

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD**

Dated: 13th December, 2002

No. LD/Leg/1135-1143/2002. The following Act of the Assembly received the assent of the President on 4th December, 2002 is hereby published for general information:-

(ACT XI of 2002)

**AN
ACT**

to amend the University of Azad Jammu and Kashmir Act, 1985 (Act XXXIV of 1985)

WHEREAS it is expedient to amend the University of Azad Jammu and Kashmir Act, 1985, for the purpose hereinafter appearing;

It is hereby enacted as follows: -

1. Short title and commencement:- (1) This Act may be called the University of Azad Jammu and Kashmir (Amendment) Act, 2002.

(2) It shall come into force at once and shall be deemed to have taken effect from 21st day of July 1980.

2. Amendment of Section 2, Act XXXIV of 1985:- In the University of Azad Jammu and Kashmir Act, 1985 (Act XXXIV of 1985), hereinafter called to as the said Act, Section 2, shall be substituted as under:-

“2. Definitions:- In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings as hereinafter assigned to them:-

- i) ‘Academic Council’ means the Academic Council of the University;
- ii) ‘Affiliated Colleges’ means an educational institution affiliated to the University but not maintained or administered by it;
- iii) ‘Authority’ means any of the authorities of the University specified in this Act;
- iv) ‘Chairman of the Department’ means the Head of a Teaching Department;

- v) 'Chancellor' means the Chancellor of the University;
- vi) 'Collaborating University' means a University conducting instructional programmes in collaboration with the University of Azad Jammu and Kashmir;
- vii) 'College' means a constituent college or an affiliated College;
- viii) 'Commission' means the University Grants Commission;
- ix) 'Constituent College' means a College maintained and administered by University;
- x) 'Dean' means the Dean of a Faculty of the University;
- xi) 'Educational Institution' means an Institution imparting instruction in the subject relating to a faculty;
- xii) 'Faculty' means a Faculty of the University;
- xiii) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- xiv) 'Institute' means an Institute set up by the University;
- xv) 'Officer' means an Officer of the University;
- xvi) 'Prescribed' means prescribed by Statutes, Regulations and Rules;
- xvii) 'Principal' means the Principal of constituent/affiliated college as the case may be. The Principal of constituent/affiliated college as the case may be. The Principals of constituent college shall be deemed to be the Dean of Faculties of their respective colleges;
- xviii) 'Professor Emeritus' means a retired Professor working in a faculty in an honorary capacity;
- xix) 'Registered Graduate' means;
 - a) a graduate of the University who has his name entered in the register maintained for the purpose; or

- b) a graduate of the University who ordinarily resides within the territorial jurisdiction of the University and has his name entered in the registered maintained by the University for the purpose;
- xx) ‘Statutes, Regulations and Rules’ means the Statues, Regulations and Rules made or deemed to have been made under this Act;
- xxi) ‘Syndicate’ means the Syndicate of the University;
- xxii) ‘Teachers’ include Professors, Associate Professors, Assistant Professors and Lectures engaged whole-time by the University or by a college for teaching B.A/B.Sc. etc. Honors or Post-graduate classes and such other persons as may be recognized to be, teachers by the syndicate;
- xxiii) ‘Teaching Department’ means a teaching department maintained and administered by the University or recognized by it;
- xxiv) ‘University College’ means a constituent college;
- xxv) ‘University Teacher’ means a whole-time teacher appointed and paid by the University;
- xxvi) ‘University’ means the University of Azad Jammu and Kashmir; and
- xxvii) ‘Vice Chancellor’ means the Vice Chancellor of the University.”

3. **Amendment of Section 3, Act XXXIV of 1985.**- In the said Act, in subsection (2) of Section 3, the clause (1) shall be substituted as under:-

“(1) The Chancellor, the Vice Chancellor, the Deans of Faculties, Chairman of Departments, Principals of Constituent Colleges, and the Directors of Institutes;”

4. **Amendment of Section 6, Act XXXIV of 1985.**- In the said Act, in section 6;

- (a) in subsection (1) between the words “University’ and “in” the words “or the constituent colleges” shall be inserted;
- (b) the subsection (4) shall be substituted as under:-

“(4) a discipline to be called ‘Islamic and Pakistan Studies’ shall be offered as a compulsory subject in all colleges/institutes etc. Where Bachelor’s Degree level courses are taught; provided that Non-Muslim may opt for ‘Ethics and Pakistan Studies; and
- (c) subsection (5) shall be substituted as under:-

“(5) Bachelor Degree shall not be awarded unless a candidate has passed the examination in the discipline referred to in subsection (4).”

5. **Amendment of Section 7, Act XXXIV of 1985.**- In the said Act, in section 7, after clause (iv), the following new clause (v) shall be added and thereafter remaining clauses shall be renumbered accordingly:-

“(v) Chairman of Departments.”

6. **Amendment of Section 17, Act XXXIV of 1985.**- In the said Act, in section 17, for clause (viii) following new clauses shall be substituted:-

“(viii) the Boards of Faculties;

(ix) the affiliation committee; and

(x) such other authorities as may be prescribed by statutes.”

7. **Amendment of Section 19, Act XXXIV of 1985.**- In the said Act, clause (k) to subsection (2) of Section 19 shall be substituted as under:-

“(k) to arrange for the inspection of the Colleges, the teaching Departments and the University.”

8. **Amendment of Section 24, Act XXXIV of 1985.**- In the said Act, in subsection (1) of section 24, the clause (c) shall be substituted as under:-

“(c) The establishment of Faculties, Institutes, Colleges and other academic divisions;”

9. **Amendment of Section 25, Act XXXIV of 1985.**- In the said Act, in subsection (1) of section 25, in clause (b) the words, “Post M.A/M.Sc.” shall be omitted.

10. **Addition of Section 40-A, Act XXXIV of 1985.**- In the said Act, after Section 40, the following new section 40-A, shall be added:-

“40-A Member authority to cease to be member in certain circumstances.- An elected, appointed or nominated member of any Authority shall cease to be a member if he:-

- a) absents himself, without the leave of such Authority, from three consecutive meetings, thereof; or
- b) accepts any assignments, which involves his absence from the University for a period of six months or more.”

11. **Substitution of Section 49, Act XXXIV of 1985.**- In the said Act, section 49 shall be substituted as under:-

“49. Transitional Provisions.- (1) The Syndicate as constituted immediately before the commencement of this Act, shall continue to function, and shall, as far as may be practicable, exercise the powers assigned to the Syndicate under the Act until the Syndicate is reconstituted under this Act.

(2) The other Authorities constituted immediately before the commencement of this Act, shall continue to function and shall, as far as possible, exercise the powers respectively assigned to the corresponding Authorities by or under the Act until such time as they are respectively replaced by the Authorities constituted under this Act.”

12. **Amendment in the Schedule to Act XXXIV of 1985.**- In the said Act, in the Schedule;

(a) the item No. 1 shall be substituted as under:-

“1. Organization of the University.- The University shall include the following Faculties, and such other Faculties as may be prescribed by statutes, namely:-

- i. Faculty of Science: Comprising the subjects of Applied Geology, Physics, Mathematics, Botany, Chemistry, Geography, Psychology Statistics and Zoology.
- ii. Faculty of Arts: comprising the subjects of Arabic, Economics, English, History, Political

Science, Islamic Studies, Pakistan Studies and Urdu;

- iii. Faculty of Art and Design: comprising the subjects taught in the constituent University College of Art and Design;
 - iv. Faculty of Administrative Sciences: comprising the subjects taught in the constituent University College of Administrative Sciences, Kotli;
 - v. Faculty of Agriculture: comprising the subjects taught in the constituent University College of Agriculture, Rawalakot;
 - vi. Faculty of Engineering: comprising the subjects taught in the Ali Ahmed Shah University College of Engineering and Technology, Mirpur;
 - vii. Faculty of Home Economics: comprising the subject taught in the constituent University College of Home Economics, Mirpur.
- (b) In sub-item (1) of item No. 2 clause (iv) and (v) shall be substituted as under:
- “(iv) the Dean/Principal of the concerned Faculty/Constituent College.”
 - (v) one member of the syndicate and two other persons of eminence to be appointed by the syndicate:

Provided that none of them is an employee of the University; and
 - (vi) the Chairman of the Teaching Department concerned.

13. **Substitution of Item No. 6 of the Schedule to Act XXXIV of 1985.**- In the schedule:-

- (a) Item No. 6 shall be substituted as under:-

“6. **Discipline Committee**:- (1) The Discipline Committee of the University shall consist of:-

 - (1) The Chairman to be nominated by the Vice Chancellor;

- (2) Two Professors to be nominated by the Academic Council;
 - (3) One member to be nominated by the Syndicate;
 - (4) The teacher or officer Incharge of Students Affairs by whatever name called (member Secretary);
 - (5)(a) The Discipline Committee in each constituent/Affiliated college shall consist of five senior most teachers including the Principal who shall be its Chairman. The committee shall be duly approved by the Vice Chancellor on the recommendation of the Principal concerned.
 - (b) The Vice Chancellor may allow one or maximum two additional members to be co-opted on the above committees if the situations may so demand.
 - (c) The term of the office of the member of the committee other than ex-officio members shall be two years.
 - (d) the quorum for the meeting of the Committee shall be four members.”
- (b) Item No. 7 shall be substituted as under:-
- “7. **Functions of the Discipline Committee.**- (1) The functions of the Discipline Committee shall be:-
- (a) To deal with all cases of indiscipline and misconduct of the students in the University and in the Constituent/Affiliated colleges.
 - (b) To propose regulations relating to conduct of students, maintenance of discipline and breach of discipline.
 - (c) To impose fine, place on probation, to suspend, expel or rusticate students on the basis of inquiry conducted under prescribed regulations/rules; and
 - (d) To perform such other functions as may be prescribed by the Vice Chancellor.
- (2) An appeal against the decision of the Discipline committee shall lie with the Vice Chancellor whose decisions shall be final and binding.”

- (c) Item No. 8 shall be substituted as under:-
- “8. Scheme of Studies: the courses and scheme of studies at the university faculties and constituent/affiliated college shall be such as may be prescribed.
- (d) Item Nos. 9 and 10 shall be omitted.
14. **Savings.**- (a) Everything done, actions taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdictions or powers conferred, endowments, bequests, funds or trust created, donations or grants made, scholarships, studentships or exhibition instituted, affiliations granted and orders issued under the provisions of the Azad Jammu and Kashmir University Ordinance, 1980, or its succeeding ordinances, issued from time to time, or Act XXXIV of 1985 shall be deemed to have been validly done, taken, incurred, acquired appointed, authorized, conferred created, made, instituted, granted and issued under this Act.
- (b) Any Statutes or Regulations made under the Ordinance or Act mentioned in sub-clause (a) to this Section or the Statutes or Regulations made there under, be deemed to be Statutes, Regulations or Regulations or Rules made under this Act having regard to the various matters which by this Act have to be regulated or prescribed be Statutes, Regulations or Rules respectively and shall continue to be in force, until they are repealed or rescinded or modified in accordance with the provisions of this Act.
15. **Repeal.**- The University of Azad Jammu and Kashmir (Amendment) Ordinance, 2002 (Ordinance XIV) of 2002 is hereby repealed.

Sd/-(IRSHAD AHMED QURESHI)
DEPUTY SECRETARY