



ISLAMIA COLLEGE PESHAWAR

(a Public Sector University)

KHYBER PAKHTUNKHWA (PAKISTAN)

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No. 2782 /Regr:

Dated 16 / 12 /2011

To

All participants
of the 3rd meeting of the Senate
Islamia College Peshawar

Subject: MINUTES OF THE 3RD MEETING OF THE SENATE, ISLAMIA COLLEGE PESHAWAR

Dear Sir/Madam,

Minutes of the 3rd meeting of the Senate Islamia College Peshawar held on 08.12.2011 in the Committee Room of Islamia College Peshawar, are sent herewith for your perusal and record.

You are requested to communicate your observation (s) on the Minutes, if any, within seven days of the issuance of this letter. If no observation is received within the prescribed time, the Minutes will deem to be confirmed.

Yours faithfully,

Dr. Gohar Zaman
Registrar

No. 2783 – 2784 /Regr: of even date

Copy to:

1. The Section Officer (HE-I) Governor's Secretariat, Khyber Pakhtunkhwa Peshawar. This is with reference to his letter No. SO(HE-I)6(11)1/GS/10/2760-6 dated 04.11.2011. Copy of the Minutes and agenda are sent herewith for record.
2. PS to Vice-Chancellor, ICP

Registrar

**MINUTES OF THE 3rd MEETING OF THE SENATE, ISLAMIA COLLEGE
PESHAWAR HELD ON 08.12.2011 IN THE COMMITTEE ROOM OF
ISLAMIA COLLEGE PESHAWAR.**

1. In compliance with the letter No.SO(HED)6(ii)/GS/10/2760 dated 04.11.2011 from the SO (H-I), Governor's Secretariat Khyber Pakhtunkhwa, 3rd meeting of the Senate Islamia College Peshawar was held on 8th December 2011 at 10:00 hrs in the Committee Room of the University under the chairmanship of Engineer Ahmad Shakaib Sahibzada Senator.
2. The list of the participants is attached herewith.
3. The Vice-Chancellor welcomed the participants for sparing their precious time to attend the meeting. The Vice-Chancellor and the members requested Engineer Ahmad Shakaib Sahibzada to preside over the meeting. He thanked the house and said that it is an honour and privilege for him to chair the meeting.
4. Dr. Javed Badshah pointed out that it is the 2nd meeting of the Senate . . . not be termed as third meeting and added that according to Section-13(i), only the Senate is competent to appoint the Registrar, but two Registrars have been appointed without the consent of the Senate. We should proceed strictly according to the Act of the University which has been passed by the Provincial Assembly. He added that deviation from the Act should not be made and the Act should be followed in letter and spirit and only members of the Senate should be allowed to attend the meeting. The Senate conceded that the acting Registrar should work as such and, at the same time, permanent Registrar of the University should be recommended after fulfilling the procedure, for final approval of the Senate.
5. Prof. Dr. Rasul Jan, Vice-Chancellor University of Malakand remarked that according to the Act of the University, the Registrar having been given the additional duties may be allowed to function as such.



6. The Chairman was of the view that as the University has no permanent Registrar, the acting Registrar may be present in the meeting as Secretary to the Senate and he placed the issue before the house for further deliberations.

7. The Vice-Chancellor, ICP explained that this is not a permanent appointment and that Dr. Gohar Zaman, Chairman, Department of Management Sciences, ICP has been given additional charge of the post of Registrar under Section-5(i) of the Islamia College Peshawar Act 2009, and that for appointment of permanent Registrar, case will be initiated and brought before the Senate for approval.

8. The Chairman Senate remarked that the Act of the University be followed and that the issue / dispute of property be resolved in the light of the judgment of the Peshawar High Court and the directives of the Governor Khyber Pakhtunkhwa / Chancellor to formulate recommendations on the matter for submission to the Governor / Chancellor.

9. Thereafter Item one of the Agenda of the meeting was taken up and the Chairman gave brief retrospective account of the historical Islamia Collège Peshawar. He elaborated that the land was purchased and the buildings of the College were constructed with the money collected through donations. The affairs of the College ~~then~~ were then administrated by the Council of Management. Subsequently through promulgation of the Act-1949, the College was taken over by the Provincial Government. In 1954, the administrative control of the College was transferred to the University of Peshawar through an executive Order by the Provincial Government.

10. After promulgation of the **Ordinance 2008** by the then Governor NWFP, the College was raised to the status of a Public Sector University. Subsequently on 18.02.2009, the Provincial Assembly passed an Act to the effect. He added that Section 50(2) empowers the Chancellor, being final authority, to resolve disputes, on the recommendation of the Senate. The Administration of the Islamia College Peshawar filed a writ petition No.2472/2011 in the Peshawar High Court, Peshawar and the Hon'ble Court awarded its judgment in September 2009



for referring the matter to the Governor / Chancellor for settlement of the dispute between the Islamia College Peshawar and University of Peshawar in pursuance of clause 50(2) of the Act. Accordingly, the Governor / Chancellor issued directions to the administration of the University to hold a meeting of the Senate Islamia College Peshawar to resolve the problem. The Chairman invited the learned members to give their opinion / views on the point.

11. Dr. Javed Badshah proposed that since the meeting had been convened on the directives of the Governor / Chancellor, it seems advisable that the Vice-Chancellor University of Peshawar should have been invited to attend the meeting for amicable settlement of the issue /dispute.

12. The Chairman remarked that meetings with the administration of the University of Peshawar, with participation of officers of the Provincial Government, had been held, but were inconclusive. Finally, the administration of the Islamia College Peshawar filed a writ petition in the Peshawar High Court in its judgment dated 05.09.2011 directed that within two months the meeting of the Senate should be held and recommendations sent to the Chancellor for a decision.

13. Prof. Dr. Naeem Khalid, Dean, Faculty of Numerical & Physical Sciences gave a presentation regarding the property of Islamia College Peshawar. As per revenue record out of 2054 kanals land, 962 kanlas is presently with the Islamia College Peshawar and 1092 kanals land of the Islamia College Peshawar is occupied by other institutions. In this regard the administration of the College wrote letters to the heads of concerned institutions, requesting them to settle the matter. He proposed that the College's land under the possession of other institutions can be given to them on lease so as to maintain our proprietary rights. At one time, the matter of settlement of property was assigned to the then Secretary to the Governor Arbab M. Arif who had meetings with the Vice-Chancellors of both the Universities, but the issue was not resolved. He pointed out that the academic and commercial buildings which were constructed on the land of the College are still in possession of the University of Peshawar and its income/rent is collected by the University of Peshawar. According to the Act-2009, the Acts of 1949 and 1954



have been repealed and all the property of the College has been transferred back to the College within the meanings of Section-40 of the Act-2009, reproduce below:

Properties & Assets: - All assets and properties owned or possessed and all rights, liabilities and interests held or enjoyed by the Darl-Ulume Islamia Sarhad under the Darl-Ulume Islamia Sarhad Act, 1949 (N.-W.F.P. Act NO.I of 1949) and Darul-ulum-i-Islamia Sarhad Peshawar (Trustees) Act, 1954 (Act No.XIV of 1954) being repealed under this Act shall stand transferred to the University.

He added that the institutions may either vacate the buildings or hand them over to the College, or the same may be leased out to them on mutually agreed terms.

14. The Vice-Chancellor commented that the Administration of the University of Engineering and Technology Peshawar expressed its willingness that the land of the College under their possession may be leased out to them. He added that the University of Peshawar had constructed various buildings on the land of the College, which extends alongside Jamrud Road upto Area Study Centre, Cena Hostel and Dhobi Ghat, thus totaling 2054 kanals, out of which only 962 kanals is in possession of Islamia College Peshawar.

15. Dr. Abdullah Sadiq suggested that we should request the Chancellor that the buildings specially commercial property and lands of the College situated in Tahkal Bala Moza, should be returned to the Islamia College Peshawar. Academic buildings, hostels may be given to the University of Peshawar on lease on mutually agreed terms for 2 / 3 years, so that the University of Peshawar could make alternate arrangements and eventually transfer it to the Islamia College Peshawar. He added that institutions like Quaid-e-Azam College of Commerce, University Model School should be affiliated with the Islamia College Peshawar, or the University of Peshawar should make new arrangements within 3/ 4 years before its transfer to Islamia College Peshawar. For this purpose, the Chancellor should be requested to call a meeting of all concerned to thrash out the whole matter amicably.



16. In reply to the query made by the President Senior Alumni Association as to what claim was made in the writ petition filed in the High Court, the Vice-Chancellor remarked that we contended for retrieval of entire property of the College which is in the possession of other institutions.

17. Prof. Dr. M. Anwar Khan drew the attention of the house to the fact that pros and cons be weighed in depth because it is a complex matter. We should take into consideration the legal authority of the Governor/ Chancellor in such matters. He added that the Provincial Government establishes the Public Sector Universities, acquires land for them, hands it over to the Senate of each University and, that is why, the Court directed Islamia College Peshawar to place the case before its Senate. He proposed that issue of settlement of property should be taken up with each institution that occupies the land of the College. The Islamia College Peshawar should chalk out its plan and hold meetings with the Vice-Chancellors / Heads of the Institutions. The concerned Vice-Chancellors should bring the case before their respective Senates and recommend that Islamia College Peshawar should be compensated with comparable land elsewhere. He suggested that Islamia College Peshawar cannot dislodge the institutions occupying its land, therefore, some understanding should be developed and some via-media should be explored for an amicable settlement.

18. Mr. Muhammad Arifeen, Secretary to the Government of Khyber Pakhtunkhwa, Establishment Department commented that it is not a simple matter. Revenue record is required to be ascertained and only land/ property in the name of Islamia College Peshawar should be claimed for retrieval. Fard Numbers should be ascertained and it would be better if problem is resolved through negotiations. Aspect of leasing out the land should be given due consideration. Ownership question should be settled through consultation. He added that another option is that land occupied by other institutions may be sold to them and with the sale proceeds the College can purchase land at other suitable locations. For this purpose, a committee can be constituted, having experts on its panel, to consider the proposal regarding sale of land to other institutions on prevailing market rates. He further added that after doing spadework, concrete proposal should be put before the Senate for decision.

19. Prof. Dr. Naeem Khalid explained that the College has the Khasra Nos, rates of the land have been indicated in the agenda. The administration of the College wrote several letters to the concerned institutions, committees were formed which met with the heads of the concerned institutions, but to no avail.

20. Prof. Dr. M. Anwar Khan said that a meeting of the concerned Vice-Chancellors may be held which should be presided over by the Chancellor and for that matter, the College should work out its plan.

21. The Dean Faculty of Social & Behavioral Sciences endorsed the views expressed by Prof. Dr. M. Anwar Khan and Dr. Abdullah Sadiq and said that the Senate may formulate its recommendations on the matter.

22. Lt. Gen (R) Ali Muhammad Jan Aurakzai, President SAA said that retrieval of property of the College is a chronic problem that has been discussed in a series of meetings, yet we failed in our efforts so far. Therefore, to move a case in the Court of Law was a wise decision. The Senate should give consideration to this important matter and formulate its recommendations. He added that to recover land / property of the College from other institutions, it would be unwise to follow the path of confrontation as we cannot undo what has been done in the past. He further added that these are the prestigious institutions of the Province working for the cause of education. Under the circumstances, he proposed a three-prong strategy as follows:

- i. Property of the College should be returned
- ii. Or ask for cost of the property occupied by other institutions to be paid to Islamia College Peshawar.
- iii. Immediate return of the commercial property and vacant lands to the rightful owner, i.e, Islamia College Peshawar.

23. Dr. Javed Badshah endorsed the views of the President SAA Islamia College Peshawar.



24. Prof. Dr. M. Anwar Khan explained that in the 1st meeting of the Senate held on 09.02.2010, which was presided over by him, a sub-committee was constituted to examine the proposal made for formation of the Board of Management to look after the Trust's property. He suggested that, likewise, a committee should be formed which may hire services of a Patwari / Gardawar to deal with the case effectively.

25. Prof. Dr. Rasul Jan, Vice-Chancellor, University of Malakand endorsed to the suggestions of Prof. Dr. M. Anwar Khan and termed it a viable solution to the problem. He added that the land of the College is occupied by the University of Peshawar, University of Engineering & Technology, Peshawar, Khyber Medical College Peshawar and IRNUM etc and it does not seem possible to dismantle the buildings of the other institutions erected on the College's land. He proposed that the Islamia College Peshawar should make a case for compensation in lieu of its land, or alternate land should be given to the College by the Provincial Government in Hayatabad Town or Regi Lalma Township Schemes. He drew the attention of the members to the **subject** of the letter No. 2760 dated 04.11.2011 from the Governor's Secretariat which states: **"Constitution of formal Committee for the resolution of property dispute between Islamia College Peshawar and University of Peshawar (Implementation of Court Decision)"** so it would be advisable to form a committee to resolve the matter of property between the Institutions.

26. Mr. Muhammad Arifeen, Secretary Establishment Department, Government of Khyber Pakhtunkhwa apprised the Senate that after the passage of 18th Amendment in the Constitution, Pakistan Foreign Institute Peshawar has been devolved to the Provincial Government and now it has become the entity of the Provincial Government so we can take up the matter of the College's property with them.

27. The Vice-Chancellor, Islamia College Peshawar commented that we had discussed the matter in detail, so we should draw up our recommendations for consideration of the Chancellor



28. Dr. Abdullah Sadiq and Dr. Javed Badshah said that Senate should also constitute a committee for formulating its recommendations. The Chairman agreed to the proposal and the Senate constituted the following committee to deal with the matter:

- i). Vice-Chancellor, Islamia College Peshawar Chairman
- ii). Prof. Dr. M. Anwar Khan (Member Senate)..... Member
- iii). President SAA Islamia College Peshawar or..... Member
his nominee
- iv). President Teaching Staff Association Member
Islamia College Peshawar
- v). Engineer Ahmad Shakaib Sahibzada..... Member
(Member Senate)
- vi). Prof. Dr. Naeem Khalid (Member Senate)..... Member
Dean, Faculty of Numerical & Physical Sciences
- vii). Secretary to the Government of Khyber Pakhtunkhwa...Member
Higher Education Department or his nominee
(not less than the rank of Addl. Secretary)
- viii). DCO Peshawar or his nominee Member

29. The Senate decided that the Committee may co-opt any person for its help. The committee decided to meet on Thursday 15th of December 2011 at 10:00 hrs in the Committee Room of the College. Terms of reference and time-frame are to be decided by the committee.

30. The President SAA ICP questioned that hopefully after formation of the committee is the issue would be resolved, but if otherwise, what course would be adopted. Prof. Dr. M. Anwar Khan explained that the Committee would propose a frame-work and it would bring the fact to the notice of the Chancellor that besides the University of Peshawar, the College's land had been occupied by other institutions as well and that the Chancellor may call for a meeting of the concerned Vice-Chancellors / Heads to sort out the matter amicably.



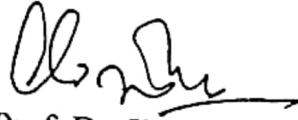
31. Prof. Dr. M. Anwar Khan pointed out that in the Act of the University, (Section-50) only University of Peshawar has been mentioned with regard to settlement of property and there is no mention of other institutions. The Chairman elaborated that under Section 40 of the Act, all assets and properties stand transferred to the new University as such because in 1954 the University of Peshawar was the only University while the other institutions sprang as sister institutions under the control of the University of Peshawar

32. Dr. Abdullah Sadiq remarked that the administration of the College should plan the centenary celebrations well in time.

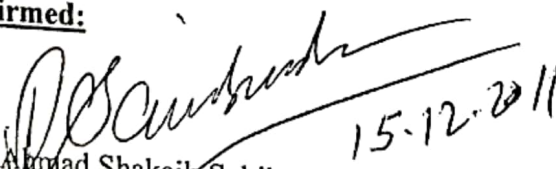
33. The Senate unanimously resolved and requested the Provincial Government to invigorate its efforts for early and safe return of Mr. Ajmal Khan, Vice-Chancellor Islamia College Peshawar. The Senate also offered dua in this regard.


34. The members also desired that the meetings of the Senate should be held as prescribed in the Act of the University.

35. The Chairman thanked the members of the Senate for their participation in the meeting on a very short notice.


Prof. Dr. Haider Shah, 2011
Vice-Chancellor
Islamia College Peshawar.

Confirmed:

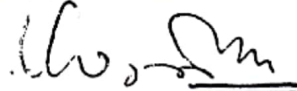

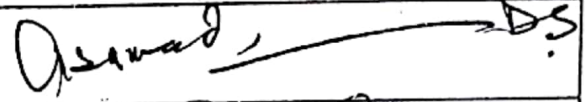
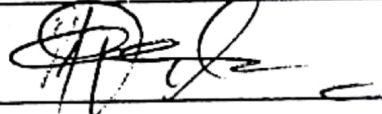
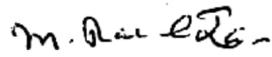

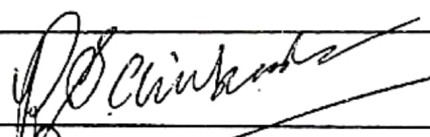

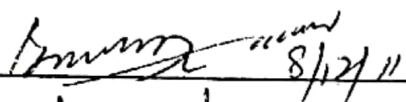
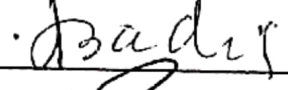
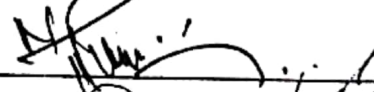
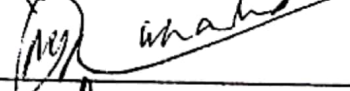

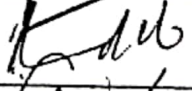
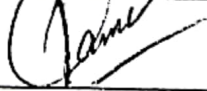

15-12-2011
Engr Ahmad Shakaib Sahibzada
Senator / Acting Chairman Senate
Islamia College Peshawar.



ISLAMIA COLLEGE, PESHAWAR

3rd Meeting of the Senate held on 08.12.2011

Attendance Sheet

Sr.#	Names of the participant	Signatures of the participant
1	Vice-Chancellor	
2	Secretary to Govt. KP, Higher Education Department, Peshawar	
3.	Secretary to Govt. KP, Finance Department	 D.S. F.D.
4.	Secretary to Govt. KP, Establishment Department	
5	Prof Dr. Rasul Jan	
6	Qari Rooh Ullah Madni	
7	Mrs. Miraj Humayun	
8	Engr Ahmad Shukaib Sahibzada	
9	Lt.Gen.(R) Ali Muhamamd Jan Prakzai, (Ex-Governor KP) President Senior Alumni Association, ICP	
10	Prof Dr. Muhammad Anwar Khan	 8/12/11
11	Dr. Abdullah Sadiq	
12	Prof Dr. Naushad Khan	
13	Prof Dr. M. Naeem Khalid	
14	Dr. Javed Badshah	
15	Dr. Jalal-ud-Din	
16	Mr. Javed Iqbal	
17	Prof Dr. Muhammad Qasim Jan National Professor	
18		
19		