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27th July, 2007]*

ORDINANCE NO. XL OF 2007

AN

ORDINANCE

*to provide for the establishment of the National Defence University at
Islamabad*

WHEREAS, in view of the everlasting need of an apex institution to impart higher education in the fields of national defence and security to meet contemporary and future challenges and to promote our national interests, it is imperative to establish a world class seat of learning to disseminate knowledge related to strategy, statecraft, security, management and other relevant areas of study and to provide for matters connected therewith or ancillary thereto,

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER-I

PRELIMINARY

1. **Short title and commencement.**—(1) This Ordinance may be called the National Defence University Ordinance, 2006.

(2) It shall come into force at once and shall be deemed to have taken effect on the 5th day of June, 2007.

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

- (a) “Academic Council” means the Academic Council of the University;
- (b) “Affiliated College or Institute” means an educational institution affiliated to the University but not maintained or administered by it;
- (c) “Authority” means any of the authorities of the University specified or set up under section 15;
- (d) “Chancellor” means the Chancellor of the University;
- (e) “Commandant” means the head of the constituent or affiliated college;
- (f) “College” means a college constituted or affiliated with the University;

- (g) "Commission" means the Higher Education Commission under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (h) "Constituent College or Institute" means an educational institution, by whatever name described, maintained and administered by the University;
- (i) "Dean" means the head of a Faculty or the head of an academic body granted the status of a Faculty by this Ordinance or by the Statutes or Regulations;
- (j) "Director-General" means the head of the constituent or affiliated institute;
- (k) "Department" means a teaching department maintained and administered, or recognized by the University in the manner prescribed;
- (l) "Faculty" means an administrative and academic unit of the University consisting of one or more departments, as prescribed;
- (m) "Government" means the Federal Government;
- (n) "National Defence College" means the National Defence College established under the Government of Pakistan Resolution No. NDC/102/1/A, dated the 16th March, 1971;
- (o) "prescribed" means prescribed by Statutes, Regulations or Rules and made under this Ordinance;
- (p) "President" means President of the University appointed under section 10;
- (q) "Representation Committees" means the Representation Committees constituted under section 23;
- (r) "Review Panel" means the Review Panel set up by the Chancellor in accordance with the provisions of section 8;
- (s) "Statutes", "Regulations" and "Rules" mean respectively the Statutes, the Regulations and the Rules made under this Ordinance;
- (t) "Senate" means the Senate of the University;
- (u) "Syndicate" means Syndicate of the University;
- (v) "Teachers" include Professors, Directing Staff (DS), Associate Professors, Assistant Professors and Lecturers engaged whole-time by the University or by a constituent or affiliated college and such other persons as may be declared to be the teachers by regulations;
- (w) "University" means the National Defence University (NDU) established under this Ordinance; and
- (x) "University Teacher" means a whole-time teacher appointed and paid by the University, or recognized by the University as such.

CHAPTER-II**THE UNIVERSITY**

3. Establishment and incorporation of the University.—(1) There shall be established a University to be called the National Defence University and shall consist of the following, namely:—

- (a) the Patron-in-Chief, the Chancellor, the members of the Senate, and the President;
- (b) the members of the authorities of the University established under section 15;
- (c) all University teachers and persons recognized as students of the University in accordance with terms prescribed from time to time; and
- (d) all other full-time officers and members of the staff of the University.

(2) The University shall be a body corporate by the name of the National Defence University, having perpetual succession and a common seal, and may sue and be sued by the said name.

(3) The principal seat of the University shall be at Islamabad and it may set up any number of campuses, colleges and institutes 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.

(4) The University shall be competent to acquire and hold the 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 University shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the provisions of this Ordinance and the Higher Education Commission Ordinance, 2002 (LIII of 2002).

(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 University.

4. **Purposes and powers of the University.**—The University shall have the following purposes and 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;
- (ii) to prescribe courses of studies to be conducted by it and the 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;
- (ix) to provide career counselling 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 affiliate and disaffiliate 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 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;
- (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 posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xx) to recognize selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;
- (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, colleges, faculties, institutes, workshops, libraries, museums and other centres 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 University 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 University and the colleges;

- (xxv) to promote the extra curricular and recreational activities of such students, 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 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;
- (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 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 who qualify for admission to the courses of study offered by the University based on the criteria determined by the Syndicate and no person shall be denied the privileges of the University 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 of the Chancellor.

(3) The University shall institute financial aid programmes for students in need, to the extent considered feasible by the Senate 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 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 UNIVERSITY

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

- (a) the Chancellor;
- (b) the President;
- (c) the Deans;
- (d) the Commandants or the Director-Generals of the constituent colleges and institutes;
- (e) the Chairpersons or Chief Instructors of teaching departments;
- (f) the Registrar;
- (g) the Controller of Examinations;
- (h) the Director Administration;
- (i) the Director Finance;
- (j) such other persons as may be prescribed by the Statutes or Regulations to be the principal officers of the University.

8. The Chancellor.—(1) The President of Islamic Republic of Pakistan shall be the Chancellor of the University.

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

(3) The members of the Senate shall be appointed by the Chancellor from amongst the persons recommended by the Representation Committee set up for this purpose under sub-section (1) of section 23 along with those elected.

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

(5) If the Chancellor is satisfied that the serious irregularity or mismanagement with respect to the affairs of the University 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 prescribed 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 17.

9. **Removal from the Senate.**—(1) The Chancellor may, upon the recommendation of the review panel, 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 three-fourths of the membership of the Senate:

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

Provided further that the provisions of this section shall not be applicable to the President in his capacity as a member of the Senate.

10. The President.—(1) There shall be a President of the University who shall be a distinguished senior military officer from Pakistan Army and shall be appointed on such terms and conditions as may be prescribed.

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

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

(4) The President may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the President, take such action and forward, within seventy-two hours, a report of the action taken to the members of the Emergency Committee of the Senate, to be set up by Statute, the Emergency Committee may direct such further action as is considered appropriate.

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

- (a) to 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) 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 University and in such manner as may be prescribed by the Statutes;
- (d) to 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 Senate;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Ordinance to an officer or officers of the University; 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 University teachers and shall be published in such numbers as are required to ensure its wide circulation.

11. Appointment and removal of the President.—(1) Whenever the office of the President falls vacant, or is likely to fall vacant the Chief of the Army Staff shall recommend a suitable officer selected through a search process for approval by the Chancellor for appointment as the President.

(2) The President shall be appointed for a renewable tenure of five years or less on terms and conditions prescribed by the Statutes. The tenure of an incumbent President shall be renewed by the Chancellor on recommendations of Chief of the Army Staff.

(3) 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.

12. **Registrar.**—(1) There shall be a Registrar of the University 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 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 of 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, unless renewed, be for a period of three years:

Provided that the Senate may, on the advice of the President, terminate the appointment of the Registrar on ground of inefficiency or misconduct in accordance with prescribed procedure.

13. **Director Finance.**—(1) There shall be a Director Finance of the University 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 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 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 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 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 terminate the appointment of the Director Finance on grounds of inefficiency or misconduct in accordance with prescribed procedure.

14. 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 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 Senate may, on the advice of the President, 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**

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

- (i) the Senate;
- (ii) the Syndicate; and
- (iii) the Academic Council;
- (iv) the Advanced Studies and Research Board;
- (v) the Board of Faculty;
- (vi) the Board of Studies;
- (vii) the Finance and Planning Committee;
- (viii) the Representation Committees for appointment to the Senate, Syndicate and the Academic Council in accordance with relevant provision of the Ordinance;
- (ix) the Selection Board; and
- (x) 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 appropriate. Such committees or sub-committees shall be Authorities of the University for the purposes of this Ordinance.

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

- (a) the Chancellor who shall be the chairperson of the Senate;
- (b) the President;
- (c) the Chairman Joint Chiefs of Staff Committee, the Chief/Vice Chief of the Army Staff, the Chief of the Naval Staff and the Chief of the Air Staff.
- (d) not less than one member of the Government not below the rank of

Additional Secretary from the Ministry of Education or any other department relevant to the special focus of the University;

- (e) four persons from society at large 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 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 Senate;

- (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) four University 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 condition that the total membership of the Senate does not exceed twenty-one, with a maximum of five University 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) 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 23 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 University 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 University Teachers:

Provided also that the Senate may alternatively prescribe that appointment of University Teachers to the Senate 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 Senate, other than *ex officio* members, shall hold office for 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 University 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 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 military officer from amongst the members of the Senate, not being an employee of the University 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 Ordinance, 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 membership, a fraction being counted as one.

17. Powers and functions of the Senate.—(1) The Senate shall have the powers of general supervision over the University and shall hold the President and the Authorities accountable for all the functions of the University. The Senate

shall have all powers of the University not expressly vested in an Authority or officer by this Ordinance and all other powers not expressly mentioned by this Ordinance 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, 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 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 Syndicate and the Academic Council and deal with them in the manner as provided for in sections 26 and 27, as the case may be:

Provided that the Senate may make a Statute or Regulation on its own initiative and approve it after calling for the advice of the Syndicate 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 Senate is satisfied that such proceedings are not in accordance with the provisions of this Ordinance, 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 Senate in accordance with the provisions of this Ordinance;
- (k) to make appointments of members of Syndicates, in accordance with the provisions of this Ordinance;
- (l) to make appointments of the members of Academic Council other than *ex officio* members, in accordance with the provisions of this Ordinance;
- (m) to appoint Emeritus Professor 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 Senate may, subject to the provisions of this Ordinance delegate all or any of its 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 Senate may create new posts or positions at the additional campus.

18. **Visitations.**—The Senate may, in accordance with terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the University.

19. **Syndicate.**—(1) There shall be a Syndicate headed by the President to formulate rules, regulations and statutes and so on, for day to day functioning of the University, within the framework of policies laid down by the Senate. Other members of the committee would consist of,—

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

- (b) the Deans of Faculties of the University;
- (c) Heads of the constituent colleges and institutes;
- (d) three professors or directing staff from different departments who are not members of the Senate to be elected by the University 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 three years.

(3) As regards three professors specified in clause (c) 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 23. 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.

20. Powers and duties of the Syndicate.—(1) The Syndicate shall be the executive body of the University and shall, subject to the provisions of this Ordinance and the 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 this Ordinance, 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 University;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the University;

- (d) to cause proper book of the 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 un-applied income in any of the securities describe 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, 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 the residence and hostels or approve or license 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 University 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, 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 University;
- (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 Ordinance;
- (r) to propose drafts of the Statutes for submission to the Senate;
- (s) to regulate the conduct and discipline of the students of the University;
- (t) to take actions necessary for the good administration of the University 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 Ordinance or may be assigned to it by the Statutes;

21. **Academic Council.**—(1) There shall be an Academic Council, which would lay down academic policies, decide on the syllabi and curricula of various courses at the university and the affiliated institutions to ensure excellence and the requisite joint-ness in training activities. The Academic Council of the University will 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 23. Appointment of persons proposed by the Representation Committee will 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 decisions 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 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.

22. 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 this Ordinance 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 forgoing powers, and subject to the provisions of this Ordinance 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 University after receiving panels of names from the relevant authorities;
- (h) institute programmes for the continued professional development of University teachers at all levels;
- (i) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (j) regulate the award of studentship, scholarships, exhibitions, medals and prizes;
- (k) frame regulations for submission to the Senate;
- (l) prepare an annual report on the academic performance of the University; and
- (m) perform such functions as may be prescribed by regulations.

23. **Representation Committees.**—(1) There shall be Representation Committee constituted by the Senate through Statutes to recommend persons for appointment to the Senate in accordance with the provisions of section 16.

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

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

- (a) three members of the Senate 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 head 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 Senate.
- (4) The Representation Committee 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 University Teachers;
 - (b) three persons nominated by the University Teachers from amongst themselves in the manner prescribed.
- (5) The tenure 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 University as are considered appropriate for recommending persons for appointments to the various Authorities and other bodies of the University.

24. 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 Ordinance shall be such as may be prescribed by Statutes or Regulations.

CHAPTER-V

STATUTES, REGULATIONS AND RULES

25. Statutes.—(1) Subject to the provisions of this Ordinance, 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 University fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employee;
- (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) affiliation and disaffiliation of educational institutions and related matters;
- (g) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (h) the establishment of Faculties, departments, institutes, colleges and other academic divisions;
- (i) the powers and duties of officers and teachers;
- (j) conditions under which the University 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 University employees;
- (m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Ordinance;
- (n) the constitution functions and powers of the Authorities of the University;
- (o) all other matters which by this Ordinance 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 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 (l) of sub-section (1) shall be initiated and approved by the Senate after seeking the 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 framed in terms of this Ordinance and approve such Statute after seeking the views of the Syndicate.

26. Regulations.—(1) Subject to the provisions of this Ordinance and the Statutes, the Academic Council may make regulations to be published in official Gazette, for all or any of the following matters, namely:—

- (a) the courses of study for degree 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) 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 the Ordinance 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 Senate 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 Senate.

(3) ~~Regulations regarding or incidental to matters~~ contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Senate without the prior approval of the Syndicate.

27. **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.

28. **Rules.**—(1) The Authorities and the other bodies of the University may make rules, to be published in official Gazette, consistent with this Ordinance, Statutes or the Regulations, to regulate any matter relating to the affairs of the University which has not been provided for by this Ordinance 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 meeting and related matters.

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

CHAPTER-VI

UNIVERSITY FUND

29. **University fund.**—(1) The University shall have a fund to which shall be credited all direct donations, trusts, bequests, endowments, grants, proportionate grant from the Federal Government, Joint Staff Headquarters, Ministry of Defence, Higher Education Commission, Ministry of Education, 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 Ministry of Defence to the National Defence College immediately in existence before the commencement of this Ordinance shall continue to be allocated in future to the National Defence University, with suitable upward adjustments from time to time.

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

30. **Audit and accounts.**—(1) The accounts of the University 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 centres of the University 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 University 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 University teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by the Statute.

(4) No expenditure shall be made from the funds of the University, 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 available to the head of the cost centre.

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

(6) Without prejudice to the requirement of audit by any auditor appointed by Government in accordance with the provision of any other law in force, the annual audited statement of account shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) by a reputed firm of chartered accountants and signed by Director Finance. The annual audited statement of accounts so prepared shall be submitted to the Auditor General of Pakistan for his observations.

(7) The observations of the Auditor General of Pakistan, 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 closing of the financial year.

CHAPTER-VII

GENERAL PROVISIONS

31. **Opportunity to show cause.**—Except as otherwise provided, 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 unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

32. **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 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 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.

33. **Service of the University.**—(1) All persons employed by the University 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 University shall be entirely governed by the terms and conditions prescribed by the relevant Statutes.

(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.

(3) No adverse change shall be made in the terms and conditions of employment of any University Teacher in the employment of the University from the commencement of this Ordinance.

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

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

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

(1) When a member of a newly constituted Authority is appointed or nominated, his terms of office as fixed under this Ordinance, 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 University for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

36. Filling of casual vacancies in authorities.— Any casual vacancy in the appointment 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 residue of the term for which the person whose place he fills would have been a member.

37. Flaws in the constitution of authorities.—Where there is flaw in the constitution of an Authority, as constituted under this Ordinance, the Statutes of the Regulations on account of abolition of a specified office under Government 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 Senate may direct.

38. Proceedings of authorities not invalidated by the vacancies.—

No act, resolution nor 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.

39. First Statutes and Regulations.—Notwithstanding anything to the contrary contained in the Ordinance, the President of Islamic Republic of Pakistan shall promulgate the first Statutes and Regulations which shall be deemed to be Statutes and Regulations framed under sections 25 and 26 and shall continue to remain in force unless amended.

40. Repeal and savings.—(1) Upon the commencement of this Ordinance—

- (a) the Government of Pakistan's Resolution, u.o No NDC/102/1/A dated the 16th March 1971, shall stand repealed;

- (b) all funds, assets, properties, rights and interests of whatsoever kind issued, used, enjoyed, owned or vested in National Defence College, in existence immediately before such commencement and any liabilities subsisting against the aforesaid National Defence College shall stand transferred to the University established under this Ordinance;
- (c) all persons serving in connection with the affairs of the aforesaid National Defence College shall stand transferred to the University established under this Ordinance and become employees of the University on the same terms and conditions to which they were entitled before such commencement; and
- (d) the person holding the Office of Commandant in the National Defence College, in existence immediately before such commencement, shall stand transferred to, and appointed as the President of the National Defence University established under this Ordinance;
- (e) everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, scholarships, studentship, or exhibitions instituted, affiliations or privileges granted and orders issued under any of the provisions of the repealed Resolution or other legislative instruments or the Statutes, the Regulations and the Rules made or deemed to have been made there under, shall, if not inconsistent with the provisions of the Ordinance or the Statutes, the Regulations or the Rules made under this Ordinance, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, acquired, appointed, authorized, conferred, created, made, instituted, granted and issued under this Ordinance, and any documents referring to any of the provisions of the repealed Resolution and other legislative instruments or the Statutes, the Regulations and the Rules first referred shall, so far as may be, be considered to refer to the corresponding provisions of the Ordinance or the Statutes, the Regulations and the Rules made under this Ordinance;
- (f) all institutes, colleges or other constituent units of the University functioning in terms of the provisions of the repealed Resolution or other legislative instruments shall continue to function in terms of the relevant repealed provisions till such time that the Senate through Statute has prescribed otherwise; and

- (g) any Statutes, Regulations, or Rules made or deemed to have been made under the repealed Resolution or other legislative instruments shall, if not inconsistent with the provisions of this Ordinance, be deemed to be Statutes, Regulations or Rules made under this Ordinance having regard to the various matters which by this Ordinance have to be regulated or prescribed by Statutes, Regulations and Rules respectively and shall continue to be in force until they are repealed, rescinded or modified in accordance with the provisions of this Ordinance.

41. **Transitory provisions.**—Notwithstanding anything contained in this Ordinance, the members of the first Senate, except the University Teachers, shall be appointed by the Chancellor in accordance with the numbers and criteria for membership specified in the Ordinance. The first Senate so constituted shall initiate, as soon as possible, the process for the recruitment of University Teachers and appointment of the members of the Syndicate and the Academic Council in accordance with the terms of this Ordinance. The University Teachers to be appointed to the first Senate shall be appointed as soon as the procedure prescribed for appointment of University Teachers to the Senate has to be complied with. The term of tenure provided in sub-section (4) of section 16 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.

42. **Removal of difficulties.**—(1) Any question that may arise as to the interpretation of any of the provisions of this Ordinance shall be placed before the Chancellor whose decision thereon be final.

(2) If any difficulty arising in giving effect to any provision of this Ordinance, the Chancellor may make such order or direction, not inconsistent with the provision of this Ordinance, as may appear to it to be necessary for the purpose of removing such difficulty.

(3) The Chancellor may issue directions or decide such matters as are covered by this Ordinance in the manner it considers appropriate.

43. **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 in good faith done under this Ordinance.

44. Power to allow appointment of employees of the Government, other Universities or educational or research institutions to the University.—

(1) Notwithstanding any thing contained in this Ordinance, the Senate may, on the advice of the Syndicate, allow any post in the University to be filled by appointment, on such terms 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.

STATEMENT OF OBJECTIVES AND REASONS

- (i) The Ordinance No. XL of 2007 dated 27th July 2007 was promulgated to enable the National Defence University, Islamabad to impart higher education in the fields of national defence and security to meet contemporary and future challenges and to promote our national interests.
- (ii) The main objectives of the University are to become a world class seat of learning to disseminate knowledge related to strategy, statecraft, security, management, and other relevant areas of study having significance for the country and exposing students to the new avenues of knowledge.
- (iii) The University after having been awarded the charter through promulgation of an Ordinance have started M.Sc, M.Phil and Ph.D classes in the disciplines of Defence and Strategic Studies, War Studies & Defence Management, Government & Public Policy, Peace and Conflict Studies and Nuclear Politics. At the moment, the University has five colleges/departments and is also planning to start two new departments of International Relations and Management Sciences by Spring Semester 2010.
- (iv) At the moment, there are 171 M.Sc. students at the Faculty of Security Studies pursuing M.Sc degrees and 260 students studying in three disciplines at M.Sc., M.Phil and Ph.D levels at the Faculty of Contemporary Studies.

- (v) The University has three affiliated colleges *i.e* Command and Staff College, Quetta, Pakistan Air War College, Karachi and Pakistan Naval War College, Lahore, whose successful students are awarded M.Sc. degrees by NDU.
- 2. The Bill seeks to achieve the aforesaid objectives.

ARBAB MOHAMMAD ZAHIR,
Member-in-Charge.