



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 4th January, 2010

No.LGL.21/2009/9 :-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. III OF 2010

(Received the assent of the Governor on 31st December, 2009)

THE ASSAM SCIENCE & TECHNOLOGY UNIVERSITY ACT, 2009

**AN
ACT**

to amend the Assam Science and Technology University Act, 2009

Preamble

Whereas it is expedient to amend the Assam Science and Technology University Act, 2009, hereinafter called the principal Act, in the manner hereinafter appearing;

Assam Act No. III
of 2010

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-

Short title and commencement

1. (1) The Act may be called the Assam Science and Technology University (Amendment) Act, 2011.
- (2) It shall have the like extent as the principal Act

Amendment of section 8

2. In the principal Act, in sub-section (1), for the words "The Governor of Assam", the words "Chief Minister of Assam" shall be substituted.

MOHD. A. HAQUE,
Secretary to the Government of Assam,
Legislative Department, Dispur.

AN

ACT

to establish and constitute an affiliating University of Science and Technology at Guwahati

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|------------------------------|--|
| Preamble | Whereas it is expedient to establish and constitute an affiliating University of Science and Technology at Guwahati. It is hereby enacted in the sixtieth year of the Republic of India as follows :— |
| Short title and commencement | 1. (1) This Act may be called the <u>Assam Science and Technology University Act, 2009</u> . (2) It shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act. |
| Definition | 2. In this Act, unless there is anything repugnant in the subject or context, - (a) "Affiliated College" means a college other than a constituent or recognized college, affiliated to the University under section 4; (b) "Affiliated Institution" means an institution other than a constituent College or a recognized institution, affiliated to the University; (c) "Constituent College" means a college established, maintained or managed by the University; (d) "Constituent Institution" means an institution, other than a college established, maintained or managed by the University; (e) "Court" means the Court constituted under section 16; (f) "Department" means a department of the University and designated as such by it with reference to a subject or group of subjects of study conducted or affiliated or recognized by the University; (g) "Executive Council" and "Academic Council" mean the Executive Council and the Academic Council constituted under section 18 and 20 respectively; (h) "Finance Committee" means the Finance Committee constituted under section 26; (i) "Government College" means a college maintained and managed by the State or Union Government; (j) "Head of Department" means a person designated as such by the University; (k) "Post-graduate Board" and "Under-graduate Board" mean the Post Graduate Board and the Under-graduate Board constituted under section 22 and 24 respectively. (l) "Principal" means the Head of a teaching staff of a constituent, affiliated or recognized college; (m) "Recognized College" means a college other than a constituent college, or affiliated college recognized by the University under section 4; (n) "Recognized Institution" means an institution other than a constituent or affiliated institution recognized by the University under section 4; |

- (o) "Selection Committee" means the Selection Committee constituted under section 28;
- (p) "State Government" means the Government of Assam;
- (q) "Statutes", "Ordinance" and "Regulations" means, respectively, the Statutes, Ordinances, and the Regulations of the University made under this Act;
- (r) "Teacher" means Professor, Reader or a Lecturer under the University or a college whether constituent or affiliated, or any other person imparting instructions or guiding research and designated as a teacher by the University and includes a person recognized as a teacher by the university; and
- (s) "University" means the Assam Science and Technology University as constituted under this Act.
- Powers of the University 3. (1) The Chancellor, the Vice-Chancellor, the Rector and the members of the Court, the Executive Council and the Academic Council so long as they continue to hold such office or membership shall constitute a body corporate by the name of "The Assam Science and Technology University."
- (2) The University shall have perpetual succession and a common seal, and shall sue and be sued by that name.
- University 4. The University shall have the following powers, namely : —
- (i) to provide for instructions and research through its affiliated colleges and institutions, in the science and technology education and other professional subjects and in other spheres of learning and knowledge of a standard and thoroughness required and expected of a university of the highest standing, and to secure the advancement, diffusion and extension of knowledge in all spheres of learning.
- (ii) to hold examinations and to grant and confer degrees, diplomas, certificates or other academic distinctions and to deprive of any degrees, diplomas, certificate or distinctions previously granted to or conferred upon them by the University for good and sufficient causes;
- (iii) to create such academic, administrative and other post as the University may deem necessary from time to time and to make appointments thereto;
- (iv) to institute and award fellowships, scholarships, exhibitions and prizes;
- (v) to affiliate and recognize colleges imparting education of the line of study as mentioned in clause (i) and to withdraw any such recognition or affiliation as the case may be;
- (vi) to regulate and enforce discipline among employees of the University and to take such discipline measures in this regard as may be deemed necessary;
- (vii) to determine and provide for examinations for admission into the colleges affiliated to the University;
- (viii) to affiliate with it or admit to any of its privileges or to recognize for any purpose either in whole or in part, any college or institution or members or student thereof, on such terms and conditions as may from time to time, be prescribed, and to withdraw such affiliation, privileges and recognition previously granted, for good and sufficient reasons;

- (ix) to co-operate with any other University, Authority or Association or any other Public or Private Body having in view the promotion of purposes and objects similar to those of the University or appoint one or more representatives of the University to act upon any such Body, Authority or Association for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed,
- (x) to enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, properties and liabilities and for any other purposes not repugnant to this Act;
- (xi) demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (xii) to acquire, hold, manage and dispose of any property movable or immovable, including trust or endowed property within or outside the University area, for the purposes or objects of the University, and to invest any funds representing such property in such manner as the University thinks fit;
- (xiii) to borrow with the approval of State Government, on the security of the University property, money for the purposes of the University; and
- (xiv) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University;
- (xv) to introduce higher and modern courses.
- (xvi) to provide a platform to discuss the kind of technical education necessary for the State of Assam and to provide areas/avenues to pursue Higher Education.
- Jurisdiction 5. Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall extend to the State of Assam.
- University Open to all classes, castes and creeds 6. The University shall be open to all persons irrespective of sex, race, caste, or creed and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or Profession in order to entitle him to be admitted thereto as a teacher or as teacher or as a student, or to hold any office therein, or to graduate or to enjoy or exercise any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.
- Officers of the University 7. The following shall be the officers of the University : —
 (i) The Chancellor,
 (ii) The Vice – Chancellor,
 (iii) The Rector,
 (iv) The Registrar, and
 (v) Such other persons in the Service of the University as may be declared by the statutes to be the officers of the University.
- The Chancellor 8. (1) The Governor of Assam shall be the Chancellor of the University.
 (2) The Chancellor, when present, shall preside at any meeting of the Court and at any convocation of the University.
- Powers and duties of the Chancellor 9. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct of the affairs and properties of the University of the colleges, institutions and bodies maintained by the University and also of the examinations, teaching and other works conducted or done by the University, its officers and authorities, and to

cause an enquiry to be made in the like manner in respect of all or any of the matters aforesaid and of any other matter connected with the University.

- (2) The Chancellor shall in every such case give notice to the Executive Council of his intention to cause an inspection or enquiry to be made, and the Executive Council shall be entitled to appoint a representative who shall have the right to be present and heard at such inspection or enquiry.
- (3) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or enquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer on the action to be taken thereon.
- (4) The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it is proposed to take or has been taken on the result of such inspection or enquiry and the advice of the Chancellor.
- (5) When the Executive Council does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may after considering any explanation furnished or representation made by the Executive Council, if any, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.
- (6) Expenses that may be incurred in connection with such inspections or enquiries and certified as such by the Chancellor, shall be a charge on the University.
- (7) The Chancellor as head of the University shall have the power to suspend the activities of the various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to control the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him.

The Vice-Chancellor 10.

- (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board constituted by the Chancellor for the purpose, consisting of three members of whom one member shall be nominated by the State Government, one member to be nominated by the Chancellor and one member to be elected by the Executive Council. The Chancellor shall also appoint one of them as Chairperson of such Advisory Board.
- (2) The Advisory Board shall recommend a panel of names of three persons to the Chancellor, who may appoint one of the persons recommended, to be the Vice-Chancellor. If the Chancellor does not approve any of the persons recommended by the Advisory Board, he may call for a fresh recommendation.
- (3) The Vice-Chancellor shall be a whole time officer of the University who shall hold office for a period of five years and shall be eligible for re-appointment.

Provided that notwithstanding the expiry of the aforesaid period of five years, he shall continue in office until his successor is appointed and enters upon his office.

- (4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

Provided that the salary of the Vice-Chancellor shall not be less than Rs. 25,000/- per mensem including all allowances.

Powers and duties of
the Vice-Chancellor

11.

- (5) Whenever there is any temporary vacancy in the office of the Vice-Chancellor by reasons of leave, illness or other cause, the Chancellor shall make such other arrangements, as he may think fit, for exercising the powers and performing the duties of the Vice-Chancellor during the absence. The Chancellor shall determine the emoluments or allowances payable to a person temporarily appointed to exercise the power and duties of the Vice-Chancellor.
- (1) The Vice-Chancellor shall be the principal Executive and Academic Officer of the University. He shall be the ex-officio Chairperson of the Executive Council, the Academic Council, the Post-graduate Board, the Under-graduate Board, the Finance Committee and the Selection Committee and shall, in the absence of the Chancellor, preside at all meetings of the Court and over the Convocation to confer degrees. He shall be entitled, to be present at and to address any meeting of any authority or Committee of the University.
- (2) The Vice-Chancellor shall see that this Act, the Statutes, the Ordinance and the Regulations are duly observed and he shall have all powers for that purpose.
- (3) The Vice-Chancellor shall have the powers of convening the meeting of the Court, the Executive Council, the Post-graduate Board, the Under Graduate Board, The Finance Committee and the Selection Committee; whenever he finds it necessary and for that purpose direct the Registrar to convene such meeting at the time and place to be determined by the Vice-Chancellor and the Registrar shall be bound to comply with that direction.
- (4) If in the opinion of the Vice-Chancellor an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same to the authority or committee which in the ordinary course would have dealt with the matter :

Provided that where any such action taken by the Vice-Chancellor affects the services or emoluments of any person in the service of the University, such person shall be entitled to prefer within thirty days from the date on which he received notice of such action, an appeal to the Executive Council, whose decision shall be final.

- (5) The Vice-Chancellor shall exercise general control and supervision over the affairs of the University and shall give effect to the decision of the authority of the University.
- (6) All powers relating to the proper maintenance of discipline in the University shall stand vested in the Vice-Chancellor.
- (7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes or the Ordinances and shall perform such other acts as may be necessary to carry out or further the provisions of this Act, the Statutes or the Ordinances.
12. (1) The Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor, on such emoluments and allowances as may be fixed by the Executive Council. He shall hold office for a term of two years and shall be eligible for re-appointment.

- (2) The Rector shall exercise and perform such powers and duties of the Vice-Chancellor as may be delegated to him by the Vice-Chancellor.
- Registrar 13. (1) The Registrar shall be a whole time salaried officer of the University. The terms and conditions of the service of the Registrar shall be such as may be prescribed by the Ordinances.
- (2) The Registrar shall be the Secretary of the Court, the Executive Council, the Academic Council, the Post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee but shall not be deemed to be a member of any of these authorities except that of the Court.
- Powers and duties of the Registrar 14. The powers and duties of the Registrar shall be the following, namely :—
- (a) to be the custodian of the records, the common seal of the University and such other properties of the University as the Executive Council shall commit to his charge;
- (b) to conduct the official correspondence of the Court, the Executive Council, the Academic Council, the Post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee;
- (c) to issue all notice convening meeting of all authorities and committees of which he is the Secretary, to keep minutes of meeting of all such authorities and committees;
- (d) to arrange for, superintend and conduct all examinations held by the University as recommended by the Post-graduate Board and the Under-graduate Board as the case may be;
- (e) to sign and to verify all contracts and agreements made on behalf of the University;
- (f) to exercise general supervision over the funds of the University and to advise the Executive Council and the Finance Committee in regard to the financial policy of the University;
- (g) to manage, subject to the control of the Executive Council, the property and the investments of the University;
- (h) to prepare and to present to the Executive Council, the annual report of the working of the University, the annual statement of accounts and the budget of the University for the next financial year, and to maintain properly the accounts of the University;
- (i) to receive payment of all fees and charges payable to the University;
- (j) to perform such other work as may, from time to time, be assigned to him by the Executive Council, or the Vice-Chancellor; and
- (k) to make appointments to ministerial and Grade IV posts of the University.

Authorities of the
University

15. The following shall be the authorities of the University :—

- (i) the Court,
- (ii) the Executive Council,
- (iii) the Academic Council,
- (iv) the Post-Graduate Board.
- (v) the Under-Graduate Board,
- (vi) the Finance Committee,
- (vii) the Selection Committee and
- (viii) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court

16. (1) The Court shall consist of the following persons, namely :—

A- Ex-officio Members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Rector,
- (iv) the Registrar,
- (v) the Principal Secretary to the Government of Assam and in his absence the Commissioner and Secretary to the Government of Assam in the Higher Education Department,
- (vi) the Director of Higher Education, Assam.
- (vii) the Director of Technical Education, Assam.
- (viii) the Principals of all Engineering Colleges of the State of Assam,

B- Other Members

- (ix) persons not exceeding five in number, nominated by the Chancellor from among the donors, each of whom has contributed a sum of rupees ten lakhs or more to the University,
- (x) seven persons elected by the members of the Assam Legislative Assembly from among themselves,
- (xi) two members of the Higher Secondary Education Council, Assam, elected by the aforesaid Council,
- (xii) ten persons distinguished in Literature, Law, Medicine, Engineering Technology Industry, Commerce and Public life nominated by the Chancellor,
- (xiii) two persons to be nominated by the Chancellor from amongst those whose interests are not otherwise represented,
- (xiv) seven representatives to be elected by the post-graduate students from amongst themselves;

Provided that a student to be so elected must have been a student of a college under the University for at least one year prior to his election :

Provided further that no student who has taken more than one year in excess of the period prescribed for the course of which he is a student would be eligible for such election.

(xv) two Registered Graduates to be elected by the Registered Graduates of the University who are not employee of the University or the affiliated colleges.

(2) On dates to be fixed by the Vice-Chancellor the Court shall meet at least twice a year at the interval of about 6 months. The first meeting in the year is to be called and treated as the Annual General Meeting, in which the annual statement of accounts, the audit report and the budget of the University for the next financial year, together with the views of the Executive Council shall be presented.

(3) The Vice-Chancellor may whenever he thinks fit, and shall, upon requisition in writing signed by not less than one-third of the members of the Court, convene a special meeting of the Court.

Powers and duties of the Court

17. Subject to the provisions of this Act, the Court shall have the following powers and duties, namely :—

- (a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of such policies, programmes, works and other affairs;
- (b) to consider the annual report, the annual statement of accounts, the audit report and the budget of the University for the next financial year, to approve the budget, with modification, if any, to express its views on the annual report, the statement of accounts and the audit report and to suggest such measures as it may deem proper on the matter covered by them;
- (c) to approve with or without modifications, the Statutes submitted by the Executive Council:

Provided that before making any modifications to the Statutes submitted by the Executive Council, the Executive Council shall be given an opportunity to consider the modifications proposed by the Court and the Court shall consider the opinion expressed by the Executive Council on such modifications.

The Executive Council

18. The Executive Council shall be the Chief Executive Body of the University and shall consist of the following persons, namely:—

- (i) the Vice-Chancellor,
- (ii) the Rector,
- (iii) the Director of Higher Education, Assam
- (iv) the Director of Technical Education, Assam
- (v) the Chairperson, Higher Secondary Education Council, Assam.
- (vi) two Principals of affiliated Colleges to be elected from amongst themselves.
- (vii) four members of the Court, other than the employees of the University or affiliated or recognized Colleges or institutions elected by the court at its Annual General Meeting,
- (viii) two persons, of whom at least one shall be woman, nominated by the Chancellor,
- (ix) two persons nominated by the State Government of Assam.

Powers and duties of the
Executive Council

19.

Subject to the provisions of the Act, and the Statutes, the Executive Council shall have the following powers and duties, namely :—

- (a) to institute and confer degrees, titles, diplomas, certificates and other academic distinctions to be conferred on the basis of Examinations and to withdraw any such degree, title, diploma, certificate or other academic distinctions previously conferred, after considering the recommendations, of the Post-Graduate Board, and the under-graduate Board, as the case may be;
- (b) to institute and confer honorary degrees or other academic distinctions and to withdraw such degrees or academic distinctions previously conferred for good and sufficient cause, after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be;
- (c) to institute fellowship, scholarships, prizes and other awards and to withdraw any such fellowship, scholarship, prize or other award previously awarded for good and sufficient cause, after taking into consideration the recommendations of the Post-Graduate and the Under-Graduate Board, as the case may be;
- (d) to institute posts of teachers required under the University and to recognize persons as teachers under the University, after taking into consideration the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be;
- (e) to create academic administrative, ministerial and other posts, as may be necessary, with the prior approval of the State Government;
- (f) to appoint from time to time, the officers and staff of the University, and the holders of the administrative posts of the University, after considering the recommendations of the Selection Committee and other committees, as the case may be, constituted for the purpose;
- (g) to make provision for the emoluments, duties, and terms and conditions of service of the staff of the University;
- (h) to affiliate colleges and institutions not established, maintained or managed by the University and withdraw such affiliations previously granted for good and sufficient reasons;
- (i) to constitute an examination Committee and to arrange for holding of, conduction and publishing the results of University Examinations. The constitution, powers and duties of the Examination Committee will be determined by an Ordinance;
- (j) to recognize libraries, laboratories, museums, halls and hostels not established, maintained or managed by the University and to withdraw such recognition;
- (k) to determine the form and to regulate the use of the common seal of the University;
- (l) to take, receive purchase or sell property movable or immovable, and to grant, demise, alienate, transfer or otherwise dispose of or administer or manage any such property for the purpose of the University under this Act;
- (m) to place before the Court, the Annual Report of the working of the University, the Annual Statement of Account, the Budget of the University for next financial year, the audit report on the annual statement of account together with the views of the Executive Council upon them for consideration and necessary action :

Provided that the budget shall not be submitted to the Court unless the Finance Committee has previously recommended the same, and the Executive Council has considered the advice and suggestions of the Finance Committee;

- (n) to make allocations of funds to different bodies after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board in this regard as the case may be; and
- (o) to exercise all other powers of the University for exercise of which no specific provision has been made in this Act or in the Statutes.

- Academic Council 20. The Academic Council shall consist of the following members, namely :—
- (1) the Vice-Chancellor,
 - (2) the Rector,
 - (3) all principals of the affiliated colleges,
 - (4) ten teachers of the affiliated colleges representing different subject to be elected from amongst themselves:
- Provided that a teacher so elected shall hold office for a period of two years from the date of his election.
- (5) six Professors nominated by the Vice-Chancellor from the colleges,
 - (6) six persons, who may or may not be teachers, nominated by the Vice-Chancellor,
 - (7) one Education Officer of the Higher Secondary Education Council, Assam, to be nominated by the Chairperson of the aforesaid Council,
 - (8) the Director of Technical Education, Assam.
- Powers and duties of the Academic Council 21. The Academic Council shall have the following powers and duties namely :—
- (a) to determine and specify from time to time the braches of study in which provisions for instructions, research and for advancement and dissemination of knowledge are to be made;
 - (b) to approve, and when necessary revise, with or without modifications, the pattern of courses and the examinations to be held, after considering the recommendations of the Examination Committee, the Post-Graduate Board and the Under-Graduate Board, as the case may be;
 - (c) to approve the conditions for admission of students to Post-Graduate and Under-Graduate courses with or without modifications after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be;
 - (d) to supervise the University library;
 - (e) to give such directions and to suggest such measures, as it may think fit, to the Post-Graduate Board and the Under-Graduate Board, on any matter affecting the academic work of the University, to consider the views expressed by the said Boards on the measures suggested and to take such decisions as it may think fit;
 - (f) to receiye the proceedings of the meeting of the Post-Graduate Board, the Under-Graduate Board and the Examination Committee and to make such recommendations to the Boards or Committee concerned thereon, as it may think fit;
- POST-GRADUATE BOARD 22. The Post-Graduate Board shall have the following members, namely :—
- (1) the Vice-Chancellor,
 - (2) the Rector,
 - (3) six persons from amongst the Professors and Heads of Departments of the affiliated colleges elected by the Academic Council,

Powers and duties of the
Post-Graduate Board 23.

- (4) two members of the Academic Council who are Professors or Heads of Department of the University Colleges, elected by the Academic Council,
- (5) four persons who may or may not be professors of the University to be nominated by the Vice-Chancellor, and
- (6) one member of Examination Committee to be nominated by the Vice-Chancellor.

Subject to the provisions of this Act, the Statutes and the Ordinances, the Post-Graduate Board shall have the following powers and duties, namely :—

- (a) to recommend to the Academic Council, the pattern of post-graduate courses, the examinations to be held for such courses, and for their revision;
- (b) to approve the curricula and syllabi for the Post-Graduate courses and to modify them when necessary;
- (c) to recommend to the Executive Council for the institution and award of fellowships, scholarships, prizes, honorary degree and other awards or other academic distinctions and for the institution and conferring of degrees, diplomas, titles, certificates and other academic distinctions in the Post-Graduate courses on the basis of examinations and for the withdrawal thereof;
- (d) to make recommendations to the Executive Council for the institution of posts of teachers required for the Post-Graduate courses under the University and for the recognition of persons as teachers for any other course, and regarding their emoluments duties, and terms and conditions of their services;
- (e) to recommend to the Academic Council the conditions for the admission of students to Post-graduate courses, and to make regulations for their attendance and progress;
- (f) to make Regulations in regard to the residence, discipline of students in the colleges, and institutions imparting Post-graduate courses and for the promotion of their health and welfare;
- (g) to review the works of the Post-graduate Departments in colleges and institutions engaged in instruction in Post-graduate courses and research and to call for report thereon, and to take all steps necessary for the improvement of standard of research and teaching and other affairs therein;
- (h) to consider the measures suggested by Academic Council on any matter affecting the academic work of the University and to express its views on them, to consider any matter referred to it by the Executive Council or the Academic Council and to submit reports thereon to the Executive Council or the Academic Council, as the case may be;
- (i) to approve the panels of the examiners for Post-Graduate Examinations, and to modify the same at any time;
- (j) to promote research within the University and to make regulations governing research degrees; and
- (k) to appoint committees, and to fix their terms of reference, in regard to any matter within the jurisdiction on the Post-Graduate Board.

Under-Graduate Board 24

The Under-Graduate Board shall consist of following members, namely :—

- (1) the Vice-Chancellor,
- (2) the Rector,

- (3) three persons from among the professors and the Heads of Departments of the Colleges elected by the Academic Council,
- (4) Principals of all affiliated colleges,
- (5) Three persons who may or may not be members of the Academic Council, nominated by the Vice Chancellor,
- (6) ten persons to be elected from amongst the teachers of affiliated colleges, and
- (7) one member of the Examination Committee to be nominated by the Vice-Chancellor.

Powers and duties of the Under-Graduate Board 25.

- (a) to recommend to the Academic Council the pattern of courses and examinations for the Under-Graduate courses and the revision thereof;
- (b) to make recommendations to the Executive Council for the institutions of professorships, readerships, lectureships or other posts of teachers required for the Under-Graduate courses in the colleges and for the recognition of person as teachers for such courses and regarding their emoluments, duties and terms and conditions of services;
- (c) to make recommendation to the Executive Council for the award of scholarships, prizes and other awards and for the conferment of degrees, diplomas, titles, certificates and other academic distinction in the Under-Graduate courses;
- (d) to approve the curricula and syllabi for the Under-Graduate courses and to modify them when necessary;
- (e) to review the work of the Under-Graduate departments in colleges and institutions imparting instructions in Under-Graduate courses, to call for reports thereon and to take steps necessary for the improvement of the standard of teaching and other affairs therein;
- (f) to recommend to the Academic Council the conditions for the admission of students to Under-Graduate courses and to make Regulations for their attendance and progress;
- (g) to approve the panels of examiners for Under-Graduate examinations, and to modify the same at any time;
- (h) to make Regulations in regard to the residence, health and discipline of the students in Under-Graduate courses;
- (i) to consider the measures suggested by the Academic Council on any matter affecting the Academic work of the University and to express its views on them, to consider any matter referred to it by the Executive Council or the Academic Council and to submit report thereon to the Executive Council or the Academic Council, as the case may be; and
- (j) to appoint Committees, and to fix their terms of reference, in regard to any matter within the jurisdiction of the Under-Graduate Board.

Finance Committee

26. There shall be a Finance Committee of the University consisting of the following members, namely :—

- (ii) two members elected by the Court from amongst its members,
- (iii) two members elected by the Executive Council amongst its members, and
- (iv) two members to be nominated by the State Government, one from the Finance and other from the Education Department.

Powers and duties of the Finance Committee 27.

The Finance Committee shall have the following powers and duties, namely:—

- (i) to examine the annual budget estimates and to give advice and suggestions to the Executive Council thereon,
- (ii) to make recommendations to the Executive Council relating to the Finance of the University;
- (iii) to examine every proposal for new expenditure involving a sum of money exceeding rupees ten thousand and to advise the Executive Council thereon;
- (iv) to review the financial position of the University periodically,
- (v) to suggest in general the means for the improvement of the financial position of the University;
- (vi) to consider and recommend revision of grades of pay and the grades of pay of new posts to the Executive Council; and
- (vii) to deal with such other matters relating to the financial matters of the University as may be prescribed by the Statutes and the Ordinances.

Selection Committee 28.

(1) (a) There shall be a Selection Committee for making recommendations, to the Executive Council for the appointment of Academic staff, Registrar, Treasurer, Librarian and other Officers of the University as may be provided by the Statutes consisting of the following members, namely:—

- (i) the Vice-Chancellor as Chairperson of the Selection Committee,
- (ii) three persons not holding any office of profit under the University - one to be nominated by the Chancellor, one to be nominated by the State Government and other to be nominated by the Executive Council,
- (iii) the Registrar shall be the Member-Secretary of the Selection Committee except for the Selection Committee for the appointment of Registrar in which case the Vice-Chancellor shall nominate one person as Member-Secretary in consultation with the Executive Council;

Provided further that, where a Selection Committee recommends to the Executive Council the name of one person only and that person is not acceptable to the Executive Council the Executive Council shall record its reasons in writing for not accepting the recommendation and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendation and in so doing communicate to every member of the Selection Committee the reasons recorded above.

(b) Where an appointment is to be made to a temporary vacancy of the University, the appointment shall be made, if the vacancy is for a period of one year or more, on the recommendation of the Selection Committee in accordance with the provision of the preceding subsections and no ad-hoc appointment shall be made by the Executive Council.

(2) If a member of the Selection Committee is unable to attend, he may send his opinion in writing to the Vice-Chancellor and such opinion shall be taken into consideration by the Selection Committee in making its recommendations.

Explanation : For the purpose of this Section, the co-opted members shall be deemed to be members of the Selection Committee for the purpose for which they are co-opted.

(3) The Executive Council shall constitute one or more Committees for making recommendations to the Executive Council for appointment to other administrative posts and may prescribe by Ordinance the procedure and methods to be followed in making such recommendations.

University fund

29.

- (1) The University shall have a fund to be known as "The Assam Science and Technology University Fund" to which shall be credited all its income, fees, fines, contributions, donations, loans and advances from any other sources. The University may also create by Ordinance made in this behalf, one or more separate special funds for the administration of endowments, trusts or other grants for specific purposes.
- (2) The State Government shall for the purposes of this Act, contribute annually to the University Fund a sum to meet the recurring charges of the University.

Accounts and Audit

30

- (1) The Statement of accounts of every completed financial year shall be placed for consideration of the Court together with the Audit Report in the next year. For this purposes the account shall be audited by a firm of chartered accountants subject to overall audit scrutiny by the Accountant General,
- (2) Such annual statement of accounts shall, together with copies of the audit report thereon, be submitted, through the Executive Council, to the Court and to the State Government and thereupon the State Government may publish the same in the Official Gazette.
- (3) The Finance Committee of the University shall conduct quarterly internal audit and the report of such audit shall be submitted to the State Government regularly.
- (4) Notwithstanding anything contained herein before, the State Government shall have the power when deemed necessary to order audit of the accounts of the University including those of the institutions managed by it by such auditors as it may direct.
- (5) The annual budget estimates, referred to in section 16(b), shall, after these are finalized by the Executive Council be circulated to the State Government, Chancellor and all members of the Court at least fifteen day before they are submitted to Court.

Statutes

31.

- (1) Subject to the provision of this Act and with the approval of the Court the Executive Council may make Statutes for the purposes of carrying out the provision of this Act, and in respect of all matters which are required to be or may be provided for the Statutes.
- (2) Without prejudice to the generality of the proceeding subsection, such statutes may provide for all or any of the following matters, namely :—
- (i) declaration of persons in the service of the University to be officers of the University;
 - (ii) appointments, powers, duties and terms and conditions of service of the officer other than the Chancellor and of the holders of the other posts of the University in so far as these have not been specifically provided for in this Act;
 - (iii) establishment and declaration of Authorities of the University;
 - (iv) constitution, powers and duties of the authorities and Committees of the University, of the members thereof, in so far as these have not been specifically provided for in this Act;
 - (v) terms and conditions for the institution and award of fellowship, scholarship, prizes, degrees, honorary degrees, titles, diplomas, certificates, other academic distinctions and awards and for their withdrawals;
 - (vi) the terms and conditions of affiliating colleges and recognized institutions, not established, maintained or managed by the University and the terms and conditions for recognizing libraries, laboratories, museums, halls and hostels, not established or maintained by the University and the conditions for the withdrawal of such affiliation and recognition and matters relating to the privileges to be enjoyed by the such colleges and institutions and other bodies whether affiliated or recognized:

Provided that no Statutes relating to the management of the Degree Colleges and Halls and the conditions of services of the employee shall apply to the Government Colleges and the Government aided colleges in respect of which the state Government shall make necessary rules in consultation with the University. No new colleges shall be given permission or affiliation by the University without prior concurrence of the State Government and that the University shall have no jurisdiction to permit and affiliate Pre-University Class or College;
 - (vii) the procedure to be followed in inspections or investigations caused to be made by the Executive Council into the affairs of Colleges, institutions and other bodies, whether constituent, recognized or affiliated, and the manner in which the Executive Council is to exercise its general control and supervision over them.
- (3) Any member of the Court may propose to the Court the draft of any Statute and the Court may refer any such draft to the Executive Council and the Executive Council shall consider the same and submit the draft with its recommendation.

(4) Notwithstanding anything contained in this section, the Executive Council shall not submit the draft of any Statute affecting the powers, duties and constitution of any authority of the University unless such authority has been given an opportunity to express its opinion in respect of the matters and unless the Chancellor has given his approval to the Executive Council to submit the draft to the Court.

(5) Every new Statute or addition to the Statute or any amendment or repeal of the Statute shall require the previous approval of Chancellor who may sanction, disallow or remit it for further consideration;

Finances

32.

(1) Subject to the provisions of this Act and Statutes, the Executive Council may make Ordinances for the purposes of carrying out the Statutes and in respect of all matters which by this Act or by the Statutes are required to be or may be provided for by Ordinances.

(2) Without prejudice to the generality of the preceding sub-section, such Ordinance may provide for all or any of the following matters, namely :—

- (a) admission of students to the affiliated or recognized colleges and courses of study for all Degrees and Diplomas;
- (b) the rules and procedures for holding election to the Court, the Executive Council, Academic Council and other authorities and bodies of the University and for determining the seniority of persons for the purposes of choosing of member by rotation to different authorities of the University;
- (c) creation of Provident Fund or other funds for the benefit of the employees of the University, exercising Academic control and supervision over colleges, institutions and other bodies whether constituent, affiliated or recognized; and
- (d) investigations or enquiries to be made by the Executive Council under this Act.

(3) Notwithstanding anything contained in the preceding sub-sections, no Ordinances shall be made affecting the conditions of the mode of appointment and the duties of examiners or the conduct or standard of examinations or any course of study unless a draft of such Ordinance has been considered by the Academic Council on being referred to it by the Executive Council and unless the Executive Council has considered the opinion of the Academic Council.

Regulations

33.

(1) Subject to the provisions of this Act, Statutes and Ordinances, each of the authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances, for the purpose of carrying out the duties and for exercising the powers assigned to the authorities concerned under this Act, the Statutes and the Ordinances.

(2) Without prejudice to the generality of the preceding sub-section, such regulations may provide for all or any of the following matters, namely :—

- (a) the procedure to be observed at the meeting of the authority concerned and number of members required to form a quorum;

- (b) all matters which are required to be prescribed by regulations under this Act, Statutes or the Ordinances.
- (c) all matters solely concerning the authorities concerned and not otherwise provided for by or under this Act, the Statutes or Ordinances.

(3) Notwithstanding anything contained in the preceding sub-sections the Executive Council may direct except the Court to make such amendments and annulments of any regulations framed by the authority in such manner as it may specify:

Provided that any authority which is dissatisfied with such directions of the Executive Council may appeal to the Chancellor and the decisions of the Chancellor given on the appeal shall be final.

Acts or Proceedings not to be invalid by reason of certain irregularities 34.

No act or proceeding of the University or of any authority or committee of the University shall be invalid merely by reason of the existence of any vacancy or vacancies among its members or by reason of the invalidity of the election, nomination, appointment of any of its members or by reason of any irregularity in the manner of choosing a member.

Chancellor's decision to be final in certain matters 35.

Whenever any question arises as to whether any person has been duly elected, appointed, chosen or nominated as, or is entitled to be, a member of any authority or body of the University or whether any decision of any of the authorities or bodies or of the Vice-Chancellor of the University is in conformity with this Act, the Statutes and the Ordinances, the question shall be referred to the Chancellor, whose decision thereon shall be final.

Period of membership of the authorities 36.

- (1) All Ex-officio members of all authorities of University shall hold office so long as they hold the memberships, offices or posts by virtue of which they become members of such Authorities.
- (2) Save as otherwise provided in this Act, all other members of the authorities of the University shall hold office for a period of five years or till the expiry of the term of membership which ever is earlier, from the date of election, nomination, appointment or choosing of the members concerned:

Provided further that notwithstanding the expiry of the term of membership of any authority such members shall continue to hold the membership until the new member is elected, nominated appointed or chosen in his place.

Provided further that any member elected under clause (xiv) of sub-section (1) of section 16 shall hold office for a period of one year only from the date of his election as the case may be. He shall cease to be a member of the Court on his ceasing to be a student of the University,

- (3) Any member elected, nominated, appointed or chosen to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected, nominated, appointed or chosen.
- (4) With the approval of the Court, the Vice-Chancellor may remove a member, elected under clauses (xiv) of sub-section (1) of section 16, if he does not fulfil the conditions laid down in the provision therein.

37

After the commencement of this Act, any college or institution applying for affiliation to the University shall satisfy the Executive Council -

(a) that the college shall be under the management of a duly constituted Governing Body which shall include at least two representatives of the University and at least three representatives of the teaching staff of the college or institution as the case may be, including the Principal;

(b) that the land and buildings of the college or institution, as the case may be, and the equipments for teaching therein are adequate and suitable;

(c) that the strength and qualifications of the teaching staff are sufficient for the courses of instruction, to be sufficient for the courses of instruction to be imparted in the college or institution and that the tenure of office of the teaching staff is reasonable;

(d) that adequate arrangements will be made for the welfare, discipline and supervision of its students;

(e) that the financial resources of the college or institution are adequate to make provisions for its continued maintenance and efficient working; and

(f) that the affiliation of the colleges or institutions having regard to the educational facilities provided by the other colleges or institutions in the same neighborhood, will not be injurious to the interest of education.

38.

1. Subject to the provisions of this Act, the Vice-Chancellor, and with the previous approval of the Vice-Chancellor, the Rector or the Registrar may delegate any of his powers or duties conferred or imposed by under this Act, to an officer under his direct administrative control.

2. Subject to the provisions of this Act, :—

(a) the Court may delegate any of its powers and duties conferred or imposed by this Act, to —

(i) the Vice-Chancellor,

(ii) the Executive Council, or

(iii) a committee constituted from among its own members.

(b) the Executive Council may delegate any of its powers or duties conferred or imposed by under this Act, to —

(i) the Vice-Chancellor,

(ii) the Rector,

(iii) the Registrar,

(iv) a committee constituted from among its own members,

(v) the Post-Graduate Board or the Under-Graduate Board, or

(vi) the Finance Committee.

(c) The Academic Council may delegate any of its powers or duties conferred or imposed by under this Act, to —

(i) the Vice-Chancellor,

(ii) the Rector

(iii) the Registrar,

- (iv) a committee constituted from among its own members.
- (v) the Post-Graduate Board or the Under-Graduate Board, or
- (vi) any of the Boards of Studies.

(d) The Finance Committee may delegate any of its powers and duties conferred or imposed by under this Act, to the Vice-Chancellor.

Transitory Provision of 39

(1) The Chancellor shall, within three months from the date the commencement of this Act, appoint, on such terms conditions as he thinks fit, a person to be the Vice-Chancellor.

(2) The first Vice-Chancellor shall, within a period of three months from the date of his appointment or within such longer period not exceeding six months from the date of his appointment as the Chancellor may notify direct, and with the assistance of a committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinance, and the first Regulations, of the University to be framed or made and published with the approval of the Chancellor and the first Statutes, the first Ordinances and the first Regulation so framed shall come into force with effect from the date of such publication as if they were framed or made under the provisions of the Act relating to them.

(3) The first Vice-Chancellor shall within three months or within such a longer period not exceeding six months as the State Government, by notification direct, from the date of coming into force of the first Statutes, the first Ordinance and the first Regulation cause arrangements to be made for constituting the first Court, the first Executive Council, the first Post-Graduate Board in accordance with the first Regulations.

(4) The State Government shall by notification in the Official Gazette, appoint a date, and on and from such date the authorities of the University constituted under sub-section (3) shall commence to exercise the powers and duties conferred upon them under this Act, the first Statutes, the first Ordinances and the first Regulations,

(5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and the first Regulations are made under the provision of this Act.

(6) The first Vice-Chancellor may, subject to the sanction of the Chancellor appoint such administrative, ministerial and other staff as he deems necessary for giving effect to the provisions of the sanction.

(7) Notwithstanding that all the officers and members of the authorities, constituting the University have not been appointed, nominated, chosen or elected as the case may be, the University shall be deemed to have come into existence on and from the date on which this Act comes into force.

First appointment of
Officers and Teachers
of University 40.

(1) Notwithstanding anything contained in this Act, the first Rector and the first Registrar shall be appointed by the Chancellor, on such terms and conditions as may deem fit.

(2) At any time after the commencement of this Act any officer of the University may be appointed by the Vice-Chancellor, with the previous sanction of the Chancellor.

(3) The Teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor and such other person or person as the Chancellor thinks fit to associate with himself.

(4) Any appointment made under sub-section (2) and (3) shall be for a period not exceeding five years and on such conditions as, the appointing authority think fit to specify provided that no such appointment shall be made until financial arrangement has been made thereof.

The State Government's powers of supervision 41.

(1) If, at any time, the State Government are of opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects for which any grant or donation is specifically made by Government, Public bodies or individuals, or that the University funds are misappropriated or misapplied, the State Government may indicate to the Executive Council such matter in regard to which the State Government desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer, with any proposal which it may desire to make.

(2) If the Executive Council fails to offer any explanation or makes proposal or proposals which, in the opinion of the State Government is or are unsatisfactory, the State Government may issue such instructions, as appear to them to be necessary and desirable in the circumstances of the case, and the Executive Council shall give effect to such instructions.

Emergency power of the State Government 42.

(1) If, at any time, it appears to be necessary and expedient in the opinion of the State Government, the State Government may with prior consultation the Chancellor, by a notification published in the official Gazette, suspend all or any of the powers of the University as prescribed in Section 4 of the Act and other powers as may be ancillary to such powers and take over all or any of the powers of management, functions of such authorities or officers including holding, conduct and superintendence of and arrangement, and appointment of any person or authority in connection with any examination or publication of the result of any such examination or to any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period in such manner and through such officers or authority as may be considered fit by the State Government.

(2) Provisions of the Statutes, Ordinance and Regulations framed under this Act relating to any one or more of the matters referred to in the preceding sub-section may be amended for any of the purposes mentioned therein in such manner as may be decided by the State Government with prior consultation with the Chancellor and shall take affect accordingly for the purpose of exercising the powers under the proceeding sub-section.

(3) The State Government may constitute an Advisory Committee consisting of at least 3 persons who, in the opinion of the State Government are eminent educationists for advising the State Government in the matter of discharging the powers, duties, functions and responsibilities in respect of which such powers are taken over by the State Government under sub-section (1) of this section.

(4) All actions taken under the preceding sub-sections and all examinations held and all results of any such examination published and all other actions taken under this section shall be deemed to have been taken, held or published in accordance with the provisions of this Act and shall take effect accordingly.

(5) If for exercising the powers under the preceding sub-section any difficulty arises in giving effect to any one or more of the provisions of this Act or of the Statutes, Ordinances and Regulations framed thereunder, the State Government may in consultation with the Chancellor by order remove such difficulty as may appear to be necessary for the purpose of exercising these powers.

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| Savings | 43. | Notwithstanding anything contained in this Act any decision given, order made, anything done, any action taken or any proceedings commenced under any action taken or any proceedings commenced under any of the provisions of the Act or rules, Statutes, Regulations in force immediately before the commencement of this Act, shall in so far as they are not inconsistent with the provisions of this Act, continue to be in force and shall be deemed to have been given, made, done or taken, commenced under the provisions of the Act. |
| Interpretation | 44. ⁴ | If any dispute arises as to the interpretation of any of the provisions of this Act, the interpretation given by the State Government shall be final and binding to all concerned. |
| Removal of difficulties | 45. " | If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the State Government may by order do anything which appears to them necessary for the purpose of removing the difficulties. |

MOHD. A. HAQUE,
Secretary to the Government of Assam,
Legislative Department, Dispur.

অসম  ৰাজপত্ৰ
সত্যমেব জয়তে
THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH

NOTIFICATION

The 25th April, 2011

No. LGL. 21/2009/46.- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. VI OF 2011

(Received the assent of the Governor on 1st March, 2011)

**THE ASSAM SCIENCE AND TECHNOLOGY UNIVERSITY
(AMENDMENT) ACT, 2011**