

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the April 15, 1975.

No.1060/SL/75. This Ordinance made by the President on April 10, 1975, is hereby published for general information:-

(ORDINANCE XIII OF 1975)

AN ORDINANCE to provide for the establishment of a university in Azad Jammu and Kashmir.

WHEREAS it is expedient to provide for the establishment of a university in Azad Jammu and Kashmir and for matters ancillary thereto, in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly is not in session and the president is satisfied that circumstances exist which render immediate legislation necessary;

NEW THEREFORE, in exercise of the powers conferred by section 41, of the Azad Jammu and Kashmir Interim Constitution Act, 1974 and all powers enabling him in that behalf the president is pleased to make and promulgate the following Ordinance:-

**CHAPTER I
PARLIAMENTARY**

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir University Ordinance 1975.
(2) It shall come into force at once.
2. **Definition:-** In this Ordinance, unless there in anything repugnant in the subject or context:-
 - (a) 'Academic Council' means the Academic Council of the University;
 - (b) 'Authority' means an Authority of the University mentioned in section 10;
 - (c) 'Dean' means the head of the faculty;
 - (d) 'Institute' means an institute maintained by the university;
 - (e) 'prescribed' means prescribed by statutes or Regulation

- (f) 'Regulation' means a Regulation made under this ordinance;
- (g) 'Statute' means a statute made under this University;
- (h) 'Syndicate' means the syndicate of the university
- (i) 'teacher' means a Professor, Reader, Lecturer or any other person imparting instruction in the university or conducting research in any institute; and
- (j) 'University' means the Azad Jammu and Kashmir university established under section 3.

**CHAPTER II
THE UNIVERSITY**

- 3. **Establishment and incorporation of the University:-** (1) there shall be established a University to be called the Azad Jammu and Kashmir university which shall consist of the chancellor, Vice Chancellor and the members of the syndicate and the Academic Council all of whom shall be the Fellows of the university.

(2) The university shall be a body corporate by the name of the Azad Jammu and Kashmir University, having perpetual succession and common seal with power, among other, to acquire hold and dispose of any property and shall, by the said name sue and be sued.
- 4. **Power and functions of the University:-** The University shall, subject to the provisions of this ordinance, have the following powers and functions, namely:-
 - (a) to provide for instruction in any branch of learning, research and advancement and dissemination of knowledge;
 - (b) to hold examination and confer degrees, titles and marks of honours on persons who have, under prescribed conditions, pursued a course of study in, and passed the examination of the university;
 - (c) to confer degrees and other academic destinations on persons who have, under prescribed conditions, carried on independent research;
 - (d) to confer in the prescribed manner on any person honorary degree or other academic distinction;

- (e) to co-operate with other Universities and authorities in such manner and for such purposes as it may determine;
- (f) to institute and create professorships, readerships, Lectureships and other teaching, research or administrative posts required by it and to appoint persons thereto;
- (g) to institute and award fellowships, scholarships, exhibitions, bursaries, modals and other awards in accordance with the prescribed conditions;
- (h) to establish institutes and to make arrangements for their maintenance, management and administration;
- (i) to provide residential accommodation for student and teachers;
- (j) to demand and to receive such fees and other charges as may be prescribed;
- (k) to supervise and control the residence, extra-curricular activities and discipline and to make arrangement for promoting health and general welfare, of its student;
- (l) to receive grants, bequests, trusts, gifts, donations, endowment and other contributions made to it; and
- (m) to do such other acts and thing as may necessary or conducive to the performance of its functions or otherwise to carry out the purpose of this ordinance.

**CHAPTER III –
OFFICERS OF THE UNIVERSITY**

5. **Officers of the University:-** The following shall be the officers of the university, namely
- (a) the chancellor;
 - (b) the vice chancellor;
 - (c) the deans of the Faculties;
 - (d) the Registrar
 - (e) the Treasurer; and
 - (f) such other officer as may be prescribed

6. **The Chancellor:-** the President of Azad Jammu and Kashmir shall be the chancellor of the university.
7. **Power and function of the Chancellor:-** (1) The Chancellor shall, when present, preside at the convocation of the University.
 - (2) The Chancellor, if he is satisfied that the proceedings of any Authority are not in accordance with the provisions of this Ordinance, the statutes or the Regulations, may after calling upon such Authority to show cause why such proceedings should not be annulled, by order in writing, annul the proceedings.
 - (3) the chancellor may, at any time, cause an inspection of, or an enquiry in respect of any matter connected with, the University or its institutions to be made by such person or persons as he may appoint for the purpose, and may, after such inspection or enquiry, make such order as he may consider necessary; and any such order shall be carried out by the Authorities and officers concerned.
8. **The Vice-Chancellor:-** (1) The Vice-Chancellor shall be appointed by the chancellor.
 - (2) The appointment of the Vice-Chancellor shall be for a period of four years terminable by not less than three months notice on either side and on such other terms and conditions as may be determined by the chancellor.
 - (3) At any time when the office of the Vice-Chancellor is vacant, or the Vice Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the chancellor shall make such arrangements for the performance of the functions of the Vice Chancellor as he may deem fit.
9. **Powers and functions of the Vice Chancellor:-** (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall ensure that the provision of this Ordinance, the statutes and the regulations are faithfully observed and, for that purpose, exercise such powers as may be necessary.
 - (2) The Vice Chancellor shall, in the absence of the chancellor preside at the convocation of the university and shall, if present, preside at the meetings of the Authorities of which he is the chairman and be entitled to attend and preside at any meeting of any other Authority or body of the University.
 - (3) The Vice Chancellor may, in any emergency which in

his opinion requires immediate action, take such action as he may consider necessary and shall, as soon thereafter as possible, report his action to the officer, Authority or other body concerned.

- (4) The Vice-Chancellor may,-
- (a) appoint, punish or dismiss an employee of the University in accordance with the provisions of the statutes and Regulations,
 - (b) Create and fill temporary posts for a period not exceeding six months, and
 - (c) exercise and perform such other powers and functions as may be prescribed.
- (5) the Vice-Chancellor may, subject to such conditions, if any as may be prescribed, delegate any of his powers under this ordinance to such officers or employees of the University as he may deem fit.

**CHAPTER IV –
AUTHORITIES OF THE UNIVERSITY**

10. **Authorities:-** The following shall be the Authorities of the University, namely:-
- (a) the Syndicate
 - (b) the Academic Council,
 - (c) the Faculties,
 - (d) The Selection Board,
 - (e) the Financial Committee, and
 - (f) such other Authorities as may be prescribed by the statutes.
11. **Syndicate:-** The Syndicate shall consist of the following members, namely:-
- (a) the Vice Chancellor who shall be its chairman
 - (b) the Treasurer
 - (c) the Secretary to the Government of Azad Jammu and Kashmir Education Department

- (d) two Deans to be so appointed by the Chancellor in such order as he may deem fit that each Dean become a member by rotation;
 - (e) two University Professors to be nominated by the Chancellor;
 - (f) the Chairman of the public service commission;
 - (g) two members of Legislative Assembly elected by the members of that Assembly;
 - (h) five members to be nominated by the Chancellor of whom one shall be a woman.
- (2) The Term of office of a member of the syndicate, other than an ex-officio member, shall be two years.
- (3) The quorum for the meetings of the syndicate shall be seven.
12. **Power and function of the Syndicate:-** (1) subject to the provisions of this ordinance, statutes and Regulations, the power of general management and superintendence over the affairs, concerns and property of the university shall vest in the syndicate.
- (2) Without prejudice to the generality of the foregoing provisions the syndicate shall, in particular, have power to,
- (a) make the statutes;
 - (b) approve the regulations passed by the Academic Council;
 - (c) make regulations after referring the proposal to the academic Council for expression of opinion;
 - (d) determine the form of the common seal of the University the authority in whose custody it shall be kept, and the manner in which it shall be used;
 - (e) hold, control and administer the property, and funds of the University including the funds for specific purposes;
 - (f) transfer and accept transfer, Subject to the Statutes, of any movable or immovable property on behalf of the University;

- (g) make contracts on behalf of the University;
 - (h) manage and regulate the finance, accounts and investments of the University;
 - (i) consider and pass, the Budget of the University;
 - (j) Institute such teaching, research or administrative post as it may consider necessary;
 - (k) abolish or suspend such teaching, research or administrative post in the University as it may deem fit;
 - (l) subject to the provisions of this Ordinance Statutes and Regulation, appoint on the recommendation of the Selection Board teacher of the University;
 - (m) determine duties and conditions of appointment of officers and teachers; -
 - (n) confer and grant degrees including honorary degrees; and
 - (o) subject to the provision of this Ordinance, regulate, determine and administer all matter concerning the University, and do all such acts and things as are necessary for the purpose,
- (3) The Syndicate may delegate each of its powers except those under clauses (a) (g) and (i) of sub-section (2) to any officer or Authority or other body of the University as may be prescribed.
13. **Academic Council:-** (1) The Academic council shall consist of the following members, namely:-
- (a) the Vice-Chancellor who shall be its chairman;
 - (b) one senior officer of the department of Education not below the rank of deputy secretary nominated by the chancellor;
 - (c) the deans of faculties;
 - (d) the directors of the institutes;
 - (e) the university professors and readers;
 - (f) ten teachers ,other than professors and readers, co-opted by the academic council;

- (g) two members of the legislative assembly elected by the members of that assembly ; and
- (h) five members to be nominated by the chancellor from amongst the learned bodies, and scientific organizations.

Explanation:- in this clause, “learned bodies” means such bodies as are engaged in research and publication programme and are recognised as such by the Government.

(2) The term of office of a member of the academic council, other than an ex-officio members shall be two years.

(3) The quorum for the meetings of the academic council shall be one-third of the total number of its members, fraction being ignored.

14. Powers and functions of the academic council: (1) subject to the provisions of this ordinance, statutes and regulations, the academic Council shall lay down the courses of study, curricula and standards of instructions, research and examinations and advise the syndicate on all academic matters.

(2) without prejudice to the generality of the foregoing provision the academic council shall in particular, have power to:-

- (a) make regulations;
- (b) recommend the framing of statutes;
- (c) lay down conditions under which students may be admitted to university course and examinations;
- (d) propose schemes for the constitution of university institutes;
- (e) propose the planning and development of teaching and research in university;
- (f) recognize the examination of other universities as equivalent to the corresponding examinations of the university;
- (g) propose the award of research fellowships, scholarships medals and prize; and
- (h) do such other acts and things as are or may be required

to be done by it by or under the provisions of this ordinance.

**CHAPTER V.
STATUTES AND REGULATIONS:**

15. **Statutes:-** subject to the provision of this ordinance, the statutes may provide for all or any of the following matter, namely,
- (a) constitution, power and functions of the authorities;
 - (b) appointment, powers and duties of the officers and teachers of the university;
 - (c) conditions of service and scales of pay of, and pension and provident fund for, the officers and employees of the university;
 - (d) establishment of institutes;
 - (e) maintenance and audit of the accounts of the university and
 - (f) such other matters as are required to be prescribed.
16. **Procedure for making statutes:-** (1) The syndicate may, on the recommendation of this academic council or on its own initiative frame or cause to be framed statutes.
- (2) a statute framed under sub-section (1), after it has been passed by the syndicate with or without modification, shall be submitted to the chancellor for assent.
- (3) when a statute is submitted to the chancellor for assent, he may either assent to it or withhold assent or refer it back to the syndicate for reconsideration.
- (4) No statute shall be valid unless it has received the assent of the chancellor.
17. **Regulations:-** Subject to the provisions of this ordinance and the statutes, the regulations may provide for all or any of the following matters, namely:-
- (a) courses of study, curricula, Standards of instruction, research and examination;
 - (b) conduct of teaching , research and examinations;
 - (c) institution and award of research fellowships,

scholarships, medals and prizes;

- (d) registration and admission of students in the university having regard to equitable distribution of seats for student found different areas or Azad Jammu and Kashmir;
- (e) fees to be charged by the university;
- (f) equivalence of examinations conducted by other university;
- (g) the detailed syllabus for the examinations held by the university;
- (h) conditions of admissions to the examinations held, and degrees conferred, by the universities, and
- (i) such other matters which under this statutes may be required to be provide for by the regulations.

18. **Procedure of making regulations by the academic council.-**

(1) the academic council may on the recommendation of a faculty or on its own initiative, frame or cause to be framed regulations.

(2) a regulation framed under sub-section (1) after it has been passed by the academic council, shall be submitted to the syndicate for approval.

(3) when a regulation is submitted to the syndicate for approval it may either approve it or withhold approval or refer it back to the academic council for reconsideration.

(4) no regulation other than a regulation made bay the syndicate, shall be valid unless it has received the approval of the syndicate.

19. **Making of regulations by the syndicate.-** (1) where the syndicate intends to make any regulations it shall refer the proposed regulation to the academic council for expression of opinion thereon.

(2) the syndicate any, after considering the opinion, if any expressed by the academic council, pass the regulation with or without any modification.

**CHAPTER VI-
UNIVERSITY FUND:**

20. **University fund.**- the University shall have a fund to which shall be credited.
- (a) grants from the Government; and
- (b) income from fees, donations, trusts, gifts, bequests, endowments, grants and other sources.
21. **Accounts and Audit:**- (1) The Accounts of the university shall be maintained and audited in such manner as may be prescribed.
- (2) The statement of, accounts of the university of every year shall, at the close of such year, be submitted to the Government.

**CHAPTER VII –
GENERAL PROVISION**

22. **Filling of casual vacancy:**- A casual vacancy in the office of a member an authority, other than an ex-officio member, shall be filled for the remainder of the term of such members by appointing nominating, electing or co-opting a person in his place in the same manner in which such member was appointed, nominated elected or co-opted.
23. **Preceding not invalidated by vacancy, etc:**- No act or proceeding of any Authority shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, or in the appointment, election, nomination or co-option of any member of such Authority.
24. **Pension and provident funds:**- (1) The University shall constitute, for the benefit of its offices, teachers, and other employees, pension or provident fund or both, subject to such conditions as may be prescribed.
- (2) Upon the constitution of a provident fund under subsection (1) the Government may declare that the provisions of the Provident Funds Act, 1925, (XIX of 1925), shall apply to such fund; and on such declaration the said Act shall apply accordingly as if the University were the Government and the said fund were a Government provident fund.
25. **Prohibitions against seeking certain elections, etc:**- (1) No employee of the university shall seek or contest any election to

any legislature or local body.

(2) Notwithstanding any thing contained in any other law for the time being in force, the service of an employee of the University who contravenes the provisions of subsection (1) shall be liable to be terminated without any notice.

Explanation:- in the section "employee of the University" includes all person drawing salary from the funds of the University.

26. **Idemnity:-** No, suit, persecution or other legal proceeding shall lie against any person or authority or authority for anything which is in good faith done of is intended to be, or purposed to have been done under this Ordinance, the statutes or Regulations.
27. **Members of Authority and employers to be public servant.-** A member of an Authority, an employ University or any other person appointed for carrying out the purposes of this Ordinance shall be deemed to be a public servant with in the meaning of Section 21 of the Pakistan Penal Code (Act XLV 1860) as enforce in the Azad Jammu and Kashmir.
28. **Interpretation in case of doubt.-** if any question arisen as to the interpretation of any provision of this ordinance or of any statute or regulation or as the whether any person has been dul elected, nominated or appointed as, or is entitled to be, a member of any Authority, it shall be referred to the chancellor whose decision thereon shall be final.
29. **Removal of difficulties:-** if any difficulty arises as to the first constitution of any Authority or otherwise in first giving effect to the provisions of this ordinance, the Chancellor may, by order, do or cause to be done such thing as may appear to him to be necessary for removing the difficulty.

Sd/- (Sardar Mohammad Abdul Qayyum Khan)
President
Azad Government of the state of J&K

(Mohammad Akram Shah),
Deputy Secretary Law & Parliamentary Affairs,
Azad Government of the State of J & K