

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY; OCTOBER 6, 2021

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 6th October, 2021

No. F. 9(10)/2021-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 4th October, 2021 and is hereby published for general information:—

ACT No. XVI of 2021

An Act to provide for re-organization of the Pakistan Air Force Air War College as a degree awarding institute

WHEREAS, in view of the interminable need of an apex institution to impart higher education in the fields of defence and security studies with special emphasis on air power employment in joint military environment, it is expedient to establish a premier degree awarding institution of learning to disseminate knowledge related to national and global security challenges, natural and applied sciences, social and behavioral science, humanities, mathematics, political science, medical sciences, bio-technology, computer sciences, information communication technology, law-fare, space sciences, science and technology, international relations, history, artificial

(623)

Price: Rs. 40.00

[1471(2021)/Ex. Gaz.]

intelligence, management, operational research, air power, war studies, sports sciences and other relevant areas of study and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. **Short title and commencement.**—(1) This Act shall be called the PAF Air War College Institute Act, 2021.

(2) It shall come into force at once.

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

- (a) “Academic Council” means the Academic Council of the Institute;
- (b) “Advance Studies and Research Board” means the advance studies and research board constituted in the prescribed manner;
- (c) “affiliated college” means a college or an educational institution, by whatever name called for, affiliated to the Institution but not maintained or administered by it;
- (d) “Authority” means any authorities of the institute specified or set up under section 16;
- (e) “Board of Faculty” means the board of faculty constituted in the prescribed manner;
- (f) “Board of Studies” means the board of studies constituted in the prescribed manner;
- (g) “Chancellor” means the Chancellor of the Institute;
- (h) “Chief Instructor (CI)” or “Chairman” means head of a department;
- (i) “Commission” means the Higher Education Commission established under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (j) “constituent college” means a college or an educational institution, by whatever name described, maintained and administered by the Institute;

- (k) "Dean" means 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;
- (l) "department" means a teaching department maintained and administered or recognized by the Institute in the prescribed manner;
- (m) "Deputy President" means the Deputy President of the Institute;
- (n) "faculty" means an administrative and academic unit of the Institute consisting of one or more departments, as may be prescribed;
- (o) "Finance and Planning Committee" means the finance and planning committee constituted in the prescribed manner;
- (p) "Government" means the Federal Government;
- (q) "institute" means the PAF Air War College Institute established under this Act;
- (r) "Patron" means the Patron of the institute;
- (s) "President" means the President being head of the Institute;
- (t) "prescribed" means prescribed by statutes, regulations or rules made under this Act;
- (u) "Representation Committee" means the representation committee constituted in the prescribed manner;
- (v) "Selection Board" means the selection board constituted in the prescribed manner;
- (w) "Senate" means the Senate of the Institute;
- (x) "statutes", "regulations" and "rules" mean respectively the statutes, the regulations and the rules made under this Act;
- (y) "Syndicate" means the Syndicate of the Institute; and
- (z) "teachers" include professors, associate professors, assistant professors, lecturers and directing staff (DS) engaged whole-time by the Institute or by a constituent or affiliated college and such other persons as may be declared by regulations to be the teachers.

CHAPTER-II

THE DEGREE AWARDING INSTITUTE

3. **Establishment and incorporation of the Institute.**—(1) The PAF Air War College stands re-organized and established as the PAF Air War College Institute, herein after called as the Institute, which shall consist of the following, namely:—

- (a) the Patron, Chancellor, the members of Senate, the President and Deputy President;
- (b) the members of the authorities of the Institute;
- (c) all teachers and persons recognized as students of the Institute in accordance with terms prescribed from time to time; and
- (d) all other full-time officers and members of the staff of the Institute.

(2) The Institute shall be a body corporate by the name of the PAF Air War College Institute, having perpetual succession and a common seal and may sue and be sued by the said name.

(3) The principal seat of the Institute shall be at Karachi and it may set up any number of campuses, constituent colleges at such places in Pakistan and abroad as the Senate may, from time to time, determine in accordance with the prescribed procedure and applicable laws with prior approval of the Commission.

(4) The Institute 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.

(5) The Institute shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms and conditions as may be prescribed.

(6) 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 Senate in the annual budget of the Institute.

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

- (i) to provide for education and scholarship in such branches of knowledge as it may deem fit and to make provision for research, innovation, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;

- (ii) to prescribe courses of studies to be conducted by it and the constituent and affiliated 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 Institute 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 contract of specified duration and to specify the terms of each such engagement;
- (vi) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (vii) to provide for such instructions for persons not being students of the Institute as it may prescribe and to grant certificates and diplomas to such persons;
- (viii) to institute programs for the exchange of students and teachers between the Institute and other universities, educational institutions and research organizations, in Pakistan and abroad;
- (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 Institute;
- (xiii) to confer degrees on persons who have carried out independent research under prescribed conditions;
- (xiv) to affiliate and disaffiliate colleges and educational institutions under prescribed conditions;
- (xv) to inspect colleges and other educational institutions affiliated or seeking affiliation with it;

- (xvi) to accept the examinations passed and the period of study spent by students of the Institute at other universities and places of learning equivalent to such examinations and periods of study in Pakistan and abroad, as it may prescribe, and to withdraw such acceptance;
- (xvii) 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;
- (xviii) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
- (xix) to create, abolish, up-grade or down-grade posts for research, teaching, extension, administration and other related purposes and to appoint persons thereto;
- (xx) to recognize as Institute teachers selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the Institute or such other persons as it may deem fit;
- (xxi) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxii) to establish teaching departments, constituent colleges, faculties, institutes, workshops, libraries, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxiii) to provide for the residence of the students of the Institute and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;
- (xxiv) to maintain order, discipline and security on the campuses of the Institute and the constituent colleges;
- (xxv) to promote the extra-curricular and recreational activities of students of the Institute, its campuses and constituent colleges and to make arrangements for promoting their health and general welfare;
- (xxvi) to demand and receive such fees and other charges as it may determine;
- (xxvii) 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;

- (xxviii) to enter into, carry out, vary or cancel contracts;
- (xxix) to receive and manage property transferred and grants, contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xxx) to provide for the printing and publication of research and other works; and
- (xxxi) 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 Institute as a place of education, learning, research and development.

5. **Institute open to all classes, creeds, etc.**—(1) The Institute shall be open to all persons of either gender and of whatever religion, race, creed, class, colour or domicile who qualify for admission to the courses of study offered by the Institute based on the criteria determined by the Syndicate and no person shall be denied the privileges of the Institute on the ground only 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 shall not be made except in special circumstances, and only with the approval by the Senate.

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

Provided that the Institute 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 Institute.**—(1) All recognized teaching in various courses shall be conducted by the Institute or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, and other methods of instruction as well as practical work in the workshops and other governmental or private organizations.

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

CHAPTER-III

OFFICERS OF THE INSTITUTE

7. **Principal officers.**—Following shall be the principal officers of the Institute, namely,—

- (a) the Patron;
- (b) the Chancellor;
- (c) the President;
- (d) the Deputy President;
- (e) Chief Instructor, Chairman or head of department;
- (f) the Registrar;
- (g) the Director Finance;
- (h) the Controller of Examinations;
- (i) the Officer Commanding Administration or Director Administration; and
- (j) such other persons as may be prescribed by the statutes or regulations to be the principal officers of the Institute.

8. **The Patron.**—(1) The President of the Islamic Republic of Pakistan shall be the Patron of the Institute.

(2) The Patron shall, when present, preside at the meetings of the Senate and the convocation of the Institute. In the absence of Patron, the Chancellor shall preside over the convocation of the Institute.

(3) The members of the Senate shall be appointed by the Patron from amongst the persons recommended by the Representation Committee set up for this purpose in accordance with sub-section (1) of section 24 along with those elected.

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

(5) If the Patron is satisfied that a serious irregularity or mismanagement with respect to the affairs of the Institute has occurred, he may—

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

Provided that if the Patron 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 Senate to show cause in writing, appoint a five member review panel to examine and report to the Patron on the functioning of the Senate. The report of the review panel shall be submitted within such time as may be specified by the Patron. The review panel shall be drawn from persons of eminence in academics and in the fields of defence and security, 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 Senate, direct the Senate to exercise powers under section 18.

9. **Chancellor.**— (1) The Chief of Air Staff shall be the Chancellor of the Institute.

(2) The Chancellor shall, when present, preside at the meetings of the Senate and the convocation of the Institute in the absence of Patron. In the absence of Chancellor, the Senate may request the person of eminence or President to preside over the convocation of the Institute.

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

- (a) as regards proceedings of the Senate, 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 Senate to show cause in writing, appoint a five member review panel to examine and report to the Chancellor on the functioning of the Senate. The report of the review panel shall be submitted within such time as may be specified by the Chancellor. The review panel shall be drawn from persons of eminence in academics and in the fields of defence and security, 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 Senate, direct the Senate to exercise powers under section 18.

10. Removal from the Senate.—(1) The Chancellor may, upon the recommendation of the review panel, send his recommendation to the Patron to remove any person from the membership of the Senate on the ground that such person ---

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Senate; or
- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has 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 Senate on a resolution calling for the removal of such person supported by at least two-Third of the membership of the Senate:

Provided that before passing such resolution, the Senate shall provide the member concerned a fair hearing.

11. President.—(1) There shall be a President of the Institute, who shall be a senior officer from Pakistan Air Force and shall be appointed by the Chancellor on such terms and conditions as may be prescribed.

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

(3) The President shall, if present, be entitled to attend any meeting of any Authority or body of the Institute.

(4) Notwithstanding anything contained in this Act, the President may exercise such powers which are not expressly stated to be within his competence, where in his discretion immediate action is required to be taken. The President shall report any such exercise of power to the Emergency Committee of the Senate within seventy-two hours.

(5) The President shall also have the following powers, namely:—

- (a) to direct teachers, officers and other employees of the Institute to take up such assignments in connection with examination, administration and such other activities in the Institute as he may consider necessary for the purposes of the Institute;
- (b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate at the next meeting;
- (c) to make appointments of such categories of employees of the Institute as may be prescribed by the statutes. Such appointments shall be made after advertising in cases other than appointment by transfer, secondment or deputation;
- (d) to suspend, punish and remove, in accordance with prescribed procedure, from service, officers, teachers and other employees of the Institute except those appointed by or with the approval of the Senate;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the Institute; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

(6) The President shall present an annual report before the Senate 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.

(7) The President's annual report shall be made available, prior to its presentation before the Senate, to all officers and Institute teachers and shall be published in such numbers as are required to ensure its wide circulation.

12. **Vacancy of the office of the President.**—(1) Whenever the office of the President falls vacant, or is likely to fall vacant, the Chancellor shall appoint a suitable officer for appointment as the President.

(2) At any time when the office of the President is vacant, or the President is absent or is unable to perform the functions of his office due to illness or some other cause, the Senate shall make arrangements in accordance with the statutes for the performance of the duties of the President.

13. **Registrar.**—(1) There shall be a Registrar of the Institute who shall be appointed by the Senate on the recommendation of the President, 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 such as may be prescribed.

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

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

(4) The Registrar shall hold office for a term of three years which may be extended by one or more such term:

Provided that the Senate may, on the advice of the President and after providing him the opportunity of being heard, terminate the appointment of the Registrar on ground of inefficiency or misconduct in accordance with prescribed procedure.

14. **Director Finance.**— (1) There shall be a Director Finance of the Institute who shall be appointed by the Senate on the recommendation of the President 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 Director Finance shall be as may be prescribed.

(3) The Director Finance shall be the chief financial officer of the Institute and shall—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the Institute;
- (b) prepare the annual and revised budget estimates of the Institute and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;
- (c) ensure that the funds of the Institute are expended on the purposes for which they are provided;
- (d) have the accounts of the Institute audited annually so as to be available for submission to the Senate 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 Director Finance shall, unless renewed, be for a period of three years:

“Provided that the Senate may, on the advice of the President and after providing him the opportunity of being heard, terminate the appointment of the Director Finance 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 Senate on the recommendation of the President, 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 Institute 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 Senate may, on the advice of the President and after providing him the opportunity of being heard, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

CHAPTER-IV

AUTHORITIES OF THE INSTITUTE

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

- (a) the Senate;
- (b) the Syndicate;
- (c) the Academic Council;
- (d) the Advanced Studies and Research Board;
- (e) the Board of Faculty;
- (f) the Board of Studies;
- (g) the Finance and Planning Committee;
- (h) the Representation Committees for appointment to the Senate, Syndicate and the Academic Council in accordance with relevant provision of this Act;
- (i) the Selection Board; and
- (j) such other Authorities as may be constituted by the Senate.

(2) The Senate, the Syndicate 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 may be appropriate. Such committees or sub-committees shall be Authorities of the institute for the purposes of this Act.

17. **Senate.**—(1) The Senate shall be responsible for governance, general supervision and control of the affairs including laying down broad policies of the Institute and shall consist of the following, namely;—

- (a) the Patron who shall be the chairperson of the Senate;
- (b) the Chancellor or his nominee not below the rank of Air Vice Marshal;

- (c) the President;
- (d) one member of the Government not below the rank of Additional Secretary from the Division to which business of education stands allocated or any other department relevant to the special focus of the education;
- (e) four persons, being persons of distinction in the fields of defence and security, strategy, statecraft, administration and management, such that the appointment of these persons reflects a balance across the various fields:

Provided that the special focus or affiliation of the Institute, 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 Institute who are appointed to the Senate;

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

(2) The numbers of the members of the Senate described against clauses (f) to (i) of sub-section (1) may be increased by the Senate through statutes subject to the condition that the total membership of the Senate does not exceed twenty-one, with a maximum of five Institute teachers and the increase is balanced to the extent possible, in proportion to different categories specified in sub-section (1).

(3) All appointments to the Senate shall be made by the Chancellor. Appointments of persons described in clauses (f) and (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 Senate:

Provided further that as regards the institute teachers described in clause (h) of sub-section (1), the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of Institute teachers:

Provided also that the Senate may alternatively prescribe that appointment of Institute teachers to the Senate shall also be in the manner provided by this sub-section for the persons described in clauses (f) and (g) of sub-section (1).

(4) Members of the Senate, other than *ex-officio* members, shall hold office for a term of three years. One-third of the members, other than *ex-officio* members, of the first restructured Senate, 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 restructured Senate, 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 Senate for more than two consecutive terms:

Provided further that the Institute teachers appointed to the Senate may not serve for two consecutive terms.

(5) The Senate shall meet, at least twice in a calendar year.

(6) Service on the Senate shall be on honorary basis but actual expenses may be reimbursed as may be prescribed.

(7) The Registrar shall be the secretary of the Senate.

(8) In the absence of the Chancellor, meetings of the Senate shall be presided over by the senior most serving Air Force officer from amongst the members of the Senate, not being an employee of the Institute as the Chancellor may, from time to time, nominate. The member so nominated shall be the convener of the Senate.

(9) Unless otherwise prescribed by this Act, all decisions of the Senate 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.

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

18. Powers and functions of the Senate.— (1) The Senate shall have the powers of general supervision over the Institute and shall hold the President and the Authorities accountable for all the functions of the Institute. The Senate shall have all powers of the institute not expressly vested in an Authority or officer by this 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 Senate shall have the following powers, namely:—

- (a) to approve the proposed annual plan of work, the annual and the revised budget estimates, the annual report and the annual statement of the account;
- (b) to hold, control and lay down policy for the administration of the property, funds and investments by the institute, including the approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee the quality and relevance of the Institute academic programmes and to review the academic affairs of the Institute 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 the officers, teachers and other employees of the institute;
- (f) to approve strategic plans;
- (g) to approve financial resource development plans of the Institute;
- (h) to consider the drafts of statutes proposed by the Syndicate and deal with them in the manner as provided for in section 26;
- (i) the Senate may make a statute on its own initiative and approve it after calling for the advice of the Syndicate or the Academic Council, as the case may be;
- (j) to annul by order in writing the proceeding of any Authority or officer if the Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such Authority or officer to show cause as to why such proceedings should not be annulled;
- (k) to recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;
- (l) to make appointments of members of Syndicate, in accordance with the provisions of this Act;

- (m) to make appointments of the members of Academic Council, other than *ex-officio* members, in accordance with the provisions of this Act; and
- (n) to determine the form, provide for the custody and regulate the use, of the common seal of the Institute.

(3) The Senate may, subject to the provisions of this Act delegate all or any of its powers and functions to any Authority, officer or employee of the Institute 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 Senate may create new posts or positions at the additional campus.

19. **Visitations.**—The Senate 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 Institute.

20. **Syndicate.**—(1) There shall be a Syndicate headed by the President to make regulations and rules, for day to day functioning of the Institute, within the framework of policies laid down by the Senate. Other members of the Syndicate shall consist of—

- (a) the President who shall be its chairperson;
- (b) the Deans of faculties of the institute;
- (c) heads of the constituent colleges and institutes;
- (d) one professor, one associate professor and one assistant professor or lecturer from different departments who are not members of the Senate to be elected by the Institute teachers in accordance with procedure to be prescribed by the Senate;
- (e) the Registrar;
- (f) the Director Finance; and
- (g) the Controller of Examinations.

(2) Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of three years.

(3) As regards three professors specified in clause (d) of sub-section (1), the Senate 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 Senate on the recommendation of the President.

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

(5) The Syndicate shall meet at least once in each quarter of a year.

21. Powers and functions of the Syndicate.—(1) The Syndicate shall be the executive body of the Institute and shall, subject to the provisions of this Act and the statutes, exercise general supervision over the affairs and management of the Institute.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the statutes and directions of the Senate, the Syndicate shall have the following powers, namely:—

- (a) to consider annual report, the annual and revised budget estimates and to submit these to the Senate;
- (b) to transfer and accept transfer of moveable property on behalf of the Institute;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the Institute;
- (d) to cause proper books of the accounts to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute;
- (e) to invest any money belonging to the Institute including any un-applied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882), or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investment;
- (f) to receive and manage any property transferred and grants, bequests, trusts, gifts, donations, endowments and other contributions made to the Institute;
- (g) to administer any funds placed at the disposal of the Institute for specified purposes;
- (h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the Institute;
- (i) to establish and maintain halls of the residence and hostels or approve or licence hostels or lodging for the residence of students;

- (j) to recommend to the Senate affiliation or disaffiliation of the colleges;
- (k) to recommend to the Senate admission of educational institutions to the privileges of the Institute and withdraw such privileges;
- (l) to arrange for the inspection of the colleges and the departments;
- (m) to institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend or to abolish such posts;
- (n) to create, up-grade, down-grade, suspend or abolish such administrative or other posts as may be necessary;
- (o) to prescribe the duties of officers, teachers and other employees of the Institute;
- (p) to report to the Senate on matters with respect to which it has been asked to report;
- (q) to appoint members to various Authorities in accordance with the provisions of this Act;
- (r) to propose drafts of the statutes for submission to the Senate;
- (s) to regulate the conduct and discipline of the students of the Institute;
- (t) to take actions necessary for the good administration of the Institute in general and to this end exercise such powers as are necessary;
- (u) to delegate any of its powers to any Authority or officer or a committee; and
- (v) to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by the statutes.

22. Academic Council.—(1) There shall be an Academic Council, which shall lay down academic policies, decide on the syllabi and curricula of various courses at the Institute and the affiliated institutions to ensure excellence and the requisite joint-ness in training activities. The Academic Council of the Institute shall consist of the following, namely:—

- (a) the President who shall be its chairman;

- (b) the Deans of faculties and heads of colleges and departments as may be prescribed;
- (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Senate;
- (d) two heads of affiliated colleges;
- (e) five professors including emeritus professors;
- (f) the Registrar;
- (g) the Controller of Examinations; and
- (h) the Librarian.

(2) The Senate shall appoint the members of the Academic Council on the recommendation of the President:

Provided that as regards the five professors and the members representing the departments, institutes and the constituent colleges, the Senate 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 shall be made by the Senate on the recommendation of the President.

(3) The Academic Council shall act as an advisory and implementing body for the decision of the Syndicate on all matters relating to the conduct of examinations, conferment of degrees, revision and updating of course syllabi, quality of education and duration of all courses including conduct of postgraduate classes in specified disciplines.

(4) The Academic Council shall also assist the President in evaluating, proposing and coordinating research and development projects at respective institutes and colleges both constituent and affiliated.

(5) Members of the Academic Council shall hold office for a term of three years.

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

(7) 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 Institute and shall, subject to the provisions of this 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 Institute and the colleges.

(2) Without prejudice to the generality of the forgoing 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 the student related functions including admissions, expulsions, punishments, examinations and certification;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) recommend the policies and the procedures for affiliation of other educational institutions;
- (f) propose to the Syndicate schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (g) appoint paper setters and examiners for all examinations of the Institute after receiving panels of names from the relevant authorities;
- (h) institute programmes for the continued professional development of Institute teachers at all levels;
- (i) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- (j) regulate the award of studentship, scholarships, exhibitions, medals and prizes;
- (k) propose regulations for submission to the Syndicate;
- (l) prepare an annual report on the academic performance of the Institute; and
- (m) perform such other functions as may be prescribed by regulations.

24. Representation Committees.—(1) There shall be Representation Committees constituted by the Senate through statutes to recommend persons for appointment to the Senate in accordance with the provisions of section 17.

(2) There shall also be a Representation Committee constituted by the Senate through statutes to recommend persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of sections 20 and 22 respectively.

(3) Members of the Representation Committee, to recommend persons for appointment to the Senate, shall consist of the following, namely:—

- (a) three members of the Senate who are not Institute teachers;
- (b) two persons nominated by the Institute teachers from amongst themselves in the manner prescribed;
- (c) one person from the academic community, not employed by the Institute, at the level of professor or college head to be nominated by the Institute 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 Senate.

(4) The Representation Committee, to recommend persons for the appointment to the Syndicate and the Academic Council, shall consist of the following, namely;—

- (a) two members of the Senate who are not Institute teachers; and
- (b) three persons nominated by the institute teachers from amongst themselves in the manner prescribed.

(5) The term of the Representation Committee shall be three years: Provided that no member shall serve for more than two consecutive terms.

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

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

25. Appointment of committees by certain Authorities.—(1) The Senate, the Syndicate, 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 committees persons who are not members of the Authorities appointing the committees.

(2) The constitutions, 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 provisions of this Act, statutes may be made to regulate or prescribe all or any of the following matters, namely:—

- (a) the contents of and the manner in which the annual report to be presented by the President before the Senate shall be prepared;
- (b) the Institute fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for Institute employees;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other Institute employees;
- (e) the maintenance of the register of registered graduates;
- (f) affiliation and disaffiliation of educational institutions and related matters;
- (g) admission of educational institutions to the privileges of the Institute and the withdrawal of such privileges;
- (h) the establishment of faculties, departments, institutes, colleges and other academic divisions;
- (i) the powers and functions of officers and teachers;
- (j) conditions under which the Institute may enter into arrangements with other Institutions or with public bodies for purposes of research and advisory services;
- (k) conditions for appointment of emeritus professors and award of honorary degrees;
- (l) efficiency and discipline of Institute employees;
- (m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;
- (n) the constitution, functions and powers of the Authorities of the Institute: 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 Syndicate to the Senate which may approve or pass with such modifications as the Senate may think fit or may refer back to the Syndicate, as the case may be, for reconsideration of the proposed draft:

Provided that statutes concerning any of the matters mentioned in clauses (a) and (i) of sub-section (1) shall be initiated and approved by the Senate after seeking views of the Syndicate:

Provided further that the Senate may initiate a statute with respect to any matter in its power or with respect to which a statute may be made in terms of this Act and approve such statute after seeking the views of the Syndicate.

27. Regulations.—(1) Subject to the provisions of this Act and the statutes, the Academic Council may propose and the Syndicate may make regulations for all or any of the following matters, namely:—

- (a) the courses of study for degrees, diplomas and certificates of the Institute;
- (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 Institute;
- (d) the conditions under which students shall be admitted to the course and the examinations of the Institute and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the conduct of examinations;
- (f) the 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 this 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 Syndicate 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 Syndicate.

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 making statutes and regulations.

29. Rules.—The Authorities and the other bodies of the Institute may make rules, to be published in official Gazette, consistent with this Act, statutes and the regulations, to regulate any matter relating to the affairs of the Institute which has not been provided for by this Act, or that is not required to be regulated by statutes or regulation, including rules to regulate the conduct of business and the time and place of meetings and related matters.

CHAPTER-VI

INSTITUTE FUND

30. Institute fund.—(1) The Institute shall have a fund to which shall be credited all donations, trusts, bequests, endowments, grants, proportionate grant from the Federal Government, Joint Staff Headquarters (JSHQ), Defence Division, Higher Education Commission (HEC), Division to which the business of education stands allocated, assistance from international agencies, contributions, shares of fee and income from any other source.

(2) The present recurring and non-recurring grants being allocated by the Defence Division, HEC and JSHQ to the National Defence University immediately in existence before the commencement of this Act, shall continue to be allocated in future to the Institute, with suitable upward adjustments from time to time.

(3) All expenditure of the Institute shall be met within the sanctioned budget of the Institute or as approved by the Syndicate.

31. Audit and accounts.—(1) The accounts of the Institute shall be maintained by Director Finance in such form and in such manner as may be prescribed.

(2) The teaching, departments, constituent colleges and institutes and all other bodies designated as such by the Syndicate in terms of statutes shall be independent cost centers of the Institute with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it:

Provided that re-appropriation from one head of expenditure to another may be made by the head of a cost centre in accordance with and to the extent prescribed by the statutes.

(3) All funds generated by a teaching department, constituent college or other unit of the Institute through consultancy, research or other provision of service shall be made available without prejudice to the budgetary allocation otherwise made, after deduction of over heads in the manner and to the extent prescribed by Senate, to the teaching department, constituent college or other units for its development. A part of the funds so generated may be shared with the Institute teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by the statutes.

(4) No expenditure shall be made from the funds of the Institute unless a bill for its payments has been issued by the head of the cost centre concerned in accordance with the relevant statutes and the Director Finance has verified that the payment is provided for in the approved budget of the cost centre, subject to the authority to re-appropriate funds from one head of expenditure to other head of expenditure in respect of the cost centre.

(5) Provision shall be made for an internal audit of the finances of the Institute.

(6) The annual audited statement of accounts shall be prepared in accordance with the laid down rules and regulations of the Government of Pakistan for the purpose of audit for such institutions and signed by Director Finance.

(7) The observations made by the Pakistan Air Force audit team, if any, together with such annotations as the Director Finance may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year.

CHAPTER-VII

GENERAL PROVISIONS

32. **Opportunity to show cause.**— Except as otherwise provided, no officer, teacher or other employee of the institute holding a permanent post shall be reduced in rank or removed or compulsorily retired from service or dismissed from service unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

33. **Appeal to the Syndicate and the Senate.**— Where an order is passed imposing penalty on any officer (other than the President), teacher or other employee of the Institute or altering or interpreting to his disadvantage the prescribed terms and conditions of his service, he shall, where the order is passed by any officer or teacher of the Institute other than the President, have the right to appeal to the Syndicate against the order and, where the order is passed by the President, have the right to appeal to the Senate.

34. Service of the Institute.—(1) All persons employed by the Institute in accordance with the terms and conditions of service prescribed by statutes shall be persons in the service of Pakistan for the purposes of any court or tribunal set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan:

Provided that any provision as regards the terms and the conditions of the employment of persons in the service of Pakistan in general or in comparable employment, notwithstanding the service of persons employed by the Institute, shall be entirely governed by the terms and conditions prescribed by the relevant statutes.

(2) An officer, teacher or other employee of the Institute shall retire from service on the attainment of such age or term of service as may be prescribed.

(3) The terms and conditions of employment of any Institute teacher in the employment of the Institute shall not be varied to his disadvantage from the commencement of this Act.

(4) Persons above the age of superannuation may be re-employed on contract in the manner prescribed by the Senate, in conformity with the Government rules and regulations.

35. Benefits and insurance, gratuity, provident fund and benevolent fund.—(1) The Institute 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 which has been constituted under this Act, the provisions of the Provident Funds Act, 1925 (XIX of 1925) shall apply to such fund as if it were the Government Provident Fund.

36. Commencement of term of office of members of Authority.—(1) When a member of a newly constituted Authority is appointed or nominated, his term of office as fixed under this Act shall commence from such date as may be prescribed.

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

37. Filling of casual vacancies in Authorities.—Any casual vacancy in the appointed or nominated member of any Authority shall be filled, as soon as conveniently may be, by the person or the body who appointed or nominated the member whose position has become vacant and the person appointed or nominated to the vacancy shall be member of such Authority for the residual term for which the person whose place he fills would have been a member.

38. **Flaws in the constitution of Authorities.**—Where there is flaw in the constitution of an Authority, as constituted under this Act, the statutes or the regulations on account of abolition of a specified office under Government or because an organization, institution or other body outside the Institute 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 Senate may direct.

39. **Proceedings of authorities not invalidated by the vacancies.**—No act, resolution nor decision of any Authority shall be invalid by reason of any vacancy in 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 this Act, the President of the Islamic Republic of Pakistan, being the Patron, shall promulgate the first statutes and regulations which shall be deemed to be statutes and regulations made under sections 26 and 27 respectively and shall continue to remain in force unless amended or repealed.

41. **Transitory provisions.**—(1) Notwithstanding anything contained in this Act, the members of the first Senate, except the Institute teachers, shall be appointed by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. The first Senate so constituted shall initiate, as soon as possible, the process for the recruitment of Institute teachers and appointment of the members of the Syndicate and the Academic Council in accordance with the terms of this Act. The Institute teachers to be appointed to the first Senate shall be appointed as soon as the procedure prescribed for appointment of Institute teachers to the Senate has to be complied with. The term or tenure provided in sub-section (4) of section 17 notwithstanding one-third of the members, other than *ex-officio* members, of the first Senate, 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 Senate, 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.

(2) On commencement of this Act, all pending cases of enrollments, degrees and transcripts, etc. with the other universities and institutions, with which the PAF Air War College stood affiliated to before commencement of this Act, shall stand transferred to the Institute and shall be dealt with as if these were the cases of enrollments, degrees and transcripts, etc. of the Institute, notwithstanding any condition of such affiliation or agreement or contract with the said other universities and institutions.

42. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Chancellor may make such order or direction, not inconsistent, with the provisions of this Act, as may appear to him to be necessary for the purpose of removing such difficulty.

43. **Indemnity.**—No suit or legal proceedings shall lie against the Government, the Institute or any Authority, officer or employee of the Government or the Institute or any person in respect of anything which is in good faith done or deemed to have been done under this Act.

44. **Power to allow appointment of employees of the Government, other universities or educational or research institutions to the Institute.**—

(1) Notwithstanding anything contained in this Act, the Senate may on the advice of the Syndicate, allow any post in the institute to be filled by appointment, on such terms and conditions as the Senate may specify, an employee of the Government or any other university or educational research institution.

(2) Where any appointment has been made under this section, the terms and condition of service of the appointee shall not be less favourable than those admissible to him immediately before such appointment and he shall be entitled to all benefits of his past service.

MOHAMMAD QASIM SAMAD KHAN,
Secretary.