

EXTRAORDINARY

GOVERNMENT



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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
LAW DEPARTMENT.

NOTIFICATION

2nd October, 2002.

No. LEGIS:1(12)/98/7278.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:—

THE INSTITUTE OF MANAGEMENT SCIENCES ORDINANCE, 2002.

N.-W.F.P. ORDINANCE NO. XXXVII OF 2002.

**AN
ORDINANCE**

*to provide for establishment of an Institute of Management
Sciences at Peshawar.*

WHEREAS it is expedient to provide for the establishment of an Institute of Management Sciences at Peshawar.

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended upto date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. *Short title and commencement.*— (1) This Ordinance may be called the Institute of Management Sciences Ordinance, 2002.

(2) It shall come into force at once.

(3) It shall come into force on such date as Government may, by notification in the official Gazette, specify.

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

- (i) “Academic Committee” means the Academic Committee of the Institute established under section 12;
- (ii) “Board” means the Board of Governors of the Institute established under section 14;
- (iii) “Chairman” means the Chairman of the Board;
- (iv) “Controller Semester Examination” means the Controller of Semester Examinations of the Institute;
- (v) “Controller Finance” means the Controller of Finance of the Institute appointed under section 9;
- (vi) “Director” means the Director of the Institute appointed under section 6;
- (vii) “Executive Committee” means the Executive Committee of the Institute established under section 14;
- (viii) “Government” means the Government of North-West Frontier Province;
- (ix) “Institute” means the Institute of Management Sciences, Peshawar, established under section 3;
- (x) “member” means a member of the Board;
- (xi) “prescribed” means prescribed by rules made under this Ordinance;
- (xii) “section” means a section of this Ordinance; and
- (xiii) “year” means a calendar year.

3. **Establishment of the Institute.**—There shall be established an Institute to be known as the Institute of Management Sciences, at Peshawar, which shall be a body corporate, having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

4. ***Powers and functions of the Institute.***—(1) The Institute shall exercise the powers and perform the functions as under:

- (a) to provide for teaching business administration, public administration, information technology and related disciplines as it may deem fit, and to make provision for research, management, development programmes, consultancy and for the advancement and dissemination of knowledge in such manner as it may determine;
- (b) to prescribe courses of studies to be conducted by it with the approval of the Academic Committee;
- (c) to conduct semester examinations and to notify the results; provided that till the Institute remains affiliated with the University of Peshawar, it will pass on the final results, alongwith relevant record, to the University of Peshawar for such notification;
- (d) to create posts for teaching, research, training, consultancy, administration and other related purposes with the approval of the Board;
- (e) to appoint persons against the sanctioned posts;
- (f) to establish centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may determine;
- (g) to make provisions for research, consultancy and advisory services and for this purpose to enter into arrangements with other institutions or with public and private bodies under prescribed conditions;
- (h) to promote cooperation with Government, national and international organizations and universities in activities falling within the purview of the Institute;
- (i) to affiliate or associate itself with other institutions and to establish faculties in Pakistan or abroad, in accordance with the law for the time being in force in this behalf for the effective discharge of its functions and responsibilities;
- (j) to charge and receive such fees and other payments as it may determine with the approval of the Board; and
- (k) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be necessary in order to promote the objectives of the Institute as a place of education, learning, research and consultancy.

(2) Till such time as the Board may determine, the Institute shall arrange to get itself affiliated with the University of Peshawar.

5. ***Institute open to all.***—The Institute shall be opened to persons of either sex of whatever religion, race, creed, colour, who are eligible under the rules and academically qualified for admission to the courses of study offered by the Institute, and no such person shall be denied the privileges of the Institute only on grounds of sex, religion, race, creed, or colour.

6. ***Director.***—There shall be appointed a Director by the Board on such terms and conditions as the Board may determine, initially for a period not exceeding four years; provided that extension for a further period upto four years may be granted by the Board on his satisfactory performance, beyond which no further extension shall be admissible.

7. ***The powers and duties of the Director.***—(1) The Director shall be the principal executive and academic officer of the Institute and shall ensure that the provisions of this Ordinance, the Statutes, the Regulations and the Rules to be framed thereunder, are faithfully observed and the decisions of the Board are promptly implemented, in order to promote the general efficiency and good order of the Institute. He shall have powers necessary for this purpose, including administrative control over all officers, teachers and other employees of the Institute.

(2) The Director may, in the circumstances in which immediate action, in his opinion, is required, take such action as he may consider necessary, and shall, as soon as possible thereafter, report to the concerned Committee or, as the case may be, the Authority, for necessary recommendations to the Board for approval; provided that the power under this sub-section shall be exercised by the Director in cases where it is absolutely necessary.

8. ***Controller Finance.***—There shall be a Controller of Finance to be appointed by the Board on such terms and conditions as may be determined by it, who shall—

- (i) manage the property, finances and investments of the Institute;
- (ii) prepare annual statement of accounts and annual and revised budget estimates of the Institute and present them to the Board for approval;
- (iii) ensure that the funds of the Institute are spent for the purpose for which these are provided; and
- (iv) perform such other duties as may be prescribed.

9. **Controller of Examinations.**—There shall be a Controller of Examinations to be appointed by the Board on such terms and conditions as may be determined by it, who will be responsible for all matters connected with the examinations and be responsible for keeping its record properly and shall perform such other duties as may be prescribed.

10. **Board of Governors.**—(1) There shall be Board of Governors consisting of the following:

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| (i) | Governor of the North-West Frontier Province. | .. | Chairman |
| (ii) | Minister for Education, North-West Frontier Province. | .. | Member |
| (iii) | Chief Secretary to Government, North-West Frontier Province. | .. | Member |
| (iv) | Vice-Chancellor, University of Peshawar. | .. | Member |
| (v) | Secretary to Government, Finance Department. | .. | Member |
| (vi) | Secretary to Government, Higher Education, Sports, Archives and Libraries Department. | .. | Member |
| (vii) | a nominee of the Higher Education Commission not below BPS-20. | .. | Member |
| (viii) | a representative of Sarhad Chamber of Commerce and Industry, Peshawar. | .. | Member |
| (ix) | a representative of Institute of Bankers in Pakistan. | .. | Member |
| (x) | a nominee of the Securities and Exchange Commission not below the rank of a member. | .. | Member |
| (xi) | representative of Ghulam Ishaq Khan Institute of Engineering Sciences, Topi. | .. | Member |
| (xii) | two prominent business executives of the North-West Frontier Province to be nominated by the Board of Governors. | .. | Members |
| (xiii) | Rector of the Lahore University of Management Sciences or his nominee. | .. | Member |
| (xiv) | Director, Institute of Business Administration, Karachi, or his nominee. | .. | Member |
| (xv) | one eminent person in the field of business. | .. | Member |

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| (xvi) | one member of the registered graduates of the Institute elected from amongst themselves. | .. Member |
| (xvii) | Director of the Institute. | .. Member-cum-Secretary. |

(2) The members, other than ex-officio members, shall hold office for three years commencing from the date of appointment.

(3) A member, other than ex-officio member, shall cease to hold office, if he does not attend three consecutive meetings of the Board without a valid reason.

(4) The meetings of the Board shall be presided over by the Chairman or in his absence by one of the members to be nominated by the Chairman.

(5) The Board shall meet at least once a year on the dates to be fixed with the approval of the Chairman.

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

(7) The decisions of the Board shall be expressed in terms of the views of the majority of the members present and in case of tie, the person presiding the meeting shall exercise a second or casting vote.

11. ***Power and functions of the Board.***—(1) The Board shall be the policy formulation and executive body of the Institute and shall, subject to the provisions of this Ordinance and the rules made thereunder, exercise general supervision over the affairs of the Institute.

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

- (i) to exercise overall control over the Institute;
- (ii) to appoint the teachers and other officers/staff of the Institute and to determine the terms and conditions of their services, including their qualification, experience and eligibility for appointment;
- (iii) to cause proper books of accounts to be kept for all sums of money received from all sources and expended by the Institute and for assets and liabilities of the Institute;
- (iv) to consider and approve the budget estimates, annual research programmes, annual report and audited statements of accounts of the Institute;

- (v) to re-appropriate funds from one major head of expenditure to another;
- (vi) to enter into, vary, carry out and cancel contracts on behalf of the Institute;
- (vii) to institute professorships, lectureships and other administrative posts and to appoint persons thereto on the recommendation of the Selection Committee;
- (viii) to receive and manage property, grants, bequests, trust, gifts, donations endowments and other contribution made to the Institute, and to invest, for the cause of the Institute, any fund representing such property, grants, bequests, trusts, gifts, donations endowments or contributions in the prescribed manner;
- (ix) to fix fees/charges, etc., of the various courses and programmes;
- (x) to delegate any of its powers to the Director or a Committee constituted under this Ordinance, except the power of approval of budgetary estimates;
- (xi) to approve appointments of members of various Committees established under this Ordinance;
- (xii) to appoint auditor for the annual audit of the accounts of the Institute;
- (xiii) to suspend, punish and remove from service, in the prescribed manner, employees of the Institute;
- (xiv) to frame rules, as are necessary for carrying out the purpose of this Ordinance; and
- (xv) to regulate, determine and administer all other matters concerning the Institute and to this end exercise all other powers in this behalf not specifically mentioned in this Ordinance.

12. Academic Committee.—(1) There shall be an Academic Committee consisting of—

- (i) the Director; .. Chairman
- (ii) all professors of the Institute (including professor emeritus); .. Members

- (iii) three Associate Professors of the Institute to be nominated by the Board on the recommendation of the Director for a period of three years; .. Members
- (iv) one eminent business man to be nominated by the Chairman of the Board of Governors for a period of three years; .. Member
- (v) one Assistant Professor of the Institute to be nominated by the Board on the recommendation of the Director for three years; and .. Member
- (vi) two experts in Business Administration/Computer Science/related disciplines to be nominated by the Board on the recommendation of the Director for three years. .. Members

(2) The Academic Committee shall be responsible for all academic matters including courses, syllabi, examinations, degrees, diplomas and certificates and matters connected therewith.

(3) The meetings of the Academic Committee shall be held as frequently as possible but not less than twice a year.

(4) The quorum of a meeting of the Academic Committee shall be one half of the total members.

13. **Selection Committee.**—(1) There shall be a Selection Committee comprising of the following:

- (i) The Director; .. Chairman
- (ii) the Chairman or a nominee of the North-West Frontier Province Public Service Commission. .. Member
- (iii) a representative of the Higher Education Department not below the rank of Deputy Secretary. .. Member
- (iv) a representative of the Establishment Department not below the rank of Deputy Secretary. .. Member
- (v) one eminent business man to be nominated by the Chairman of the Board of Governors for three years; and .. Member

- (vi) two experts in the relevant field of studies to be .. Members nominated by the Board for three years.

(2) All appointments to posts in the Institute shall be made by the Board on the recommendation of the Selection Committee.

(3) Five members shall form the quorum for a meeting of the Selection Committee.

14. **Executive Committee.**—(1) There shall be an Executive Committee consisting of—

- (i) the Director;
- (ii) all professors of the Institute (excluding professor emeritus);
- (iii) a representative of the Higher Education Department not below the rank of Deputy Secretary;
- (iv) a representative of the Establishment Department not below the rank of Deputy Secretary;
- (v) a representative of the Finance Department, not below the rank of Deputy Secretary;
- (vi) Controller of Finance; and
- (vii) one expert in the Business Administration/Computer Science to be nominated by the Board on the recommendation of the Director for three years.

(2) The Executive Committee will be responsible for all matters involving general administration and finances to be decided in emergency and make recommendations to the Board.

(3) The meeting of Executive Committee shall be held as frequently as needed.

15. **Institute Fund.**—(1) The Institute shall have a Fund to which shall be credited all grants made by Government, including Federal Government, or contributions and donations made by individuals local bodies, organizations or agencies and income from fees received, sale proceeds and royalties on publications and such other sources as may be approved by the Board.

(2) No expenditure shall be made from the Funds unless a bill for its payment has been audited by the Audit Officer of the Institute, in accordance with the prescribed manner.

(3) The accounts of the Institute shall be maintained in such form and manner as may be prescribed and shall be audited once a year by a qualified Chartered Accountant appointed by the Board.

(4) The annual statement of accounts and audit report thereon shall be submitted by the auditor for consideration of the Board.

(5) The Institute shall furnish to Government each year a report on annual audited accounts, report on the activities of the Institute during the preceding year by 30th September of the following year and such information relating to its activities as may be asked for by Government.

16. **Saving.**—(1) Everything done, actions taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdictions or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, privileges granted under or in pursuance of the Education Department Notification No. SO(UE)1-47/98, dated the 12th June, 1999, shall be deemed to have been done taken, incurred, acquired, appointed or authorized, conferred, created, made and granted under this Ordinance and shall continue, if not inconsistent to this Ordinance, unless altered, amended or done away with.

17. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Chairman may, on the recommendations of the Board, give such direction, not inconsistent with any of the provisions of this Ordinance, as he may consider necessary for the removal of such difficulty.

Peshawar,
Dated the 30th Sept., 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,
Governor of the North-West Frontier Province.

SALIM KHAN,
Secretary to Government of North-West Frontier Province,
Law Department.