) shall be forthwith brought before the court, to ensure compliance with the order made under sub-section (2), and the court may pass order that the person be detained in custody or released with or without production of sureties.

(10) A search warrant,—

- (a) shall be issued in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898);
- (b) shall specify time and date when the court will hear any representation from any person from whom a record or thing is seized pursuant to the warrant, before any order is made to send it to the country; and
- (c) may include such terms and conditions as the court considers desirable including conditions relating to the time or manner of its execution.

(11) The person executing a search warrant, issued under sub-section (2),—

- (a) may seize any property which he believes on reasonable grounds to afford evidence of, or has been obtained for, or used in, or is intended to be used in the commission of a criminal offence; and
- (b) shall, at least three days before the time of the hearing to consider its execution, file in the court a written report concerning the execution of the warrant including a description of the records or things seized.

(12) At the hearing to consider the execution of search warrant, the court, after considering any representation made by the central authority or any person from whom record or thing was seized pursuant to the warrant or any person who claims to have an interest in the record or thing may,—

- (a) order that the record or thing be returned to the person, from whom it was seized or the person lawfully entitled to its possession and the warrant was not executed according to its terms and that it would be in the public interest to return it; or
- (b) order that the record or thing be sent to the country, and include in the order such terms and conditions as the court considers necessary—
 - (i) to give effect to the request from that country; and

- (ii) with respect to the preservation and return to Islamic Republic of Pakistan of any record or thing seized so as to respect the interest of a third party.

(13) No record or thing seized and ordered to be sent to a country shall be sent until the central authority is satisfied that the country has agreed to comply with any terms or conditions imposed in respect of the sending abroad of the record or thing.

10. **Limitation on use of evidence.**—Any evidentiary material provided to a country by Islamic Republic of Pakistan as a result of a request for gathering of evidence under this Act,—

- (a) shall not be used for any other purpose than the investigation, prosecution or judicial proceedings in respect of which the request for assistance was made; and
- (b) shall be inadmissible as evidence in any proceedings other than the proceedings in respect of which it was obtained, unless the central authority has approved its use for those other purposes with the consent of the country or the material has been made public in the normal course of the judicial proceedings for which it was provided.

11. **Foreign requests for assistance from persons serving imprisonment.**—(1) Where the central authority approves a request of a country to have a person serving a term of imprisonment in Islamic Republic of Pakistan, transferred to the requesting country for fixed period to give evidence or assist in an investigation or proceedings in that country relating to an offence committed or suspected on reasonable ground to have been committed against the laws of the requesting country, in respect of conduct which if occurred in Islamic Republic of Pakistan constitutes a criminal offence, the central authority may apply to the court for a transfer order.

(2) The court, to which an application is made under sub-section (1), may make a transfer order where, after having considered among other things any documents filed or information given in support of the application, it is satisfied that the person serving imprisonment has consented to the transfer.

(3) A transfer order, made under sub-section (2),—

- (a) shall set out the name of the person serving imprisonment and his place of confinement;

- (b) shall require the person who has custody of the person to deliver him into the custody of the person who is designated in the order or who is a member of the class of persons so designated;
- (c) shall require the person receiving the person into custody to take him to the requesting country and on return of the person to Islamic Republic of Pakistan, to return him to the place of confinement where he was detained when the order was made, or to such other place of confinement as the central authority subsequently may notify;
- (d) shall specify the reasons for the transfer;
- (e) shall fix the period of time at, or before the expiration of, which the person must be returned to Islamic Republic of Pakistan;
- (f) shall have written undertaking from the requesting country that the person will not be detained, prosecuted, extradited to a third country or punished for any offence against the law of the foreign country that is alleged to have committed, or that was committed, before the persons departure from Islamic Republic of Pakistan;
- (g) shall have written undertaking from the requesting country that the person shall not to be required to give evidence in any proceeding in the foreign country other than in respect of conduct which if occurred in Islamic Republic of Pakistan constitutes a criminal offence, to which the request relates; and
- (h) may include such terms or conditions relating to the protection of the interest of the person as the court considers appropriate.

(4) The time spent in custody by a person pursuant to transfer order shall, so long as such person remains in such custody and is of good behaviour, be deemed to have been spent in service of the sentence.

12. Detention of person in Pakistan in response to request by Pakistan.—(1) The central authority may, by written notice, authorize temporary detention in Islamic Republic of Pakistan of a person in detention in a country who is transferred from that country to Islamic Republic of Pakistan pursuant to a request under clause (g) of section 7, for such period as may be agreed with that country for the purposes of request and return the person in custody to that country.

(2) A person in respect of whom a notice is issued under sub-section (1) shall, so long as the notice is in force,

- (a) be permitted to enter Islamic Republic of Pakistan and remain in Islamic Republic of Pakistan for the purpose of the request and to leave Islamic Republic of Pakistan when no longer required for that purpose; and
 - (b) while in custody in Islamic Republic of Pakistan for the purpose of request, be deemed to be in lawfill custody.
- (3) The central authority may at any time vary notice under sub-section (1), where the country makes a request for release of the person from custody, either immediately or on the specified date, and direct that the person be released from custody accordingly.
- (4) The provisions of this section shall apply, *mutatis mutandis*, in the case of any detained person in transit through Islamic Republic of Pakistan from one foreign country to another pursuant to a request for assistance of the kind referred to in this section.
- (5) Any person in Islamic Republic of Pakistan under this section who is in Islamic Republic of Pakistan in response to a request by the central authority under this Act to give evidence in any proceedings or to give assistance in relation to an investigation, prosecution or the related proceedings, may not be—
- (a) detained, prosecuted or punished for any other criminal offence that occurred prior to his arrival in Islamic Republic of Pakistan; and
 - (b) subjected to judicial process in any other matter before the person's departure from the country pursuant to the request.

13. Foreign request to Islamic Republic of Pakistan for freezing or seizure orders.—(1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country pursuant to section 10 to restrain dealings in any properties, some or all of which are believed on reasonable ground to be located in Islamic Republic of Pakistan, the central authority may apply to the court for a freezing or seizure order.

(2) The court to which an application is made under sub-section (1) may issue a freezing or seizure order, where the court is satisfied that there are reasonable grounds to believe that—

- (a) an offence has been committed, or is suspected on reasonable grounds to have been committed, by a person under the laws of the requesting country which, if committed in Islamic Republic of Pakistan, also constitutes a criminal offence in Islamic Republic of Pakistan;

- (b) an investigation or proceeding have commenced in the country relating to that offence;
- (c) properties derived by the person, by himself or any other person on his behalf, from the commission of the offence are located in Islamic Republic of Pakistan; and
- (d) an order has been made, or is likely to be made in the country having the effect of confiscating such properties.

(3) Where a foreign freezing or seizure order is registered in accordance with this section, a copy of any amendments made in the order of the country, whether before or after registration, may be registered in the same manner as the order was registered, but shall not have effect for the purpose of this Act until they are so registered.

(4) The court shall, on application by the central authority, cancel the registration of a foreign freezing or seizure order, if it appears that the order has ceased to have effect in that country.

(5) Subject to sub-section (6), where the foreign freezing or seizure order is a facsimile of a duly authenticated foreign order, or amendment made in such order, the facsimile shall be regarded for the purpose of this Act as the duly authenticated foreign order.

(6) Registration effected by means of a facsimile shall cease to have effect at the end of a period of fourteen days commencing on the date of registration, unless a duly authenticated original order has been registered by that time.

14. Foreign confiscation order.—(1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country for enforcement of a confiscation order in relation to any property which is believed on reasonable ground to be located in Islamic Republic of Pakistan, the central authority may apply to the court for enforcement of the confiscation order against such property.

(2) The court shall issue adequate notice to all persons appearing to have an interest in the property against which the confiscation order may be executed.

(3) Any person with an interest in the property against which the application for execution of the confiscation order has been filed may, within thirty days of receiving notice under sub-section (2), make an application for an order excluding his interest in the property from execution of the confiscation order.

(4) The court to which an application is made under sub-section (1) may order to enforce the foreign confiscation order, where it is satisfied that there are reasonable grounds to believe that—

- (a) an offence has been committed by a person under the laws of the requesting country which, if committed in Islamic Republic of Pakistan, also constitutes a criminal offence in Islamic Republic of Pakistan;
- (b) the foreign confiscation order has been made in the country in relation to the offence referred to in clause (a);
- (c) the confiscation order is in force in the requesting country and is not subject to appeal;
- (d) the properties specified in the confiscation order are located in Islamic Republic of Pakistan; and
- (e) the person, who is the subject of the confiscation order, did not appear in the proceedings in that country for the following reasons, namely:—
 - (i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or
 - (ii) the person died or absconded before such notice could be given.

(5) The central authority may enter into arrangements with the requesting country for transfer to the central authority the whole or part of any property, proceeds or instrumentalities of crime confiscated in Islamic Republic of Pakistan in response to a request for the enforcement of a confiscation order pursuant to this Act.

15. Request to recover foreign fines.—(1) Where the central authority approves a request from a country to enforce payment of a fine imposed by a court of that country, it shall make an application to the court to enforce payment of the fine in the manner as if the fine has been imposed by a court in Islamic Republic of Pakistan.

Explanation.—For the purpose of this section the expression “fine” shall include any pecuniary penalty determined by a foreign court to represent the value of any property, benefit, advantage, obtained or derived directly or indirectly as a result of the commission of an offence.

(2) The court may pass the order for enforcement of fine, if it is satisfied that—

- (a) the foreign order is in force in that country and is not subject to appeal; and
 - (b) where the person, who is the subject of the foreign order, did not appear in the proceedings in that country for the following reasons, namely:—
 - (i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or
 - (ii) the person died or absconded before such notice could be given.
- (3) No proceedings under sub-section (1) shall be instituted after the expiry of three years from the date when the fine was imposed.

16. Application of specific procedures sought by the requesting country.—(1) A request for assistance shall be executed in accordance with any procedures specified in the request, unless such execution is contrary to the provisions of any law or Constitution of Islamic Republic of Pakistan.

(2) If a country requests a form of assistance not specifically mentioned in this Act but available under the law of Islamic Republic of Pakistan for domestic criminal matters, the assistance sought may be provided to the same extent and under the same conditions as is available to law enforcement authorities of Islamic Republic of Pakistan in a domestic criminal matter.

17. Refusal of request for assistance.—(1) A request for mutual legal assistance to Islamic Republic of Pakistan under this Act may be refused by the central authority if,—

- (a) granting the request is prejudicial to the sovereignty, security, public interest or national interests of Islamic Republic of Pakistan;
- (b) there are reasonable grounds to believe that the request has been made for the purpose of punishing a person by reason of his race, sex, sexual orientation, religion, nationality, ethnic origin, language, colour, age, mental or physical disability or political opinion;
- (c) the provision of assistance is prejudicial to an investigation or on going proceedings in Islamic Republic of Pakistan, the execution of the request for assistance may be postponed until the finalization of the investigation or proceedings;

- (d) the provision of the assistance imposes an excessive burden on the resources of the Federal, Provincial or local authorities of Islamic Republic of Pakistan;
- (e) the authorities of Islamic Republic of Pakistan are prohibited by the domestic law or order of a court from carrying out any action requested with regard to any similar offence, had it been subject to domestic investigation, prosecution or judicial proceedings; or
- (f) it would be contrary to the laws of Islamic Republic of Pakistan.

(2) Notwithstanding contained in sub-section (1) or the provisions of any other law for the time being in force in Islamic Republic of Pakistan, assistance under this Act shall not be refused,—

- (a) on the ground of bank secrecy; or
- (b) on the sole ground that the offence for which assistance is sought is also considered to involve fiscal matters.

18. Non-disclosure of confidential requests for assistance.—(1) Unless otherwise authorized by law, a person who, because of his official capacity or office and being aware of confidential nature of the requests, has knowledge of the,—

- (a) contents of such request made under this Act;
- (b) fact that such a request has been or is about to be made; or
- (c) fact that such a request has been refused,

shall not disclose those contents or those facts except to the extent that the disclosure is necessary to execute the foreign request.

(2) Any person who contravenes the provision of sub-section (I), shall be deemed to have committed an offence and shall on conviction be punished with imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

(3) The court may order the person providing a statement or testimony, or the custodian of evidence or information being provided under this Act, to keep confidential the fact of having such statement or testimony or having produced such evidence or information. The failure in this respect is liable to a sentence which on

conviction may entail imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

19. Expedited preservation and disclosure of information system.—

(1) upon request by a country setting forth,—

- (a) the need for specified electronic data to be preserved;
- (b) the urgency of preserving it;
- (c) sufficient information to locate the electronic data; and
- (d) a statement that a request for production of the data will follow,

the central authority may issue an order to any person in Islamic Republic of Pakistan to preserve and safeguard such data.

(2) The order under sub-section (1) shall lapse if the request for production is not received within sixty days of the request for preservation.

(3) Where in the course of execution of a request under sub-section (1) to preserve computer data concerning a specific communication, the central authority discovers that a service provider in another country was involved in the transmission of the communication, the central authority shall have power to disclose to the requesting country, prior to receipt of the request for production, sufficient amount of the computer data to identify that service provider and the path through which the communication was transmitted.

20. Production, search and seizure of information system.—(1) Upon request of a country, the central authority may make an application to the court to issue an order for the production of,—

- (a) specified electronic data in the possession or control of a person which is stored in a computer system; and
- (b) electronic data in the possession or control of service provider, where such data or in information is relevant to the criminal matter in the requesting country.

(2) The court may issue a search warrant or order authorizing a person designated by it to search or otherwise access any computer system or part thereof in which computer data may be stored.

(3) The search warrant or order issued pursuant to sub-section (I) may authorize the designated person, where necessary, to—

- (a) Seize or otherwise secure a information system or part thereof;
- (b) make and retain a copy of the electronic data;
- (c) maintain the integrity of the relevant electronic data; and
- (d) render inaccessible or remove the electronic data in the accessed information system.

21. **Costs.**—The execution or a request for mutual legal assistance in Islamic Republic of Pakistan shall be conducted without charge to the requesting country, except for—

- (a) costs incurred by the attendance of expects in the territory of Islamic Republic or Pakistan; or
- (b) posts incurred by the transfer of a person in custody; or
- (c) any costs of substantial or extraordinary nature.

(2) The costs of establishing a video or audio or telephone link, costs related to the servicing or a video or telephone link in Islamic, Republic of Pakistan, the remuneration or interpreters provided by it and allowances to witnesses and their travelling shall be borne by that country.

22. **Suspension of time pending execution of a request for assistance.**—Notwithstanding anything contained in any other law for the time being in force, the law of limitation or other time limit on bringing prosecution or enforcing a sentence in relation to a person or property shall be suspended of time pending execution of a mutual assistance request made by Islamic Republic of Pakistan to a country.

23. **Indemnity.**—No suit, prosecution or other legal proceeding shall lie against the Federal Government, Central authority or any other officer or person exercising any power or performing any functions under this Act or rules made thereunder for anything done or intended to be done in good faith,

24. **Power to make rules.**—The Federal Government may, be notification in the official Gazette, make rules for carrying out the purposes of this Act.

25. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

26. **Savings.**—(A) The provisions of this Act shall be in addition to and not in derogation of any of the provision relating to mutual legal assistance in criminal matters contained in any other law for the time being in force, including the Custom Act, 1969 (IV of 1969), the Extradition Act, 1972 (X of 1972), the securities Exchange Commission of Islamic Republic of Pakistan Act, 1997 (XVII of 1997), the National Accountability Ordinance 1999 (XVIII of 1999), the Transfer or offenders Ordinance 2002 (XXXVII of 2002), the Anti-money Laundering Act, 2010 (VII of 2010) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016).

26(b) Notwithstanding anything contained hereinabove, the procedure of International Co-operation Requests for mutual legal assistance in relation to the matters falling under the National Accountability Ordinance, 1999 and the United Nations Convention Against Corruption (UNCAC), shall be pursued directly, as a recipient or requesting agency, by the National Accountability Bureau.

STATEMENT OF OBJECTS AND REASONS

MUTUAL LEGAL ASSISTANCE (CRIMINAL MATTERS) ACT, 2019.

Increase in transnational organized crime has made it imperative for the international community including Islamic Republic of Pakistan to improve effectiveness of legal instruments. Lack of uniformity in law and weak coordination mechanisms between countries affect combating of crime across borders. In order to overcome these challenges legal cover is essentially required.

2. International cooperation in criminal matters through mutual legal assistance is intended to bridge existing gaps in respective countries towards effective law enforcement. The requested state will provide legal support to the requesting state by executing necessary actions on its territory in criminal cases warranting shared assistance.

MR. IJAZ AHMAD SHAH,
Minister for Interior.

**REPORT OF THE STANDING COMMITTEE ON FINANCE,
REVENUE AND ECONOMIC AFFAIRS ON THE BANKS
(NATIONALIZATION) (AMENDMENT) BILL. 2019**

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs have the honor to present this report on the Bill further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974) [The Banks (Nationalization) (Amendment) Bill, 2019] [Government Bill] referred to the Committee on 13th September, 2019.

2. The Committee comprises the following:

(1).	Mr. Asad Umar	Chairman
(2).	Mr. Jawad Hussain	Member
(3).	Mr. Raza Nasrullah	Member
(4).	Mr. Faiz Ullah	Member
(5).	Makhdoom Syed Sami-ul-Hassan Gillani	Member
(6).	Sardar Nasrullah Khan Dreshak	Member
(7).	Mr. Jamil Ahmed Khan	Member
(8).	Mr. Faheem Khan	Member
(9).	Mr. Aftab Hussain Siddique	Member
(10).	Dr. Ramesh Kumar Vankwani	Member
(11).	Mr. Muhammad Israr Tareen	Member
(12).	Mr. Ahsan Iqbal Chaudhary	Member
(13).	Mr. Qaiser Ahmed Sheikh	Member
(14).	Chaudhary Khalid Javed	Member
(15).	Mr. Ali Pervaiz	Member
(16).	Dr. Aisha Ghaus Pasha	Member
(17).	Ms. Nafisa Shah	Member
(18).	Syed Naveed Qamar	Member
(19).	Ms. Hina Rabbani Khar	Member
(20).	Mr. Abdul Wasay	Member
(21).	Minister In-charge	<i>Ex-officio</i> Member

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annexure-‘A’**, in its meeting held on 3rd October, 2019 and recommends that the Bill may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary

Islamabad, the 29th October, 2019

Sd/-
(ASAD UMAR)
Chairman

*Standing Committee on Finance,
Revenue and Economic Affairs*

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Banks (Nationalization) Act, 1974

WHEREAS it is expedient further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Banks (Nationalization) (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 11A, Act XIX of 1974.**—In the Banks (Nationalization) Act, 1974 (XIX of 1974), in section 11A, clauses (iii), (v) and (vi) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Regulatory supervision of all non-banking institutions including National Investment Trust Limited (NITL) has been brought under the regulatory purview of the Securities & Exchange Commission of Pakistan. It is therefore necessary to exclude NITL from purview of the Banks (Nationalization) Act, 1974. Further, Small Business Finance Corporation (SBFC) and Regional Development Finance Corporation (RDFC) were merged and SME Bank Limited was formed, therefore, exclusion of names of SBFC and RDFC from section 11-A is also proposed.

MINISTER IN-CHARGE

**REPORT OF THE STANDING COMMITTEE ON FEDERAL
EDUCATION, PROFESSIONAL TRAINING, NATIONAL HISTORY
AND LITERARY HERITAGE ON THE UNIVERSITY OF ISLAMABAD
BILL, 2019.**

I, the Chairman of Standing Committee on Federal Education, Professional Training, National History and Literary Heritage, have the honor to present this

report on The University of Islamabad Bill, 2019 (Government Bill) [The University of Islamabad Act, 2019], referred to the Committee on 9th May, 2019.

2. The Committee comprises the following:—

(1)	Mian Najeeb ud Din Awaisi	Chairman
(2)	Mr. Ali Nawaz Awan	Member
(3)	Mr. Sadaqat Ali Khan	Member
(4)	Mr. Umar Aslam Khan	Member
(5)	Mr. Muhammad Farooq Azam Malik	Member
(6)	Ms. Nafeesa Inayatullah Khan Khattak	Member
(7)	Ms. Andleeb Abbas	Member
(8)	Ms. Javairia Zafar Aheer	Member
(9)	Ms. Ghazala Saifi	Member
(10)	Ms. Asma Hadeed	Member
(11)	Ms. Tashfeen Safdar	Member
(12)	Mrs. Farukh Khan	Member
(13)	Ms. Mehnaz Akber Aziz	Member
(14)	Ch. Muhammad Hamid Hameed	Member
(15)	Ms. Musarat Asif Khawaja	Member
(16)	Ms. Kiran Imran Dar	Member
(17)	Mr. Abid Hussain Bhayo	Member
(18)	Ms. Mussarat Rafiq Mahesar	Member
(19)	Dr. Shazia Sobia Aslam Soomro	Member
(20)	Mr. Asmatullah	Member
(21)	Mr. Shafqat Mahmood	<i>Ex-Officio</i> Member
	Minister for Federal Education, Professional Training, National History and Literary Heritage	

3. The Committee considered the Bill, as introduced in the National Assembly, placed at Annex-A, in its meetings held on 20th May, 03rd July, 26th September and 3rd October, 2019. The Committee recommends that the Bill placed at Annex-A may be passed by the National Assembly.

Sd/-
(Tahir Hussain)
Secretary
Islamabad the 8th November, 2019

Sd/-
(Mian Najeeb ud Din Awaisi)
Chairman

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for establishment of the University of Islamabad

WHEREAS it is expedient to provide for establishment of the University of Islamabad, Islamabad and for the matters connected therewith and ancillary thereto; It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title and commencement.**—(1) This Act may be called the University of Islamabad Act, 2019.

(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 or set up in terms of section 16;
- (c) “Board of Governors” means the Board of Governors of the University;
- (d) “Chancellor” means the Chancellor of the University;
- (e) “Controller Examinations” means controller of examinations of the University;
- (f) “Commission” means the Higher Education Commission set up by the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (g) “Constituent College” means an educational institution, by whatever name described, maintained and administered by the University within the jurisdiction of its Principal seat;

- (h) “Dean” means the head of a Faculty or the head of an academic body granted the status of a Faculty by this Act or by the Statutes or Regulations;
- (i) “Department” means a teaching department maintained and administered, or recognized by the University in the manner prescribed;
- (j) “Director” means the head of an institute established as a constituent institution by the University by Statutes or Regulations in terms of the powers delegated by this Act;
- (k) “Executive Committee” means the Executive Committee of the University;
- (l) “Faculty” means an administrative and academic unit of the University consisting of one or more departments, as prescribed;
- (m) “Foundation” means Foundation for the Advancement of Innovation, Research and Education (FAIRE);
- (n) “Government” means the Federal Government;
- (o) “Patron” means the Patron of the University;
- (p) “Prescribed” means prescribed by Statutes, Regulations or Rules made under this Act;
- (q) “Principal” means the head of a College;
- (r) “Registrar” means the Registrar of the University;
- (s) “Representation Committees” means the Representation Committees constituted under section 24;
- (t) “Review Panel” means the Review Panel set up by the Chancellor in accordance with the provisions of section 9; .
- (u) “Search Committee” means the Search Committee set up by the Board of Governors under section 12;
- (v) “Statutes”, “Regulations” and “Rules” mean respectively the Statutes, the Regulations and the Rules made under this Act and for the time being in force;

- (w) “Treasurer “ means treasurer of the University;
- (x) “Teachers” include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole-time by the University or by a constituent college and such other persons as may be declared to be teachers by Regulations;
- (y) “University” means the University of Islamabad, Islamabad;
- (z) “University Teacher” means a whole-time teacher appointed and paid by the University, or recognized by the University as such; and
- (aa) “Vice-Chancellor” means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

3. **Establishment and Incorporation of the University.**—(1) There shall be established a University to be called “The University of Islamabad” in accordance with the provisions of this Act with the principal seat at Islamabad.

- (2) The University shall consist of the following, namely:—
 - (a) the Patron, the Chancellor, the members of the Board of Governors and the Vice Chancellor;
 - (b) the members of the authorities of the University established under section 16; and
 - (c) all University teachers, employees and persons recognized as students of the University in accordance with terms prescribed from time to time; and all full-time officers and members of the staff of the University.

(3) The University shall be a body corporate by the name of the University of Islamabad and shall have perpetual succession and a common seal, and may sue and be sued by the said name.

(4) The principal seat of the University shall be at Islamabad and it may set up its campuses, colleges, institutes, offices, research or study centers and other facilities at such places in Pakistan as well as abroad as the Board of Governors may determine. However additional campuses shall be set up in other parts of country/

abroad only after their evaluation by the Higher Education Commission to determine whether they meet the eligibility criteria fixed by the Commission.

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

(6) Notwithstanding anything contained in any other law for the time being in force, the University 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, subject to the provisions of this Act. In particular, and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board of Governors in the annual budget of the University.

4. **Powers and Purposes of the University.**—The University shall have the following powers, namely:—

- i. to provide for education and scholarship in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine in accordance with the guidelines of the Professional Accreditation Councils;
- ii. to prescribe courses of studies to be conducted by it and its constituent colleges;
- iii. to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
- iv. to prescribe the terms and conditions of employment of the officers, teachers and other employees of the University and to lay down terms and conditions that may be different from those applicable to government servants in general;
- v. to engage, where necessary, persons on contracts of specified duration and to specify the terms of each engagement;
- vi. to confer honorary degrees or other distinctions on approved persons in the manner prescribed;

- vii. to provide for such instruction for persons not being students of the University as it may prescribe, and to grant certificates and diplomas to such persons;
- viii. to institute programmes for the exchange of students and teachers between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan in keeping with the guidelines of the professional accreditation councils;
- ix. to provide career counseling and job search services to students and alumni;
- x. to maintain linkages with alumni;
- xi. to develop and implement fund-raising plans;
- xii. to provide and support the academic development of the faculty of the University;
- xiii. to confer degrees on persons who have carried on independent research under prescribed conditions;
- xiv. to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
- xv. to co—operate with other Universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;
- xvi. to institute Professorships, Associate Professorships, Assistant Professorships and Lectureships and any other posts and to appoint persons thereto;
- xvii. to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- xviii. to recognize selected members of the teaching staff of constituent colleges or educational institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;

- xix. to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- xx. to institute academic as well as professional degree programmes allowing intake of international students including children/wards of overseas Pakistanis as much as possible;
- xxi. to establish teaching departments, schools, colleges, faculties, institutes, museums and other centres of learning for the development of teaching and research in University campuses and to make such arrangements for their maintenance, management and administration as it may prescribe;
- xxii. to provide for the residence of the students of the University and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;
- xxiii. to maintain order, discipline and security on the campuses of the University and the colleges;
- xxiv. to promote the extracurricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;
- xxv. to demand and receive such fees and other charges as it may determine;
- xxvi. to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- xxvii. to enter into, carry out, vary or cancel contracts;
- xxviii. to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- xxix. to provide for the printing and publication of research and other works;
and

- xxx. to 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 University. as a place of education, learning, and research.

5. **University open to all classes, creeds, etc.**—(1) The University 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 University on the grounds of religion, race, caste, creed, class, colour or domicile.

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

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

Provided that the University may institute self-finance schemes not covering more than ten percent of the total number of candidates in any on-campus taught course or research-based programme of study.

6. **Teaching at the University.**—(1) All recognized teaching in various courses shall be conducted by the University or the 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 and other governmental or private organizations.

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

CHAPTER III

PRINCIPAL OFFICERS OF THE UNIVERSITY

7. **Principal Officers.**—The following shall be the principal officers of the University, namely:

- a. the Patron;
- b. the Chancellor;

- c. the Vice-chancellor;
- d. the Registrar;
- e. the Deans;
- f. the Principals of the constituent colleges;
- g. the Chairpersons of the teaching departments;
- h. the Treasurer;
- i. the Controller of Examinations; *and*
- j. such other persons as may be prescribed by the Statutes or Regulations to be the principal officers of the University.

8. **Patron.**—(1) The Minister for Education shall be the Patron of the University.

(2) The Patron, or in his absence, the Chancellor shall preside at the convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to confirmation by the Patron. However the honorary degree shall be offered only in the faculties available with the University.

(4) The Patron shall have the powers to cause a visitation to be made on the request of the Higher Education Commission (HEC) in respect of any matter concerned with the affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of the University.

9. **Chancellor.**—(1) The Chancellor of the University shall be nominated by the Board of Directors of Foundation for the Advancement of Innovation, Research and Education (FAIRE) for a renewable period of five years through a resolution passed with two third majority. However, the term of the office of the Chancellor may be reduced through a joint resolution of Directors of the Foundation depending on such reasons as availability, health conditions, resignation etc.

(2) The Chancellor shall, when present, preside at the meetings of the Board of Governors of the University.

(3) The members of the Board of Governors as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by

the Representation Committee set up for this purpose or the Search Committee established in accordance with the Act and the Statutes, as the case may be, along with those elected.

(4) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may,—

- (a) as regards proceedings of the Board of Governors, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued:

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

- (b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Board of Governors, direct the Board of Governors to exercise powers under section 20.

10. **Removal from the Board of Governors.**—(1) The Chancellor may, upon the recommendation of the Review Panel, remove any person from the membership of the Board of Governors on the ground that such person has,—

- (a) become of unsound mind; or
- (b) become incapacitated to function as member of the Board of Governors; or
- (c) been convicted by a court of law for an offence involving moral turpitude; or
- (d) absented himself from two consecutive meetings 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 functions.

(2) The Chancellor shall remove any person from the membership of the Board of Governors on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Board of Governors:

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

Provided further that the provisions of this section shall not be applicable to the Vice-Chancellor in his capacity as a member of the Board of Governors.

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

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

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

(4) The Vice-Chancellor may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the Vice-Chancellor, take such action and forward, within seventy-two hours, a report of the action taken to the Chancellor. The Chancellor may direct such further action as is considered appropriate.

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

- (a) direct teachers, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University as he may consider necessary for the purposes of the University;

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

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

(7) The Vice-Chancellor shall present an annual report before the Board of Governors within three months of the close of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to,

- (a) academics;
- (b) research;
- (c) administration; *and*
- (d) finances

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

12. Appointment and Removal of the Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Chancellor on the basis of recommendations made by the Board of Governors.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Board of Governors on the date and in the manner prescribed by the Statutes and shall consist of one eminent member of society nominated by the Chancellor, who shall be appointed the Convener, two members of the Board of Governors and one academic of eminence not employed by the University. The Search Committee shall remain in existence till such time that the appointment of the next Vice-Chancellor has been made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-Chancellor shall be considered by the Board of Governors and of these a panel of three, in order of priority, shall be recommended by the Board of Governors to the Chancellor:

Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor the Search Committee shall make a proposal to the Board of Governors in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by Statutes. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Board of Governors in support of such renewal:

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

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

Provided that the Chancellor may make a reference to the Board of Governors stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Board of Governors may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further that prior to a resolution for the removal of the Vice-Chancellor being voted upon the Vice-Chancellor shall be given an opportunity of being heard.

(6) A resolution recommending the removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Board of Governors.

(7) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Chancellor shall make such arrangements for the performance of the duties of the Vice-Chancellor as it may deem fit.

13. **Registrar.**—(1) There shall be a Registrar of the University to be appointed by the Chancellor on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

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

- (a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the Authorities of the University;
- (b) be the custodian of the common seal and the academic records of the University;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; *and*
- (e) perform such other duties as may be prescribed.

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

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

14. **Treasurer.**—(1) There shall be a Treasurer of the University to be appointed by the Board of Governors on the recommendation of the Vice Chancellor, on such terms and conditions as may be prescribed.

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

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

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare the annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board of Governors;
- (c) ensure that the funds of the University are expended on the purposes for which they are provided;
- (d) have the accounts of the University audited annually so as to be available for submission to the Board of Governors within six months of the close of the financial year, and
- (e) perform such other duties as may be prescribed.

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

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

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

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

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

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

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

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

16. **Authorities.**—(1) The following shall be the Authorities of the University, namely:—

- (a) Sponsor:—
 - (i) Foundation for the Advancement of Innovation, Research and Education (FAIRE) shall be the sponsor of the University; and
 - (ii) It would endeavor to ensure that purposes of the University are achieved as laid down in this Act through Chancellor and Board of Governors of the University;
- (b) Authorities established by the Act,—
 - (i) the Board of Governors;
 - (ii) the Executive Committee; *and*
 - (iii) the Academic Council;
- (c) Authorities to be established by the Statutes,—
 - (i) Graduate and Research Management Council;
 - (ii) Recruitment, Development, Evaluation and Promotion committees for teachers and other staff whether at the level of the department, the Faculty or the University;
 - (iii) Career Placement and Internship Committee of each Faculty;
 - (iv) Search Committee for the appointment of the Vice-Chancellor;
 - (v) the Representation Committees for appointment to the Board of Governors, Executive Committee and the Academic Council;

(vi) Faculty Council; *and*

(vii) Departmental Council.

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

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

- (a) the Chancellor who shall be the Chairperson of the Board of Governors;
- (b) the Vice-Chancellor;
- (c) one member of the Government not below the rank of Joint Educational Advisor/Joint Secretary from the Ministry concerned;
- (d) two persons nominated by the Chairman of the Foundation;
- (e) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering such that the appointment of these persons reflects a balance across the various fields:

Provided that the special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Board of Governors;

- (f) one person from amongst the alumni of the University;
- (g) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college;
- (h) two University Teachers; *and*
- (i) one person nominated by the Commission.

(j) Registrar who shall also act as the secretary of the Board of Governors.

(2) The number of the members of the Board of Governors described against clauses (f) to (i) of sub-section (1) may be increased by the Board of Governors through Statutes subject to condition that the total membership of the Board of Governors does not exceed twenty one, with a maximum of five University Teachers, and the increase is balanced, to the extent possible, across the different categories specified in sub-section (1).

(3) All appointments to the Board of Governors shall be made by the Chancellor. Appointments of persons described in clauses (f) to (g) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Representation Committee set up in terms of section 24 and in accordance with procedure as may be prescribed:

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

Provided that as regards the University Teachers described in clause (h) of sub-section (1) the Board of Governors shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of University Teachers:

Provided further that the Board of Governors may alternatively prescribe that appointment of University Teachers to the Board of Governors shall also be in the manner provided by this sub-section for the persons described in clauses (f) to (g) of sub-section (1).

(4) Members of the Board of Governors, other than *ex officio* members, shall hold office for three years. One-third of the members, other than *ex officio* members, of the first Board of Governors, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex officio* members, of the first Board of Governors, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than *ex officio* members, shall retire from office on the expiration of the third year:

Provided that no person, other than an *ex officio* member, may serve on the Board of Governors for more than two consecutive terms:

Provided further that the University Teachers appointed to the Board of Governors may not serve for two consecutive terms.

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

(6) Service on the Board of Governors shall be on honorary basis:

Provided that actual expenses may be reimbursed as prescribed.

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

(8) Unless otherwise prescribed by this Act, all decisions of the Board of Governors shall be taken on the basis of the opinion of a majority of the members present. In the event of the members being evenly divided on any matter the person presiding over the meeting shall have a casting vote.

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

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

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

- (a) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (b) to hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee the quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;
- (d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;

- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University;
- (f) to approve strategic plans;
- (g) to approve financial resource development plans of the University;
- (h) to consider the drafts of Statutes and Regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 26, 27 and 28, as the case may be:

Provided that the Board of Governors may frame a Statute or Regulation on its own initiative and approve it after calling for the advice of the Executive Committee or the Academic Council as the case may be;

- (i) to annul by order in writing the proceedings of any Authority or officer if the Board of Governors is satisfied that such proceedings are not in accordance with the provisions of the Act, Statutes or Regulations after calling upon such Authority or officer to show cause why such proceedings should not be annulled;
- (j) to recommend to the Chancellor removal of any member of the Board of Governors in accordance with the provisions of the Act;
- (k) to make appointment of members of the Executive Committee, other than *ex officio* members, in accordance with the provisions of the Act;
- (l) to make appointment of members of the Academic Council, other than *ex officio* members, in accordance with the provisions of the Act;
- (m) to appoint Emeritus Professors on such terms and conditions as may be prescribed;
- (n) to remove any person from the membership of any Authority if such person.—
 - (i) has become of unsound mind; or

- (ii) has become incapacitated to function as member of such Authority; or
- (iii) has been convicted by a court of law for an offence involving moral turpitude; *and*
- (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

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

19. **Visitation.**—The Board of Governors may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the University.

20. **Executive Committee.**—(1) There shall be an Executive Committee of the University consisting of the following, namely:—

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Registrar;
- (c) the Deans of the Faculties of the University;
- (d) two Professors from different departments, who are not members of the Board of Governors, to be elected by the University Teachers in accordance with procedure to be prescribed by the Board of Governors;
- (e) two Principals/Directors of the constituent colleges/institutes; , who are not members of the Board of Governors, to be elected in accordance with procedure to be prescribed by the Board of Governors;
- (f) the Treasurer;
- (g) the Controller of Examinations;
- (h) the Director Academics/Quality Enhancement Cell (QEC).

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

(3) As regards the two professors described in clause (d) of sub-section (1) the Board of Governors may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 24. Appointment of persons proposed by the Representation Committee may be made by the Board of Governors on the recommendation of the Vice-Chancellor.

(4) 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.

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

21. Powers and duties of the Executive Committee.—(1) The Executive Committee shall be the executive body of the University and shall, subject to the provisions of the Act and Statutes, exercise general supervision over the affairs and management of the University.

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

- (a) to consider the annual report, the annual and revised budget estimates and to submit these to the Board of Governors;
- (b) to transfer and accept transfer of movable property on behalf of the University;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) to invest any money belonging to the University including any unapplied income in any of the securities, or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;

- (f) to receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the University;
- (g) to administer any funds placed at the disposal of the University for specified purposes;
- (h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (i) to establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;
- (j) to recommend to the Board of Governors admission of educational institutions to the privileges of the University and withdraw such privileges;
- (k) to arrange for the inspection of colleges and the departments;
- (l) to institute Professorships, Associate Professorships. Assistant Professorships, Lectureships, and other teaching posts or to suspend or to abolish such posts;
- (m) to create, suspend or abolish such administrative or other posts as may be necessary;
- (n) to prescribe the duties of officers, teachers and other employees of the University;
- (o) to report to the Board of Governors on matters with respect to which it has been asked to report;
- (p) to appoint members to various Authorities in accordance with the provisions of the Act;
- (q) to propose drafts of Statutes for submission to the Board of Governors;
- (r) to regulate the conduct and discipline of the students of the University;
- (s) to take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary;

- (t) to delegate any of its powers to any Authority or officer or a committee;
and
- (u) to perform such other functions as have been assigned to it by the provisions of the Act or may be assigned to it by the Statutes/Regulations.

22. **Academic Council.**—(1) There shall be an Academic Council of the University consisting of the following, namely:—

- (a) the Vice Chancellor who shall be its Chairperson;
- (b) the Registrar;
- (c) the Deans of Faculties and such Heads of departments as may be prescribed;
- (d) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Board of Governors;
- (e) two Principals or Directors of affiliated colleges or institutes;
- (f) five Professors including Emeritus Professors;
- (g) the Controller of Examinations;
- (h) the Director Academics;
- (i) the Director QEC; and
- (j) the Librarian.

(2) Board of Governors shall appoint the members of the Academic Council, other than the *ex-officio* and the elected members, on the recommendation of the Vice-Chancellor:

Provided that as regards the five professors and the member's representing the departments, institutes and the constituent colleges the Board of Governors may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 24. Appointment of persons proposed by the Representation Committee may be made by the Board of Governors on the recommendation of the Vice-Chancellor.

(3) Members of the Academic Council other than *ex-officio* shall hold office for three years.

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

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

23. Powers and functions of the Academic Council.—(1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Act and the Statutes, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University and the colleges.

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

- (a) approve the policies and procedures pertaining to the quality of academic programmes;
- (b) approve academic programmes;
- (c) approve the policies and procedures pertaining to student related functions including admissions, expulsions, punishments, examinations and certification;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) propose to the Executive Committee schemes for the constitution and organization of Faculties, teaching departments and boards of studies;
- (f) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (g) institute programmes for the continued professional development of University Teachers at all levels;
- (h) recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University;
- (i) regulate the award of studentships, scholarships, exhibitions, medals and prizes;

- (j) frame Regulations for submission to the Board of Governors;
- (k) prepare an annual report on the academic performance of the University; and
- (l) perform such functions as may be prescribed by Regulations.

24. **Representation Committees.**—(1) There shall be a Representation Committee constituted by the Board of Governors through Statutes for recommendation of persons for appointment as members of the Board of Governors in accordance with the provisions of section 17.

(2) There shall also be a Representation Committee constituted by the Board of Governors through Statutes for the recommendation of persons for appointment as members of the Executive Committee and the Academic Council in accordance with the provisions of sections 20 and 22.

(3) Members of the Representation Committee for appointments to the Board of Governors shall consist of the following, namely:—

- (a) three members of the Board of Governors who are not University Teachers;
- (b) two persons nominated by the University Teachers from amongst themselves in the manner prescribed;
- (c) one person from the academic community, not employed by the University, at the level of professor or college principal to be nominated by the University Teachers in the manner prescribed; and
- (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Board of Governors.

(4) The Representation Committee for appointments to the Executive Committee and the Academic Council shall consist of the following, namely:—

- (a) two members of the Board of Governors who are not University Teachers; and
- (b) three persons nominated by the University Teachers from amongst themselves in the manner prescribed.

(5) The tenure of the Representation Committees shall be three years:

Provided that no member shall serve for more than two consecutive terms.

(6) The procedures of the Representation Committees shall be as may be prescribed.

(7) There may also be such other Representation Committees set up by any of the other Authorities of the University as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the University.

25. Appointment of Committees by certain Authorities.—(1) The Board of Governors, the Executive Committee, the Academic Council and other Authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the Authorities appointing the Committees.

(2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by Statutes or Regulations.

CHAPTER V

STATUTES, REGULATIONS AND RULES

26. Statutes.—(1) Subject to the provision of the Act, Statutes, may be made to regulate or prescribe all or any of the following, namely:—

- (a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Board of Governors shall be prepared;
- (b) the University fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other University employees;
- (e) the maintenance of the register of registered graduates;

- (f) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (g) the establishment of Faculties, departments, institutes, colleges and other academic divisions;
- (h) the powers and duties of officers and teachers;
- (i) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (j) conditions for appointment of Emeritus Professors and award of honorary degrees;
- (k) efficiency and discipline of University employees;
- (l) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;
- (m) the constitution and procedure to be followed by the Search Committee for appointment of the Vice Chancellor;
- (n) constitution, functions and powers of the Authorities of the University;
and
- (o) all other matters which by this Act are to be or may be prescribed or regulated by Statutes.

(2) The draft of Statutes shall be proposed by the Executive Committee to the Board of Governors which may approve or pass with such modifications as the Board of Governors may think fit or may refer back to the Executive Committee, as the case may be, for reconsideration of the proposed draft:

Provided that Statutes concerning any of the matters mentioned in clauses (a) and (l) of sub-section (1) shall be initiated and approved by the Board of Governors, after seeking the views of the Executive Committee:

Provided further that the Board of Governors may initiate a Statute with respect to any matter in its power or with respect to which a Statute may be framed in terms of the Act and approve such Statute after seeking the views of the Executive Committee.

27. **Regulations.**—(1) Subject to the provisions of the Act and the Statutes, the Academic Council may make Regulations, for all or any of the following matters, namely:—

- (a) the courses of study for degrees, diplomas and certificates of the University;
- (b) the manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) the admission and expulsion of students to and from the University;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the University and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) the use of the Library;
- (i) the formation of Faculties, departments and board of studies; *and*
- (j) all other matters which by the Act or the Statutes are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board of Governors which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A Regulation proposed by the Academic Council shall not be ‘effective unless it receives the approval of the Board of Governors.

(3) Regulations regarding or incidental to matters contained in sub-clauses (g) and (i) shall not be submitted to the Board of Governors without the prior approval of the Executive Committee.

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

29. **Rules.**—(1) The Authorities and the other bodies of the University may make Rules, to be published in the official Gazette, consistent with the Act, Statutes or the Regulations, to regulate any matter relating to the affairs of the University which has not been ‘provided for by the Act or that is not required to be regulated by Statutes or Regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Executive Committee.

CHAPTER VI

UNIVERSITY FUND

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

31. **Audits and Accounts.**—(1) The Accounts of the University shall be maintained in such form and in such manner as May be prescribed.

(2) All funds generated by a teaching department, constituent college or other unit of the University through consultancy, research or other provision of service shall be made available without prejudice to the budgetary allocation otherwise made, after deduction of overheads in the manner and to the extent prescribed by Statute, to the teaching department, constituent college or other unit for its development. A part of the funds so generated may be shared with the University Teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by Statutes.

(3) No expenditure shall be made from the funds of the University, unless a bill for its payments has been issued in accordance with the relevant financial regulations and the Treasurer has verified that the payment is provided for in the approved budget.

(4) Provision for an internal audit of the finances of the University shall be made and prescribed in the Statutes.

(5) The annual audited statement of accounts of the University shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) by a reputed firm of chartered accountants and signed by the Treasurer.

(6) The observations of the Auditor, if any, together with such annotations as the Treasurer may make, shall be considered by the Executive Committee and shall be placed before the Board of Governors within six months of closing of the financial year.

CHAPTER VII

GENERAL PROVISIONS

32. **Opportunity to show cause.**—Except as otherwise provided by law no officer, teacher or other employee of the University holding a permanent post shall be reduced in rank, or removed or compulsorily retired from service for cause arising out of any act or omission on the part of the person concerned unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

33. **Appeal to the Executive Committee and the Board of Governors.**—Where an order is passed punishing any officer (other than the Vice-Chancellor), teacher or other employee of the University or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by any officer or teacher of the University other than the Vice-Chancellor, have the right to appeal to the Executive Committee against the order, and where the order is passed by the Vice-Chancellor, have the right to appeal to the Board of Governors.

34. **Service of the University.**—(1) All persons employed by the University in accordance with the terms and conditions of service prescribed by relevant statutes shall be persons in the service of University.

(2) An officer, teacher or other employee of the University shall retire from service on the attainment of such age or tenure of service as may be prescribed in the statutes in accordance with the provisions of employment contract prescribed.

(3) No adverse change shall be made in the terms and conditions of employment of any University employee in the employment of the University on the date of enforcement of the Act.

35. **Benefits and Insurance.**—(1) The University shall constitute for the benefit of its officers, teachers and other employees schemes, as may be prescribed, for the provision of post-employment benefits as well as health and life insurance while in service.

(2) Where any provident fund or gratuity scheme has been constituted under this Act, its governing rules shall be approved by the Board of Governors.

36. Commencement of term of office of members of Authority.—

(1) When a member of a newly constituted Authority is elected, appointed or nominated, his term of office, as fixed under this Act, shall commence from the date of his/her appointment by the competent authority which will also be notified accordingly.

(2) Where a member who has accepted any other assignment or for any other similar reason remains absent from the University for a period of not less than six months, provided that the reasons for his absence were not beyond his control, he shall be deemed to have resigned and vacated his seat.

(3) A member of an Authority may resign from his membership by applying to the Chairperson of the authority. His seat shall fall vacant from the date his resignation is accepted by the competent authority i.e the appointing authority.

37. Filling of casual vacancies in Authorities.—Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently may be, in the same manner and by the same person or Authority that had appointed the member whose place has become vacant and the person appointed to the vacancy shall be a member of such authority for the residue of the term for which the person whose place he fills would have been a member.

38. Flaws in the constitution of Authorities.—Where there is a flaw in the constitution of an Authority, as constituted by this Act, the Statutes or the Regulations on account of the abolition of a specified office or because an organization, institution or other body outside the University has been dissolved or has ceased to function, or because of some other similar reason, such flaw shall be removed in such manner as the Board of Governors may direct.

39. Proceedings of Authorities not invalidated by the vacancies.—No act, resolution or decision of any Authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

40. First Statutes and Regulations.—Notwithstanding anything to the contrary contained in the Act, the Board of Governors shall promulgate the First Statutes and Regulations which shall be deemed to be Statutes and Regulations framed under section 26 and 27 and shall continue to remain in force until amended or replaced or till such time as new Statutes and Regulations are framed in accordance with the provisions of the Act.

41. **Transitory Provisions.**—(1) Notwithstanding the provision of this Act, as regards the University set up on the commencement of this Act, the members of the first Board of Governors, except the University teachers, shall be appointed by the chancellor in accordance with the numbers and criteria for membership provided under this Act. The first Board of Governors so constituted shall initiate, as soon as possible, the process for the recruitment of University Teachers and appointment of the members of the Executive Committee and the Academic Council in accordance with the requirement of this Act.

(2) Notwithstanding the provisions of this Act, the first Vice Chancellor shall be appointed by the Chancellor.

42. **Management of Existing Colleges or Institutes.**—On the commencement of this Act, colleges/ institutes established by the Foundation for the Advancement of Innovation, Research and Education (FAIRE) shall become constituent institutions of the University of Islamabad (UOI) and their earlier affiliation if any with any other University shall cease accordingly.

43. **Removal of difficulties.**—(1) If any question arises as to the interpretation of any of the provisions of the Act, it shall be placed before the Chancellor whose decision thereon shall be final.

(2) If any difficulty arises in giving effect to any of the provisions of the Act, the Chancellor may make such order after obtaining the views of the Board of Governors, not inconsistent with the provisions of the Act, as may appear to him to be necessary for removing the difficulty.

(3) Where the Act makes any provision for anything to be done but no provision or no Sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which, it shall be done, then it shall be done by such authority, at such time, or in such manner as the Chancellor may direct after obtaining the views of the Board of Governors.

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

STATEMENT OF OBJECTS AND REASONS

The University of Islamabad, a private sector entity, is a project of Foundation for Advancement of Innovation, Research and Education (FAIRE) duly registered with Security Exchange Commission of Pakistan (SECP) as a non-profit organization

for establishing a new University at Bahria Golf City, Murree Expressway, Islamabad. Education plays a pivotal role in the development of vital human resource required for the economic development. Foundation for Advancement of Innovation, Research and Education has come forward to augment Government initiatives to develop Education Institutions at all levels and particularly in Higher Education. The University of Islamabad will be a comprehensive University offering programs in Management Science, Computer Science, International Relations and Mathematics. It brings immense social benefits for the local population of Islamabad and Rawalpindi and adjoining areas.

The Bill seeks to achieve the aforesaid objects through the above University in a private sector.

SHAFQAT MAHMOOD,
*Minister for Federal Education and
Professional Training.*

TAHIR HUSSAIN,
Secretary.