

FOR REFERENCE ONLY

**AD INTERIM REPORT
OF
THE UNIVERSITY ENQUIRY
COMMISSION, BIHAR**

1983

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**Department of Education
Government of Bihar**

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Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, Sri Aurobindo Marg, New Delhi-110016
DOC. No. NAE-282
Date.....



MEMBERS OF THE UNIVERSITY ENQUIRY COMMISSION

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Former Director of the Commonwealth Education Liaison
Unit, London

Members

Professor M. V. Mathur,

Former Director of the National Institute of Educational
Planning and Administration, New Delhi.

Dr. Sarup Singh, M. P.

Former Vice Chancellor, Delhi
University.

Member-Secretary

Dr. S. P. Sinha,

Former Vice-chancellor, Patna University.

Officer on Special Duty

Dr. Ramjee P. Singh,

Head, Department of Education, Patna University.

PATNA.

Dr. V. S. Jha
Chairman,
University Enquiry Commission,
Bihar.

Dear Chief Minister,

The Bihar Universities Enquiry Commission was established by the notification of your Order No. K/M-1-033/80/46-461 dated the 19th April, 1980 consisting of Dr. V. S. Jha as Chairman, Prof. M. V. Mathur and Dr. Sarup Singh as members and Dr. S. P. Sinha as Member-Secretary.

We have pleasure in submitting to you an ad-interim report on item (iii) of the terms of reference which reads as follows :—

“to enquire into and report on any changes to be made in the provisions of the acts, the statutes, the ordinances and the regulations with a view to bringing about improvement and to suggest a model act for the purpose.”

We realise that all the terms of reference mentioned in your order are inter-related and that a separate report on any of these would necessarily reflect our views on the rest. Nevertheless, we were advised to express our views on item (iii) of the terms of reference to enable government to take expeditious action to bring about changes in the prevailing acts and statutes and thus give a new and much needed direction towards re-shaping the future of higher education in Bihar.

The report we submit consist of the following :

1. A brief statement of our impressions based upon the studies made, visits to the three universities and 24 colleges, interviews with a fairly large number of academicians and others concerned with the future of higher education in Bihar and grounds for re-structuring the university system and the more important changes to be introduced in the acts and statutes.

(ii)

2. Models of acts and statutes :—

- (i) for the university of Patna;
 - (ii) for the following universities :—
 - (i) Bihar (ii) Ranchi (iii) Bhagalpur (iv) Magadh (v) L.N. Mithila and (vi) K. S. D. Sanskrit and
 - (iii) for a new type of university proposed specially to meet the peculiar requirements of those who study to secure university degrees and diplomas as “Private candidates” and also those already employed but wishing to devote their spare-time for betterment of their professional knowledge and acquisition of knowledge and skills for personal enrichment;
 - (iv) for establishment of a Commission for Higher Education in the state in order to replace the existing Inter-University Board and creating of an expert body for Co-ordination of work in the universities of Bihar and ensuring maintenance of high standards of teaching, examination, research as well as of academic life and activities and advising the chancellor in performance of his statutory and other functions.
3. The drafts of acts and statutes we have prepared are intended to indicate and incorporate our views in respect of re-orientation and re-organisation of the system of university education in Bihar. They should not be considered as drafts of bills ready for consideration of government and legislatures. Once the principles embodied in the proposed drafts which we have presented are accepted by government, it will be necessary to give them legal form and structure and translate them in the legal language. This we consider essential.
4. Our proposals relating to establishment of an apex body, the Commission for Higher Education, and a variety of universities, should be considered as essential parts of an organic whole of the structure of higher education in Bihar which is designed to answer the challenges which confront higher education in the state. None of the parts can be considered separately by itself because it derives its meaning and purpose only as a part of the whole. It

(iii)

would, therefore, be advisable not to pass any judgment on any specific recommendation without appreciating its significance in the entire structure of reform presented in this report. The Commission would, therefore, recommend that the study of the reform of the university in this report should be considered in its entirety with full realisation of the fact that the parts are inter-independent and what is important is the unity of the purpose which binds them into a consistent whole.

5. This is an interim-report and the Commission will soon be continuing on its unfinished task which would include visits to universities hitherto unvisited, meeting members of the faculty and studying their several problems. The Commission has to consider a large number of memoranda and representations submitted to it. The Commission, therefore, suggests that advice of its continuance be taken for discussions, if necessary, on any issue relating to our recommendations in the interim-report which may require further clarification or even further justification. The Commission would be glad to offer what advice it can if called upon to do so.
6. Our recommendations are somewhat radical. We feel no need to be apologetic for suggesting departure from the conventional image of the university and abstract conceptions of its autonomy which have so far provided plausible excuses and smooth slogans for justifying the rot which has overtaken the universities in the state. Abstract ideas are dangerous for, as whitehead points out, "they enter reality in strange disguises and disgusting alliances." Sick universities cost, not only in terms of large amounts of public funds spent on them but of the damage they cause to generations of promising talent which remains blighted and hence denied to the society for developmental and cultural processes on which depends the destiny of the people. Bold and hard decisions, some of them unpleasant, are imperative to stem the rot, the alternative is dismal.

Dr. Jagannath, Chief Minister,
Bihar, PATNA.

Yours sincerely,
(V. S. Jha)

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AD-INTERIM REPORT

OF

THE UNIVERSITY ENQUIRY COMMISSION, BIHAR

NEED FOR CHANGE

AD—INTERIM REPORT

OF

THE UNIVERSITY ENQUIRY COMMISSION, BIHAR

PART-I

NEED FOR CHANGE

Item 3 of the terms of reference of the Commission :

“to report whether any change has to be made in the provisions of the acts, statutes, ordinances and the regulations with a view to bringing about improvement and to suggest a model act for the purpose.”

- 1.1 Acts and statutes of universities are mere tools. Responsibility for using them for the purpose for which they are instituted, rests with men who run the university; their integrity and courage to stand up for what is right and good for realisation of the goals of university education. General public, political leadership, journalists and members of legislature can all help the universities to attain its goals; they can also, as they do, destroy universities. Revision of acts and statutes and removal of loopholes in them revealed in the course of experience of their working are necessary processes for bringing universities closer to the vision of these institutions as powerful instruments of liberating the minds of men, inspiring quest for truth, and refinement of talent necessary for human achievements in various fields of life and thought. But these exercises can only help in realisation of goals which ultimately depends upon the character and commitment, vision and competence of the responsible people to the ideals of the university. In conditions of life in our country, such as they are, the fate of the universities rests on the will of our political leadership. Small minds, blinded with narrow interests go ill with great universities.

- 1.2 It is difficult to overlook what is happening in the universities almost every day and the unashamed daring with which the spirit and letter of the university laws and regulations are violated with impunity even by the custodians of the university authority. Examples to justify this observation are too many to be mentioned. However, a reference would be pertinent, by way of example, to a dark scandle relating to an ingenuous move to inject into the university service, through the back-door, of a large number of lecturers whose professional competence has never been tested nor is likely to be tested. They were appointed by their sponsors, mostly friends or relations as lecturers in hastily created colleges.
- 1.3 A study of the genesis of the constituent colleges reveals the following general picture. An entrepreneur, often a political leader, decides to start a college to be run in his name or that of his father, mother, wife, son, son-in-law, whoever he may like. He seeks among his friends, relatives and others close to him, those who are unemployed M.As., M.Sc.s., and M.Com.s. in need of employment, and offers them jobs as lecturers on the staff of the proposed college. They are given an assurance that when the college is recognised by the university and is made a constituent college of the university, and consequently becomes entitled to grants from government, they will be paid salaries as lecturers in accordance with the scales laid down by the University Grants Commission for the lecturers in the universities. However, these lecturers must invest adequate sums of money to ensure their future salary and to that end contribute towards the reserve fund of the college which is a condition necessary according to the university regulations for consideration of the affiliation of a college. The university requires a reserve fund of at least Rs. 25,000/- for each faculty in the college and usually a teacher is asked to pay anything between Rs. 10,000/- to Rs. 20,000/- for appointment as a lecturer in a newly created college. The exact amount required of a teacher for assurance for securing a job is a matter of personal understanding between the entrepreneur and the teacher. In addition, the lecturer must undertake to work without salary until the college gets affiliation and receives grant-in-aid from the government. When the college

becomes a constituent college of the university, it is entitled to all the salary advantages open to a lecturer in university because it is considered to be limb of the university. The entrepreneur, on his part, exercises all the political and other pressures which he can in order to secure from the university affiliation for the college and from government the status of a constituent college. Once this is done, all the problems are solved. The universities, in turn, are always obliging and they usually begin by giving affiliation for a period of time during which the colleges are able to build what is known as "the student power" which, along with the political backing, is potent enough to prevent any possibility of de-affiliation of the college. The Commission was informed of a request for grant of status of a constituent college of a university for a new college established by a well-known political leader and leader of a powerful community in Bihar who has the credit of establishing about seven or eight similar colleges earlier which have already been given the constituent status and benefits. The inauguration of the college reveals alike the daring of the entrepreneur as well as the state of administration. One day, under the leadership of the entrepreneurs, about 2,000 prospective students of the college and about the same number of parents invaded a piece of 65 acres of vacant land now belonging to government, occupied it and constructed a fence around it as well as few rooms. Thus the college acquired a site and nucleus of a building for housing it. This mighty task was achieved in twelve days, it is claimed. None dare say now that the college has no "means". Now the pressure is on to secure for its status of a constituent college of a university.

- 1.4 Government, on its part, has laid down no guide-lines for commending a college to the university as its constituent institution. The decision is by fiat of the administrative will unrestrained by any consideration of the viability or worthiness of the college as an institution of a university. There are colleges which have been made constituent colleges of the university even before they were considered by the universities for affiliation; for example, Rajendra Memorial Mahila College, Nawada and Vidya Bhawan Mahila College, Siwan. Most of these colleges are sub-standard institutions

and none of them can answer the requirements for affiliation laid down in the relevant statutes of the university. Tables in Appendix I and II give the number of colleges transferred to the universities of Bihar since 1952 and the names of the colleges and their location respectively. The graph in Appendix III shows the increase in the number of colleges since 1952. The important feature to note is that the number of colleges swelled in election years. It is difficult to resist the conclusion that the price and privilege that go with constituent college are for buying votes of some significant groups. No effort was at any time made even to ensure whether the colleges complied with the conditions of affiliation. Most of these colleges are sub-standard institutions according to the provisions laid down in the statutes. In recent years 1975 to 1980, as many as 235 colleges were transferred to the universities as constituent colleges which were allowed no option except to accept them. It is said in Bihar that starting of a college is a gainful business, provided you are a political boss or a public nuisance.

- 1.5 It is strange that even the otherwise articulate academics, sensitive to whatever remotely effects university autonomy, remained complacent. This shows that the usual protestation of professional concern for academic autonomy is only a cover to disguise the dearer vested interest in favour of their incompetent brethren smuggled into the teaching profession through the back-door. A majority of teachers in the universities of Bihar and specially the leaders of teachers' associations have got their jobs through the back-door or through the influence of purse or power. No wonder that no protest is ever known to refer to the standard of academic performance nor to the norms of academic behaviour. In the atmosphere of prevailling permissiveness and operation of political pressures, the universities seldom care to impose upon the colleges provisions in the statutes governing award of affiliation. The inspection of colleges to examine whether they satisfy conditions of affiliation is a mere formality and no college is denied affiliation at least for a temporary period. Once the college gets going, none cares to deny its right to continue. Thus a tremendous pressure is created to give to all the temporary teachers landed into the university

service through the back-door the right to the scales of pay awarded by the University Grants Commission and even right to transfer to the university departments, depending upon the pressures which the teacher is able to exercise. Some kind of mythical sanctity is given to the claims of "temporary" teachers to be made permanent and to draw U.G.C. scales of pay as well as to promotions on the basis of seniority. The Commission is also told of belated attempts made even by those who are in positions of power to include new names in the list of "temporary" teachers by anti-dating orders of appointment in colleges and thus deliberately tampering with records. Attempts are also made to transfer the more powerfully supported lecturers to the teaching departments of the universities. Those who are making these attempts include persons holding responsible positions in government. The pressures on behalf of these "temporary" teachers are so powerful and blinding that none dares even to recall the artificially manipulated devices and questionable means adopted to recruit them as teachers by avoiding proper procedures of selection for recruitment. It is generally believed that the noisy temporary teachers will succeed in securing what they want plus something more viz. unacademic concession to promotion to higher grades on consideration of seniority in service. None appears to have the courage to demand testing of their competence through bonafide expert bodies because all are interested in favouring men and none in the quality of work in the universities and good of the younger generation. More than 7,000 teachers of the constituent and affiliated colleges are thus inducted into the university service as teachers. The inevitable casualty is the quality of work in the colleges and the university teaching departments. Several generations of the eager students are thus robbed of opportunity to learn from clean and competent teachers. And it is sad to realise that these teachers will produce the next generation of teachers, if the damage is unchecked, and the vicious multiplying process will continue. Provisions of acts and statutes cannot be held responsible for this kind of situation created by small minds for

small gains unconscious and unheedful of the damage caused.

- 1.6 Considering all aspects of the situation created by the transfer of many colleges to the university as their constituent colleges and realising the limited competence of the university managements, the Commission recommends that these colleges should be taken over by government and treated as government colleges. These colleges should be administered directly by government and all employees in them should be subject to the conditions of service and discipline for government servants. It is, however, necessary to insist that in future no teacher should be recognised by the university as a teacher unless he has been tested and found fit by the agency prescribed by the statutes and that this condition should apply even to the teachers recruited in the colleges before their affiliation by the university and acquisition of the status of a constituent college. It should, therefore, be laid down in the statutes as one of the conditions of recognition that only those colleges will be eligible for consideration for affiliation which have on their staff members who are selected in the manner prescribed for the selection of the teachers of the universities. For those teachers who are already smuggled in the colleges and university without testing of their worthiness in accordance with the terms of the statutes, it should be necessary for them to undergo special training and testing under conditions laid down by the university at least once during five years from the date of acceptance of this report. Their increments should depend upon their proving their merit in the special training courses prescribed by the university.
- 1.7 It is woeful tale to recount what happened in the examinations held in the year 1980—when the Commission was enquiring into the affairs of the university. A list of examiners prepared by a competent examination board was drastically altered by the vice-chancellor of the university for reasons best known to him, and the consequences of this deliberate manoeuvre were reflected in an unusually large number of first classes in certain subjects and, what is still more significant, brilliant performance at the B. Com, M. com. and M.A. in economics examinations of the sons and daughters of some of the teachers and persons in influential positions. The

press and public has drawn attention to the deliberate and audacious resort to unfairness in the university examination by the vice-chancellor anxious to oblige those who wield power. The minister for education has promised to hold an enquiry especially into the "brilliant performance" of the children of important teachers and high-ups in public life. The enquiry is not still instituted. In the meanwhile, the vice-chancellor concerned is elevated to a more distinguished office to which even his eligibility is doubtful in view of his having been chairman, public service commission, Bihar.

- 1.8 At the time of drafting of this report, the press and public are pregnant with stories of gross corruption and misdeeds of some of the vice-chancellors in Bihar as a result of which two of them had to be asked to resign. One of them established unchecked personal rule in the university by willfully refusing to take measures for constituting statutory bodies— the senate, syndicate, the academic council, the finance committee, the examination board and the rest. He did not even appoint deans of the faculties but for two who were appointed recently. He created a situation in which all powers rested in his person and used them for personal gain. He has flouted daringly the financial proprieties often for personal gain and made a large number of appointments and promotions disregarding normal procedures and even decencies of administration. For example, he showed unseemly haste in promoting as many as 967 lecturers to the post of readers, some of them with back-dates as back as 1970 (including his wife, Smt. Asha Kishore, who was promoted on January 25, 1982 with effect from October 25, 1970) and 1974 in a manner that is questionable. Orders of promotions of 381 lecturers were issued on October 16, 1981, of 167 on October 22, 1981, of 46 on October 23, 1981 and of 375 on January 24, 1982, surely, it was not for nothing that the vice-chancellor went out of the way to grant favours. His defiant financial irregularities, so many and so varied, would by themselves necessitate a thorough investigation. He also stooped so low as to manipulate examination and examination results of 1981 in order to make sure that his daughter and daughter-in-law secured highest

positions in M.A. (english) and M.A. (Psychology) examinations of the university with extra-ordinarily high percentage of marks. The notorious story is related in 'Sunday' Magazine dated March 28—April 3, 1982. The Commission understands that the matter is under enquiry by the chancellor. The story goes on to show that the chancellor who wished to go to the spot and acquaint himself with facts of the situation was prevented from doing so by the obliging district magistrate—who duped the governor by giving him wrong information. The vice-chancellor is removed; he is still in the university in his original post. The damage he has done to the good name of the university seems irreparable and he has tarnished the image of the vice-chancellors of Bihar. Evil emboldened by impunity finds more defiant votaries.

- 1.9 In another case, a vice-chancellor, who was appointed, not on the basis of merit but on consideration of caste and who had the status only of a reader in the university, utilised his position for appointing himself and his friends as professors of the university. Surprisingly, it is reported that the story is repeated by another vice-chancellor in Bihar in very much the same manner.
- 1.10 There's another case of a vice-chancellor, now removed, who earned for himself much disrepute by selling posts of teachers in the university and colleges, transferring teachers from college to college and promoting them— all in a hurry and most of them irregularly. He went on a spree to appoint a large number of class III and IV employees— about a thousand of them in a short time— and somehow with collusion of some officials, he continued doing so even after he had handed over the charge of his office to his successor. The result was that, to give an example, one college was gifted with 133 class III and IV employees and another 83. Those who sympathised with him explained that he had to do something to be able to fight elections as it was his duty to provide leadership to the community to which he belongs.

The story does not end here; there is much to tell but it is painful to do so. If the vice-chancellors, who are the custodians of the university acts and statutes, who are expected to reflect in all that

they say and do the ideals of a university, who are looked upon for setting unimpeachable standards of living and thinking and of good taste, adopt low means for selfish gains and tarnish the image of the university as a spiritual pacesetter for the society, there is little hope. If gold rusts what will iron do? From the point of the Commission, the relevant questions are:

How such men were selected for the office of the vice-chancellor? Who is responsible? On what support and strength, they dare to indulge in mal-practices?

Are there no counter-checks for timely arrest of mal-practices at the highest level?

What enables them to get away with all that they have done and get away profitably?

The questions are not difficult to answer. The main question is how best to insulate the universities against such possibilities.

- 2.1 Another phenomenon which also bedevils functioning of the universities is frequency of strikes by employees of the universities, both the teachers and the karamcharis alike. Strong pressure groups have emerged and entrenched themselves among these two categories of university employees and they have acquired considerable backing of influential political parties. They cause strikes at short notice or without any notice at all. A strike in any section of the university brings the life of the entire university to a dead-halt. The vice-chancellor is left alone to face the ugly pressures and threats of violence and he is coerced by shouting and abusing mobs to accept their demands however unreasonable they may be. The position of the vice-chancellor is that of helplessness. Very often the only justification for the demands is that there is a shouting and coercing mob to support them. The vice-chancellor has neither the funds necessary for meeting demands nor authority to do so. He is driven, willy-nilly, to seek assistance of the administration which has its own norms and modalities for dealing with political contingencies which are rarely regardful of safeguarding academic interests. Normally, there is a tendency to buy peace irrespective of what it costs. The damage done to the university by ad-hoc appeasement is considerable. For example, recently- in August,

1981— there was a strike of karamcharis in one of the universities in Bihar which obviously had no justification. The vice-chancellor, with full support of the government authorities, decided to ask the strikers to withdraw the strike and announced that the karamcharis will not be paid their salaries for the period of their absence of work due to strike in accordance with 'no-work-no-pay' principle laid down by governments. The strike was about to be withdrawn when the vice-chancellor learnt, much to his dismay, that government had given assurance to the strikers that if they withdraw the strike, their demands would be "sympathetically" considered. What is strange is that the offer of government was made directly to the strikers without even the knowledge of the vice-chancellor who was placed in an embarrassing position because his authority appeared sans sanction and thus vain. Subsequently, it was clarified that government had agreed to grant the salary for the period of strike subject to adjustment of the period of strike against the period of leave due to them. The terms of settlement of strike are significant in the background of the fact that the leave account of the university employees is always in a mess and it is seldom kept up-to-date. It is also learnt that influential persons— some of them syndics—were frequently moving from desk to desk in the registry of the university to keep track of important files and even to influence noting on them by the office employees. There is no reason why the university administration should not have the courage to ban entry of outsiders to the office and instead arrange to provide an information-counter for help and supply of such information as can be supplied to visitors. It would help administration to protect the office staff from outside pressures and to provide it freedom to do their duty anonymously without fear.

- 2.2 The Commission wishes to emphasize the position of considerable embarrassment in which a vice-chancellor is placed whenever he has to face a situation of strike. For example, at the time of the drafting of the report, there was strike of the teachers of the universities in Bihar in the month of April, May and June, 1982. The vice-chancellor with full support of government had taken a stand that the teachers on strike will not be paid their salary during the period

they were on strike and that, if they did not join their services within a stated period, several more drastic measures will be taken, such as termination of the services of the temporary teachers. The authority of a vice-chancellor rests on the sanctions it has from government which is necessary in implementing his decisions. However, the Vice-Chancellors keep their fingers crossed : what if the support relying on which they have put up a brave front is withdrawn and the government knuckles under pressures from within and without ? If this happens, the very ground will be out from under the feet of the Vice-Chancellors, and they will lose face as they have done in the past. This uncertainty is disastrous for university administration. It would be unrealistic in the circumstances to expect all Vice-Chancellors to resign when they lose face: it will be equally unrealistic for them to take any firm stand in any matter at any time. No wonder that every one considers vice-chancellor's authority to be illusory. It is easy to visualise the effect of the vice-chancellor's feeling of uncertainty and frustration on the health of the university.

- 2.3 There are sane thinkers who would not readily concede legitimacy of strikes, gheraos, mobbing, threats and coercion as strategy for solution of disputes even in industry, commerce and other big organisations on the ground that these methods hit at production which is the source of earnings and consequently means to better the condition of the employees. The wise do not maim the hen that lays golden eggs. So far as educational institutions are concerned, there can be no justification at all for strikes. The universities must have money to spend; they have no income of their own to rely on. Methods of coercion, threats of violence and the like have no relevance in the universities where the authorities, employees as well as students are left no option but to share whatever is made available to them for advancement and transmission of knowledge. The more ambitious should rather seek better fortunes elsewhere rather than remain disgruntled and lend their energies to disturb the life in the university and affect the training of the younger generation. The youth is the noblest capital of the state. The training of intelligence, capacity for hard and organised work, development of character and responsible leadership and a variety of talents among

the youth are essential for security, economic growth, social betterment and political efficiency of the people. Whatever obstructs this process by way of strikes and other means should be dealt with sternly and considered anti-national. It would be desirable even to go to the extent of creating statutory instruments for putting a stop to strikes, mob action and all forms of coercive and violent methods to seek better wages and working conditions in the universities. There are better methods for settling disputes and differences than strikes and coercion and universities should set models for arriving at agreements without bitterness and hate. It is time to realise that the strikes and hold-up of work in the universities, whatever be the excuse, hurts and weakens the nation grievously.

- 2.4 It is vain to expect a university to provide career to the ambitious non-academic staff which could be comparable with that provided by banks, commercial houses and industries. It must, therefore, be conceded that the pattern and condition of staffing in the universities should be somewhat different and that the recruitment of non-teaching staff should be done by different statutory or non-statutory bodies as well as on a different basis from the one laid down in the statutes for the academic staff. It should be sufficient that university employees are treated on par with those working in equivalent positions in government service. It is, therefore, suggested that all employment at all levels in the universities should be made on the basis of a written agreement entered into between the university and the employees and that this agreement should incorporate the condition of service and the avenues of possible promotion which a university organisation is competent to provide. The university should guarantee no more than what it can and what it can should be entered into the agreement. The employees should be aware of the limits of their expectations and should agree to join the service of the university with their eyes open. It should also be open to the university to terminate any one's service after giving three months' notice and in accordance with certain terms and conditions that may be entered into agreement. The academic work and supporting activities of a university are much too precious to be left in the care of teachers and others who are found unable to deliver goods

and maintain high standards. It should also be open to the employees to withdraw from the service of the university after giving due notice in accordance with the terms of agreement. The university should be held liable for the failure to meet the terms and conditions laid down in the agreement; but it should not be expected to meet the demands that may arise in the course of time, but which are not written into the agreement. It should be agreed that these are negotiable, but in no circumstances they should provide excuse for strike or cessation of work. Too much security has bred inefficiency and erosion of responsibility in performance of duties. Sense of duty, responsibility and willingness to work as a part of a big team is essential on the part of every employee, academic or non-academic, and his ambitions should be trimmed by the conditions that limit the life and functioning of the university itself. The nature of agreement will differ with different categories of employees and if this recommendation is accepted, it would be the function of the proposed Commission for Higher Education to prepare a variety of contractual agreements with different categories of employees in the university. The Commission considers that a changed outlook in respect of the employer and the employee relationship in the context of the service of the university is an essential measure necessary for guaranteeing proper functioning of the university and helping it to realise its special objectives.

- 2.5 It is not the contention of the Commission that the demands—the word is a loaded one—made by teachers are often invariably unjust and that there is always parity in standards by which their demands are considered by authorities concerned as compared with those of employees in other services. The point which the Commission wishes to make is that the manner of expression of these demands should be sober, dignified and in keeping with their professional obligations as well as with the status and respect which, according to the hoary tradition of the country, belongs to them, and with the responsibility, which they hold in the palms of their hands, for shaping the character and destiny of the generation to come. The teacher's image is that of a lofty visionary who sees far ahead of times, far beyond the dust and din of daily strife and compulsions

of immediacy, far into that "heaven of freedom" in which he would like, in the words of Tagore, his country to awake. He is expected to set standards of decency in public behaviour and inspire respect for moral values and humane attitudes. All eyes watch him and what he thinks and does is imitated by generations of students. The agitational approach and resort to strikes and consequent disregard for the interests of the students ill becomes the position of a teacher. The teacher is known and valued for his devotion to the pursuit of truth and devotion to the youth in his charge. The universities primarily exist for the students and the teacher is expected to fire their youthful spirit with eager quest of enquiry and inspire cultivation of quality of mind and skills necessary for providing leadership in various fields of life and thought. It is for the teacher to create an atmosphere of rigorous, sustained and strenuous academic work done under intensity of concentration; but done joyfully. The teacher does not merely furnish the minds of the pupils with information; he fashions them and helps each individual to cultivate a sense of style which, as whitehead says, is the ultimate morality of the mind. The scholarship of the teacher, his adventures in the field of ideas, the way he has come to form his academic and other judgments, are all infectious and meaningful to the students; but what counts above all is the silent power of his example—that which brings to him the awe and reverence which he commands and which constitute the salt of his professional existence. The teacher in India is fortunate that the cultural traditions of the land invest him with awe and reverence. The teacher, however, should not take these for granted—certainly not in the present circumstances of national life. He must earn them and deserve them by the way he conducts himself in life and reflects in all that he does, his concern for the youth in his care and his involvement, anxious and rigorous, but joyful, in imparting and extending of knowledge. A teacher on strike hurts what he lives for; he is supposed to know that every working hour of students wasted causes irreparable damage and, what is still more important, it disrupts the atmosphere of serious academic work in the university.

2.6 It is, therefore, necessary to consider resort to strikes and agitational approach as inconsistent with the teachers' professional dignity. It is equally necessary that some other method of dealing with whatever needs settlement between the teachers and others should be conceived of and agreed to by all alike—the government, university authorities, the teachers and others—and sound conventions should prevent ugly demonstration of defiance and frustration as well as lesser methods of gaining advantages. The Commission would, therefore, propose two measures :

- (a) Creation of a council of teachers consisting of two members of the syndicate, two senior teachers (professors), two readers and two lecturers— by rotation according to seniority and presided over by the vice-chancellor. Constitution of this council should be written into the university acts. All matters of “demands”, grievances and disputes relating to the teachers— not of individuals but of the class as a whole—should be referred to this body which should exercise sober judgment and define what it considers to be the just course of action. The views of this council should be considered by the proposed commission for Higher Education and university authorities in a detached and fair way. In matters requiring clarification and better understanding, there should be such negotiations, as necessary, with the council and the powers concerned and proper decisions taken.
- (b) There should be a standing tribunal for the university consisting of three senior judges borrowed from the judiciary. All matters of disputes between teachers and others should be referred to the tribunal which should give thought to the issues involved and come to a conclusion with due regard to the paramount consideration, that is, the interests of the university and the purposes of its establishment. A convention should be created that the verdict of the tribunal should be accepted by teachers as well as government, university authorities and others concerned. A healthy tradition of this nature would spare the teachers and the university many ugly situations. It should be possible to conceive of similar council for students'

affairs and karamchari' affairs and reference, where necessary, to tribunals for final solution.

These two institutions for quiet handling of grievances would inhibit the prevailing tendency for fabricating them. In fact, the modern art of leadership lies in the capacity of manufacturing of grievances and convincing people unaware of them that they have them. It is essential that the universities should be rid of this kind of professional leadership which seeks its opportunities in situations of unrest.

- 2.7 The innovative proposal for a judicial tribunal consisting of permanent judges should be examined with great care. It may be possible to have common tribunal for two or three universities or preferably one single tribunal for all universities in the state. The judges should be selected from among senior district judges in the judicial service of the state by the Chief justice of Bihar in consultation with vice-chancellors concerned and should be changed after every three years. The procedures of the working of the tribunal should be laid down in the ordinances. It is also necessary to bind the teachers to abide by the findings of the tribunal. If some such conventions are agreed to as a code of conduct, the university may hope to be saved from many disgraceful situations.

- 3.1 Expenditure on education is investment in the making of a man which is said to be the most precious capital of a state. Expenditure on universities is investment in refinement of variety of talents and shaping of leadership necessary for advancement of scientific knowledge; experience of spiritual depths; pursuit of beauty and moral values; ennobling of taste and visualising of dreams of a better way of life—a life which respects the dignity and autonomy of the individual in a society which ensures peace and happiness. However, the gains of the expenditure on the universities are not immediate; universities take a long time to bear fruit and even when they do, most of the gains are not measurable. The expenditure on universities is productive in the long run but with a difference in the sense that unlike the big industries and business-houses, the gains are not immediate nor calculable in terms of the normal cost-benefit-account-

ting-techniques of the business world. To the short-sighted planners the universities appear to be economically parasitical white-elephants which consume considerable national income and yield little profit. Their fears find justification when the universities fail to realise the objectives for which they are established; and obviously, this is happening much too often in our country.

- 3.2 Our universities are modelled on the pattern of those in the west and they cost (much more than they should). The costs keep increasing as the universities grow and new demands are made on them. Explosion of population, explosion of knowledge, explosion of expectations, explosion of technology and of the means of communication and several other factors combine to provide a tremendous driving force which demands expansion of the university as well as qualitative changes in them. Once a university is planted, it must continue to grow and change; the alternative is death. These inevitable processes also cost. Universities cannot be run on the cheap. Cheaper models, even if more suitable in our context, are not unacceptable; certainly not fashionable. The die is cast; the universities in India must continue to keep up with the Joneses in the west. The quest is unending and futile; our means will never enable us to keep pace with them. And still we feel unfree to conceive of models which would work in the native soil of the country. Mahatma Gandhi tried to do so. Our elite rejected him.
- 3.3 Universities are usually established in haste and without regard to immediate and future commitments involved in terms of men and materials necessary. The result is that once a university is established, it is barely possible to provide finances for its growing needs. It is possible to keep universities going by providing just enough to pay the salaries of the teachers, the day to day requirements of maintenance and administration and for such expansion of activities as becomes inevitable. No university can leap ahead in pursuance of excellence in some field, nor experiment with a brave new innovation. For the little academic luxuries e.g. development of libraries, post-graduate studies in science and humanities, major research project, the universities have to seek aid from the U.G.C. No university has adequate funds to consolidate what it has undertaken

and to get maximum gains from the investment already made because the provision is below the margin. The position is worsened by growing inflation and still more by reckless and unscrupulous spending by some vice-chancellors. The main point is that proliferation of universities and colleges in answer to popular demand results in accepting financial commitments which cannot be met because of scarcity of resources. It would be wiser to consolidate and attend to the needs of the universities and colleges that are already created rather than to expand recklessly. Prudence would demand rationalisation of the existing position and even curtailment of commitments.

- 3.4 The Commission would suggest a close study of the existing financial requirement of each university and college and plan to provide necessary funds to maximise gains from commitments and investments already made as a matter of priority over any scheme of expansion. Exception should, however, be made in respect of an institution such as the open university which the Commission proposes at a later stage in this report because it would hopefully provide scope for ensuring growing demands for more education at the university level without much additional cost. The main contention of the Commission is to make university education worthwhile to the students and to enable universities to realise their goals by providing them with necessary funds for their needs at critical points. A financially starved university defeats the ends for which it is created.
- 3.5 Universities have to depend almost entirely upon funds doled out by governments. The funds available from government are limited and with escalation of prices, no university can ever have all the funds it needs for its various programmes. Income from tuition fees is negligible. No university can also dare raise tuition fee-which is the only source of income within its power to raise-because of the fear of strikes and of unpopularity. Incidentally, the fees, charged in the universities of Bihar and India generally are the lowest anywhere in the world and they have remained unchanged since the country gained independence and even earlier. Thus the only legitimate source of income which lies in the power of the

university remains blocked. There is nothing in our country like an affluent university. Universities all over the world are facing economic crisis and more so since the curtailment in funds that were formerly made available plentifully to them for research from industries connected with defence and related to production. It is being growingly realised that the universities must do serious re-thinking to generate, at any rate to some extent, the resources for their own maintenance. In this context, it is worthwhile recalling educational thinking of Mahatma Gandhi according to which the educational institutions should become productive and utilise the manpower available to them to produce material that may go a fair way to meet the cost of their maintenance. There is no reason why the institutions maintaining big laboratories and workshops, such as engineering colleges have and agricultural land, cannot use the opportunities available to them for initiating productive work and involving the spare time of students, which is plentiful, for gainful purposes. There are institutions in India, such as the one at Sanosara in Bhavanagar district of Gujrat, which are run successfully on this pattern. It is well known that the students in the universities have more leisure time than they need or is good for them—that is also true of most of the teachers—and the fact that the absence of opportunity to utilise the available leisure to useful purpose is, to a considerable extent, responsible for the uneasy situation obtaining in the students community. Idleness, specially among the youth, seldom remains unpunished. The Commission would recommend serious thinking in the direction of supplementing the resources of the universities and colleges by organising some worthwhile productive activities which have also educational value and involving students in activities related to production in an organised and intensive manner. The Commission visualise that looking into the future of the universities and the changing economic and other circumstances of national life, there is hardly any other option for the universities except to re-orient themselves and organise a new way of life which will be both intensely academic as well as productive and channelise the energy and time of the students to activities which would be rewarding and satisfying.

- 3.6 There should be no regrets for abandoning the traditional image of the university as a remote ivory tower, far-away retreats for scholars from the currents and cross-currents of real life. The UNESCO report of the International Commission on the Development of Education rightly states; "Education follows the laws of every human undertaking; growing old and gathering dead-wood. To remain a living organism, capable of satisfying with intelligence and vigour the requirements of the individuals and developing societies, it must avoid complacency and routine. It must constantly question its objectives, its contents and its methods."
- 4.1 The element of election provided in the act and statutes e.g. election for membership of the senate, syndicate, academic council, faculties as well as election for office-bearers of the students and teachers unions has totally vitiated academic life of the universities and has led to creation of pressure groups and deep rooted vested interest "fighting" for imaginary and unending rights and demands. Elections let into the university life in a big way with big money, the rivalries of the political parties and the issues which are, as in the political scene, determined by "dadas" and "dandas", power and purse. Elections have also led to creation of a class of "leaders", almost professional in character, who thrive on vested interests in the universities which they must continue to create in order to survive as leaders. It is true that many advantages come to the leaders later in life because of the skills they have mastered in fanning trouble in the universities and that their paths to political positions and high offices become smooth by virtue of their experience and expertise in arousing unrest and degenerating ethical values and flouting decencies of behaviour. However, such leadership has spelt disaster for the universities. The serious academic keeps away from election; he has neither the wish to be involved in elections nor the remotest chance of success. The Commission feels that it is time that the harm done by the elections is realised-it is visible in the writings on every wall of the university buildings. A bold effort is necessary to free academic life from the unholy shrieks and shouts of lesser men struggling for lesser things. The quiet serenity of the academic atmosphere should be restored to enable high standards

of scholarship and undaunted quest for truth. The universities have already paid a big price for going "democratic", let them now come to their own. The UNESCO report of the International Commission "Learning To Be" rightly observes: people talk of political education instead of giving education in politics. They confuse political or ideological indoctrination with preparation for broad, free reflexion on the nature of power and its components, on the forces working in and through institutions." It would also be good to recall what the Mahatma used to say; men have no rights, rights come from duty well done. The only right which is justified is the right of an individual to surrender his self-interest voluntarily so that those with whom he lives are happier. The life in academic community as a whole should reflect its sensitiveness and commitment to moral and professional obligations. Ugly and aggressive selfishness, mob monstrosity and other violent and brutal methods of securing personal gains should be ruled out of the university life even if it means introduction of a special ordinance or enactment of a law. It is also time to forget the myth that the police should not enter the sacred precincts of the university. The country's machinery for maintaining law and order and bringing crime to book should be allowed to operate fearlessly and freely wherever situation demands and it should be conceded that "towns and gowns" alike are equal before the law of the land. Universities need no longer be allowed to become sanctuaries for criminals.

- 4.2 Further, it is also necessary to reconsider the provisions which enable the teachers to participate in practical politics and to become elected members of the legislatures and other civil bodies while continuing to be university teachers. At present, there are scores of members of the staff of universities and colleges who are members of parliament, or members of legislative assembly or members of legislative council and they are reported to be drawing salaries from the university as well as from the legislature. The question whether they should be on leave or not is pending in the law court. There should be provision in the act to ensure that political ambitions of the teachers do not affect the life and work of the university and the university is not used as a means for acquiring political power

and area for exercising patronage and distributing favours. It should be laid down as a condition of service in the university that none of its employees shall participate in practical politics and seek election to the legislature or to any civic body. This should not imply that they will not be free to hold political opinions nor to express them freely in speech and writing. But it should be conceded without the least hesitation that their actual participation in active political life and membership of legislative and other bodies disturbs the work of the university and creates a climate which is not congenial to academic work. Total dedication of a teacher to the university and to his academic duties and his detachment from the "madding crowd's ignoble strife" would ennoble his personality, establish his credibility as well as give special significance to his view even on political and other contemporary issues. At any rate, the university has a right to demand undivided attention to academic work of a teacher or of any other employee. Teacher participation in practical politics has done little good to the universities, or even to politics and this concession allowed to the teachers must be withdrawn forthwith. Of course, those who have a calling for a career in politics should be free to pursue their desired path; but they should be required to resign from the university service as any teacher in a government college would be required to do. A teacher is not a mere mercenary; society expects more from him than can be written in the terms of his service. The newer generation will reflect his image and adopt his norms of behaviour. A teacher creates a poor picture of himself when he seeks best of both the worlds—the academic and the political. His credibility as a teacher is staked when he flirts with politics for a career and, at the same time, tries to retain his monetary and other advantages as teacher. Let him choose one way or the other. He cannot have the cake and eat it too.

- 5.1 Ever since independence, the country has shown concern for the status and conditions of service of the teacher. This is reflected in the new pay scales initiated by the University Grants Commission, liberal leave rules and facilities to attend conferences and seminars, provision for medical and other care. Opportunities are opened

up to enable the teacher not only to engage in research in the field of his interest but also to help him to keep himself abreast with the growth of knowledge in the subject of his choice. The University Grants Commission programmes of faculty improvement are excellent examples of help to the teacher for his professional betterment. Some of the university teachers have made good use of all these liberal provisions : but it would be hazardous to conclude that these measures have resulted in any marked improvement in the quality of professional work, attitude and behaviour. Academic freedom has come to be equated with the right to abandon classes at will and to attend to other calls, such as visits to attend meetings outside the universities and colleges, at the expense of teaching and other academic work. One distinguished educationist observed that most of the university and college teachers of today in India are only "Part-time" teachers although they draw salaries for full time work. Their presence in the universities and colleges where they are expected to perform their duties is ordinarily for the minimum number of hours. The senior teachers are available to the students only rarely. If teachers play truant with impunity, the pupils will. A time has come when it is essential to revise the leave rules and rules relating to attending meetings for doing outside work in order to ensure the presence of the teacher in the universities and colleges for teaching and for guidance to the serious students. In this context, it should be remembered that one of the major issues in the students revolt of the 1960s in the U. S. A. was the involvement of teachers in research projects of industries for which they were comparatively better paid, in activities outside the universities and in writing books for publication. It was said at that time that "publish or perish." The student movement demanded recognition of the principle that the first responsibility of the teachers was to teach and to meet and help the student and that this condition should be given priority over the academic demands such as research, writing books, attending meetings elsewhere and undertaking research funded by industrial and other organisations. The university regulations should require the presence of the teacher in the college for a certain number of hours during which he should not

merely teach according to schedule but also guide students and pursue his own academic work. Physical and regular presence of the teacher in the university helps to create an atmosphere of academic work which his occasional visit and remoteness will only destroy. It is equally imperative to make it possible for the teachers to make it worth their while to remain in colleges. This is not possible in most cases. The teachers have no rooms where they can conduct their studies, keep their books and research material and call students for interviews and guidance. There are rarely any teachers' common rooms worth the name. The conditions of the libraries are very often not attractive to the teacher. The requirements of the teachers in the universities and colleges differ with their location and academic commitments and it should be the duty of the universities to identify what physical conditions are necessary for efficient discharge of their functions and to ensure their provision.

- 5.2 Another feature of the present system is that the work done by the teacher is never properly assessed. There are some institutions in which record of the teachers' work is maintained, but this is done casually and little use is made of it in matters of promotions. It is wrongly assumed that once a teacher is confirmed, his authority as a teacher is absolute for life time and remains unquestionable; and that he is, *ex-hypothesi*, master of the subject he teaches and also free to absent himself from classes at will. It is time that this myth is laid to rest.
- 5.3 No one would deny that the leave rules applicable to the teacher are generous nor deny that there is considerable truancy and absenteeism which is defended on various grounds. It is, therefore, time to provide in the act and statutes measures that would require certain academic accountability on the part of the teacher and also sound instruments for objective assessment of his work as a teacher, researcher and member of the academic community. The Commission is of the view that the agreement entered into between the university and the teachers should require a teacher to be accountable for a certain minimum quantum of academic work as well as physical presence for a certain minimum number of hours in the institution

to which he belongs. In this context, it would be pertinent to recall the recommendations of the Sen Committee of the U.G.C. which recommends that a teacher should be present in his college or the department for at least 40 hours in a week during which he should be available for teaching and other academic work. We endorse the recommendation and recommend that a major portion of this time should be devoted to actual teaching work including lectures, seminars, tutorials, field and practical work and the rest for conducting and guiding research as well as for self-enrichment activities. Methods of assessment should be evolved by experts in the field. While the work of such assessment should be the responsibility of the head of the university, it is necessary that norms and methods adopted in this regard should be similar in all universities in the state. It is, therefore, proposed that this exercise should be undertaken by the proposed Commission for Higher Education in collaboration with the universities. It is hoped that in the course of time, the Commission in collaboration with the universities and other experts from outside would be able to initiate research and studies for improvement in the techniques of assessment of the work of the teachers. However, the work of assessment should be initiated at once.

- 6.1 The institution of students union in universities and colleges has proved harmful for proper academic work and other healthy activities of the university. There is considerable silent resentment against the activities of the union among the more serious students who are concerned with their studies and careers. Elections to the unions have enabled political parties and teacher politicians to lavish considerable monies and to utilise "student power" for their narrow party ends. It has also introduced in the university elements of violence, crime and fear in the lives of the otherwise quiet university community. It has also unnecessarily and artificially directed the student energies to the single purpose of confrontation with the authorities with no other purpose than to build up their image as 'leaders' in struggle against authoritarian rule-which of course is not there. The other healthy, academic and cultural activities of the university and college are subordinated to the unions and wither

away or remain almost unnoticed. Delays and postponement of examinations which are caused by agitations led by unions seriously affect the careers of those who miss opportunities for appearing at various competitive examinations in time. It is recognised that student unions have done no good to the universities nor to the student and that they have introduced elements of hatred and violence in the academic community and encouraged use of unfair means for passing university examinations. Things have reached a stage when use of unfair means is a matter of right of students and measures to prevent it are considered anti-student. It is, therefore, necessary that acts and statutes should provide for creation of variety of students organisations, including students union, with the stipulation that membership of these bodies is voluntary and students have option, depending upon their interest, to join whatever organisation they wish to. For example, it should be open to a student to join a science club and/or a historical society and/or a geographical society and/or a literary club and/or students union or no society at all. It should not be compulsory for him to join students union or any other particular body. He should be free to join activities suited to his taste and liking. Constitution, aims and objects as well as method of working of each body should have prior approval of the university authorities and be recognised by it in order to ensure that their activities are healthy and academically sound. It is necessary also to provide that the university and the college shall, in no circumstances, collect subscription from the students for membership of any of these bodies, but it shall have the right to know how the money is collected, maintained and spent. Each body shall be accountable to the university and the college concerned. The university should also undertake to provide financial and other aids to these bodies depending upon their performance.

- 6.2 It is also necessary to establish in each university a student welfare and counselling service manned by especially trained/qualified personnel which will hopefully gain confidence by providing such services as are required by individuals or groups of students. The students must feel that they are wanted and cared for and that they

are provided scope for healthy activities necessary for developing their talents and personality as well as guidance in matters relating to their life in the university and preparation for life beyond.

- 7.1 The provisions relating to the appointment of the vice-chancellor have to be reviewed in the light of the experience in Bihar and outside in order to ensure that the person appointed to the office has stature, competence, integrity, courage and commitment to the values for which the university stands and, at the same time, commands credibility of the academic community. This office should not go by favour, as it seems to go at present, and it should be above all caste and political considerations. Recent experience of the university of Bihar is sufficient to show how favour and protection corrupts the vice-chancellor and emboldens him to flout with brazen impudence not only statutory obligations and norms of financial propriety but also the ethical values which are sine quo non of the concept of a university. The existing practice of appointment of vice-chancellor, according to the operative convention of giving "representation" to the predominant castes and groups in the state, is unacademic, unsound in principle, unhealthy and anti-national in spirit. It has more often than otherwise led to appointment of some who have neither competence nor academic worth necessary for commanding respect of the academic community on which they are forced as leaders. The Commission has been given several instances which show that some of the vice-chancellors conduct themselves in a not very graceful manner and that they set poor example of ethical conduct. Appointments based on caste and community considerations predictably lead to dissatisfaction, indiscipline and failure. The leadership of the university requires more than mere authority: it requires vision, integrity, courage, selfless dedication and above all credibility. It is said that when a vice-chancellor is appointed, the fate of the university is decided because its future depends upon the vision, rectitude, courage, magnanimity and the quiet dignity with which he conducts himself even in the most disturbing hours of crisis. His personality, his abhorrence of what is low and mean and disdain for compromising with whatever is of lesser value create the climate for good academic

life. If the vice-chancellor is found wanting, woe betide the university and Bihar can provide numerous examples to justify this observation.

- 7.2 The vice-chancellors should be appointed by the chancellor in his personal capacity from a panel of three or more names suggested in alphabetical order by a committee provided in the statutes. This committee should consist of persons of high stature and integrity and detachment from politics. It should consist of:—
- (i) the chairman, University Grants commission or his nominee;
 - (ii) the president of the Association of Indian universities or his nominee ; and
 - (iii) a nominee of the chancellor.
- 7.3 Frequent changes in the office of the vice-chancellor have not proved helpful ; they certainly have not helped cultivation of the spirit of dedication and belongingness to the university and commitment to the ideals for which it stands. There should also be provision to ensure that the vice-chancellors' tenure is not at the pleasure of the chancellor or Government, as it has been in Bihar till recently. No self-respecting person would consent to head the university if his continuance is at the mercy of the chancellor or government. There are instances in the country where a vice-chancellor is removed from office at a moment's notice because he incurred the displeasure of a visiting chief minister on grounds which the head of the university was never told. The universities need distinguished and dignified persons as vice-chancellors and it is necessary to ensure that they are treated with dignity and regard which the office merits. Once a vice-chancellor is appointed he should be unfettered to lead the university freely and fearlessly to achieve its goals. Provision may be made for dismissal of a vice-chancellor on grounds of mis-conduct proved in an enquiry held by a bench of judges of the High Court; but otherwise he should feel secure. It may be added that transfer of vice-chancellors from university solves no problem. A vice-chancellor who has no sense of commitment to the university will achieve little.

8.1 The provision relating to the appointment of teachers of the university departments and constituent and other affiliated colleges needs a total change. This is a sphere which is grossly mis-used and has been given a most careful attention by the Commission. The Commission's proposal that the first entry into the university and its constituent and other colleges as lecturers should be regulated by a common competitive examination held by a specially constituted body consisting of impartial experts has been well received by people whom we have met. To this end, it would be necessary to evolve a new machinery which should be so created as to take up the challenge of the new task. The body which will be entrusted with this task should consist of experts of high repute and should have a secretariat of its own and all autonomy that it needs as well as funds. It should evolve valid and reliable techniques of holding examinations, with well designed purpose. The examinations should be conducted in the briefest period of time and the system of evaluation should be faultless and expeditious. Use of computers and findings of modern technology should ensure efficiency and correctness of evaluation. The banks in India have evolved sophisticated techniques for holding competitive examinations and fortunately the present chancellor of the universities of Bihar, Prof. Kidwai, is one of the best informed persons regarding use of modern technology for evaluation and production of quick results. This body of experts should also be entrusted with the additional task of enabling selection through a competitive examination of students deserving admissions to post-graduate courses including B.Ed. classes in the universities. Competitive examinations are held at present for regulating admissions to the medical and engineering colleges. The examination body proposed can be entrusted other similar functions if found necessary in the course of time. The body entrusted with the responsibility of holding examinations should constitute a separate and altogether independent wing of the proposed Commission for Higher Education. This would enable the Commission to keep itself informed of post selection behaviour of the teachers and enable it to re-assess the validity and reliability of the methods of examination and techniques of assessment.

8.2 The privileges given to the minority communities, the scheduled castes and scheduled tribes in respect of appointment will need to conform to the political decisions of government: but the selection inter se, from their respective groups, should also be regulated by competition among the candidates belonging to those groups, subject, of course, to their attaining minimum prescribed standard with due regard to the job requirement.

The Commission also recommends institution of special remedial and other types of courses in order to enable students belonging to the backward classes to make up for the deficiencies in their earlier education and to give them greater degree of self confidence.

8.3 The Commission understands that recently the government has accepted the principle of selection of lecturers for all university departments and colleges in the state through a competitive examination. However, the government has entrusted the responsibility of holding the examination to the public service commission, Bihar. We, however, are of the view that, considering the nature of competence and credibility required of the agency for holding competitive examination for selecting teachers, it would be preferable to have a separate autonomous body consisting of well known experts for this purpose and it should be under the wings of the proposed Commission for Higher Education in order to be able to get continuous feed-back from the universities and colleges and to exercise checks on the methods of testing in the light of the actual experience of the reliability of the selections made. Moreover, it should be remembered that selection of the teaching staff is a function which constitutes an undisrupted ingredient of academic autonomy and it should be performed by a body like the Commission for Higher Education which is a part of the system of higher education than by an outside agency like the public service commission.

8.4 It is also necessary to provide that all first entrants to the university shall have two years' period of probation of which one year should be spent over a well designed training course for university and college teachers. It should not be assumed that whoever succeeds in a written competitive examination will also succeed as a teacher in the university. Those who are found to have no interest or

competence should be advised to find other avenues in which they will find job satisfactions. If the quality of the good entrant is ensured, foundations will be well and truly laid for the future development of university education.

- 8.5 The Commission also thinks it necessary to re-consider the present methods of selection of persons for the posts of readers and professors through statutorily constituted selection committees. Apart from the fact that sometimes the selection of persons has not been happy and that considerations other than merit have crept in, the selection committee, by the nature of its constitution and terms, has to confine itself to the applications received in response to the advertisements except in a few cases in which names of persons are directly sponsored for posts of professors by the vice-chancellor on grounds of distinctive merit. The Commission feels that the type of selection committees must remain a part of the university system but unconnected with the Bihar public service commission. At the same time, the Commission for Higher Education, with the co-operation of the universities, should provide opportunities for search of promising talent and even encourage this search through organisation of inter-university seminars and other means. The Commission for Higher Education should prepare a suitable list of persons within and outside the state who would merit consideration for appointment to the post of readers and professors in the universities based on merit and accomplishment and oblige the university with advice whenever necessary. This provision would help a continuing process of search of suitable persons for the posts of readers and professors in universities.
- 8.6 The principle of promotion to the post of readers and professors is not in the academic interests. Time is no measure of academic worth of a person and mere duration of experience in a job indicates nothing. A person may merely mark time during, say, a period of thirteen years during which another devoted academic may have kept pace with the advancing frontiers of knowledge and new methods of teaching and conducting research. It is essential to regulate promotions in the university exclusively on consideration of personal merit and performance rather than on the number of years

of service which has no relevance in the absence of a system of disincentives for the mediocres and indifferent performers. Too much security for the staff is incongenial for bettering quality of academic work and in some countries, all appointments to teaching posts are made on contract for five years subject to continuance only on re-selection on a competitive basis. The policy of large scale promotions of lecturers with 13 years of teaching experience to the post of readers without proper evaluation of the merit of work done during the period of service will do harm to the standard of higher education in Bihar the magnitude of which can best be imagined. Incidentally, it has also encouraged corruption in the academic community. In the conditions obtaining in Bihar, it is essential to provide some well-equipped centres for training and periodical re-training of teachers by a competent staff in institutions such as centres of advanced studies in different subjects or where libraries well-equipped with reference books and books on education as well as films, strips and other requirements of the media of communication including new educational technology of programme learning are available.

- 9.1 The policy of admission to the university needs complete review and a stage is reached where procedure for admission should be written into the statutes. So far the first admission of the student in the university is concerned, the problem will be discussed at a later stage along with consideration of the aims of university education in the light of the altered conditions of national life and requirements of social and economic development. One thing, however, is clear that in order to control quality and produce proper academic atmosphere in future, it is necessary to regulate admission to post-graduate and B.Ed. courses by a competitive examination. It has already been suggested that this examination should be held by the examination body proposed earlier.
- 9.2 The conventional structure of a university consisting of its boards of studies, faculties, academic council, senate, syndicate and a large number of committees appears to have outlived its utility. Apart from its becoming ineffective, it is costly, dilatory and in some ways restrictive. This structure should be reviewed with a view to redu-

cing the size of these bodies and making them function in a responsible manner.

10.1 Enrolment in the university and college has risen from 26,365 in 1951-52 to 3,25,177 in 1978-79 i.e. nearly thirteen times in 26 years. The corresponding costs on university education have risen from Rs. 0.66 crores in 1950-51 to Rs. 27.72 crores in 1980-81. The university education is now claimed by masses of students passing out of the growing number of higher secondary schools. The university degree has an attraction; it gives status, employment and social mobility. It is too late in the day to restrict admission to the university too rigidly. Gone are the days when the university education was considered as preserve for a select few who could merit or afford it. It would be pragmatic to take note of the following three categories of students which seek higher education :-

- (i) Those who have preparation, perseverance, interest, competence and self-discipline demanded by scholarly pursuits; what Sir Eric Ashby calls, the thin stream of excellence'. Talent is scarce; it can be encouraged and to an extent disciplined and developed, but not created by education and training and certainly not by the democratic method of counting votes. It is necessary to provide every individual opportunities to develop his inborn abilities and skills; but here the democratic process ends. Talent flowers in its own way; it is for the universities to discover it wherever it is found and allow it environment and means for full self-expression; quest of excellence is *raison d'etre* of the universities. A nation is known for the talent it produces; its greatness and strength depends upon its great scientists, philosophers, poets, artists, thinkers and innovators. Whatever be the populist demands, no society can ignore, without peril to its ethos, its responsibility towards those who show promise of greatness. This is why Ashby considers that university's prime function is to look out for talent and help its efflorescence. In this context, it is pertinent to recall the warning administered by Prof. Whitehead; he observed; "In the conditions of modern life, the rule is

absolute, the race which does not value its trained intelligence is doomed.”

The universities must give special attention to this “thin stream of excellence” by careful selection through a specially designed but not too elaborate competitive examination of candidates deserving entry to the university. They should be enrolled in rigorous honours-double and even triple honours-courses in various departments and give every possible opportunity to unfold the best in them. The universities should not take more pupils than it has physical and human resources to manage prudently. In the matters of admissions to the honours courses, the universities should be left absolutely free to determine admissions on ground of intellectual merit. Excellence does not admit of compromises and talent has nothing to do with the caste and colour of the student. If political compulsions permit the least laxity in admission, the result would be disastrous; either the underserving will feel like fish out of water and despair or if there are more like him in the class, the intensity and quality of academic work will suffer and the very purpose of honours courses will be defeated. It is national interest that parity in the methods of selection to the honours courses be scrupulously kept free from influences and that the courses should be rigorous and demanding and require students to prove the best in them.

- (ii) There is another large group which has neither the aptitude of mind nor determination necessary for going into depth of a subject and specialise; but which has intelligence and can be inspired to have a wide range of interests by providing programmes of liberal education in three or more related subjects of studies which will open for it avenues of employment in economic, social and political life of a country and provide training of mind and tastes for enjoying cultural leisure. The demand for this category is large in various fields especially in superior services, executives in business houses and various professions. This group should also be selected on the basis of competition and provided with broad-based courses of general

education requiring linguistic skills, ability to communicate in a few languages, social skills as well as sound grounding in at least three subjects. The object should be to discipline students in rigorous studies in the subjects they study, capacity to apply their knowledge to new situations imaginatively and ability to form independent and free judgment, based on realities and uninfluenced by opinions of others. Men of wide interests and broad out-look, trained in scientific methods of thinking and of forming judgments, with strong moral fibre and self-restraint and capacity for understanding and humane feeling and sensitive to beauty and good taste provide the kind of leadership the society needs in large number in various walks of life. This second group, larger than the first, should also be the responsibility of universities and selected colleges which are suitably equipped and staffed for the purpose.

- (iii) The majority of those seeking entrance in the colleges and universities have neither the capacity nor liking for higher studies, but they happen to be the 'captives' of the system trapped into institutions of higher education because of the absence of alternatives. The democratic ethos of the country would be reluctant to deny opportunity to anyone to receive higher education regardless of his intellectual equipment. The problem in respect of this category is not how to close the portal of the university to them, but how to conceive of innovative programmes which will make university education worth their while and how to provide to them a means of an honourable exit. The university education needs to be oriented and widened in scope in order to provide something meaningful to those who enter the university. This condition necessitates considerable diversification at the graduate level and re-patterning the courses of instruction in the university more purposefully in order to make them relevant to various occupational and other needs; students selected for these courses should be enrolled mainly in the constituent colleges which should be re-patterned, better staffed and equipped to serve the new purpose envisaged here. The main purpose of pass courses should be to provide:

1. Skills and abilities necessary for understanding and communicating in at least three languages;
2. Awareness of the social, economic and political context of life in the background of Indian cultural history and the forces operating in the international life. Study of one or two academic subjects should be obligatory and the aim should be to cultivate ability to think independently and methodically; and
3. Proficiency in a selected vocation which would enable him to earn a living in any field-government service, agriculture, commerce, industry and the like. It is necessary that this training should be thorough, realistic and complete. This subject alone would require about 70% of the college time and even more in order to give necessary experience and confidence to the student. Considerable thinking will be necessary in designing these courses and training of teachers for them. It is necessary to emphasize that in conditions of life to-day, vocational courses and courses which prepare pupils for self employment are necessary; that if the quality of university education has to be preserved, there is no alternative but to introduce these courses and that the genius of the university would lie in ensuring that these courses are not less rigorous and demanding than other courses. All vocational courses have liberal objective and they need not be considered inferior to any other course in any way. It is a recognised psychological phenomenon that while some minds learn quickly through abstract conceptual thinking, others-not less intelligent but different-learn through the actual use of hands and through practical work. Government and universities alike should do all they can to see that these courses are not considered inferior to others in any way.

It is equally necessary to emphasize that education of these three patterns should not be considered rigid and mutually exclusive. There are late developers who some-

times get fired with the zest for a new way of life. Entry from one stream to another should be possible and provided for at suitable points.

- 10.2 There will be still many enthusiasts whose circumstances compel them to start working for a living immediately after completing their intermediate or higher secondary stage of education or who cannot afford to join college as regular students because of paucity of funds or because of their distrust of substandard college education which promises little and which is not worth the time and money spent on it. Some of them may be motivated by earnest desire to spend their time in pursuit of studies which are likely to improve their professional competence or to provide understanding of the social, political and economic structure of society as well as skills necessary for participating actively in social affairs to enable them to enrich their life in pursuits of special interest to them such as fine arts, ability to write and speak in foreign languages, history and culture of India and other countries and the like. Their requirements reflect a broad spectrum. The structure of higher education in Bihar should provide opportunities to them to continue to study and gain proficiency in their fields of interest as well as to work through self-effort and appear as "private candidates" for various university degrees such as B. A., B. Sc., B. Com., M. A., and M. Com. The number of private candidates wishing to secure university degrees or desiring different kinds of education in subjects of their special choice is bound to be large and their varied needs will require very different approach and methods of instruction than that for conventional university entrants. This area of continuing and informal education requires considerable innovation in planning organisation and management of higher education and utilisation of educational technology, mass-media and self instructional techniques. The conventional pattern of universities cannot be expected to take on this new responsibility; it has shown no imaginative approach in dealing with the large number of "private candidates" for university examinations.

It would, therefore, be prudent to leave the existing universities alone to deal with their regular internal academic work and to relieve

them of the responsibility of examining and awarding degrees to "private candidates" and the responsibility to meet the newer modern urgency of providing continuing and informal education to those who are motivated. Life-long education: education from the cradle to the grave is the crying need of the day. And yet universities are not equipped to meet this need.

- 10.3 In order to provide education to those who wish to work for various university degrees and those who wish to have special programmes of education suited to their interests, it is necessary to establish for the entire state of Bihar a new kind of university, patterned on the lines of the open university in U.K. The university is an innovative planning body which designs courses of instruction of high quality for those who have no time nor intention to be enrolled formally in a university or college; it devises most modern techniques of delivering education at the door-steps of the pupils-through correspondence, radio, closed circuit T.V. and visual aids, programmed learning techniques and other means. It trains the pupil in self-instructional methods and gives opportunities for studies in centres specially created in the neighbourhood and provided with purposefully selected library, laboratory where necessary, and opportunities for occasional contacts with subject-matter experts as well as counsellors. The open university also organises contact courses for brief periods to enable the private candidates to meet university teachers as well as other similar candidates so that they get guidance from the subject matter experts and also learn from one another. The most important concern of the open university would be to make sure that the examinations held by it are of high standard comparable with those in the formal universities. The open university should make capital of their major advantage over the others viz. that their students are motivated and their education ends when the motivating drive ceases; they do not remain cumbersome burden in the university. There may be a large drop-out from the open university system; but those who have persistence to continue have in them the fire to learn.
- 10.4 The system of insisting on formal admission of the students in recognised colleges and the departments of the universities has hardly any

justification because often the kind of experience and education which students get in most of the sub-standard colleges is not worth the time and the hard-earned money spent by them. It would be desirable if students work to make a living and, at the same time, prepare for such university examinations as they wish. The Commission would, therefore, advise that the system of compelling students to attend a certain percentage of lectures in universities and colleges should be immediately abandoned and instead students should be encouraged to work for a living and take advantage of the open university for further studies. Good teaching and serious lectures need no invitation and compulsion and those that are uninspiring and unprofitable had better be dropped. The system of compulsion and insistence on a minimum attendance at lectures has led to many corrupt practices. The universities will be happier and cleaner if the regulations regarding compulsory attendance are withdrawn. Instead, it will be necessary to find better methods of watching the work of the pupils and of counselling them.

- 10.5 This approach of the open universities has paid dividends in some countries of the world and inspired innovation in respect of types of courses and methods of learning which are not found in the conventional universities. A warning, however, would be timely; the institution of this nature would require a very differently re-oriented and trained but academically highly competent and committed staff devoted to the kind of pioneer service expected of it. Only better pay and conditions of service would attract such people for this work.
- 10.6 The principle enunciated in the report of the UNESCO Commission on education "Learning To Be" that expansion of higher education should lead to broad development of many institutions capable of meeting more and more individual and community needs, has not been meaningfully implemented in Bihar. The demands of change in higher education arising out of economic, social and political factors cannot be met by adding to or super-imposing on the existing system. The growing numerous and differentiated learners should be provided with diversified courses in the colleges and such colleges should be made to enjoy high status to win confi-

dence of the public mind. The UNESCO Commission, therefore, recommends: "throughout the post-secondary educational system, subject-matter and student categories must be very broadly diversified. This involves multiplying the number of programmes, introducing short study-cycles running parallel to longer ones and setting up small-scale establishments to meet specific or local aims and needs: colleges, technical institutes, free universities, etc. Other institutions should give para-professional and middle-level technical training carefully adapted to labour market requirements."

10.7 We have considered principles underlying restructuring of universities in Bihar. We would like to enunciate that the entire system of higher education should be impregnated with a common purpose and spirit which is wanting at present and which is necessary for inculcating the mind of the youth with respect for the individual, sanity in social conduct, pride in whatever is the noblest and enduring in the rich heritage of our culture and faith in moral and spiritual values which are essential to strengthen national integration and mutual understanding on which depends peace and happiness of the people. To this end, the universities should provide instruction and organise life and activities which would promote—

- (i) understanding of the unique character and value of Indian culture and civilisation and its appreciation in its geographical and historical back-ground and in the context of the present day life;
- (ii) understanding of the spirit of science and use of scientific method in solving problem of life;
- (iii) cultivation of sensitiveness to beauty, moral values and humane attitudes: spirit of duty and justice, courage and magnanimity and realisation that a man is in the world but not of it and he must transcend himself to realise himself; and
- (iv) respect for hard, devoted, skilfully executed useful and organised manual work done in the spirit of service to others and done with humility in silence.

University education in India which ignores these essential ingredients of education will neither chasten nor ennoble the human spirit and remain spiritually starved as it is today. "The sense of greatness is the ground work of morals", observed Whitehead.

- 10.8 Statutory charters granting autonomy to the universities were intended to free the universities from interference by parties in power and other influences desirous of using universities as means to their ends and for non-academic purposes. However, there are instances in Europe to show that the ends of the universities were subservient to the ends of the state and political dogmatism of the ruling powers. There are also examples to show that the universities are allowed to function with reasonable autonomy even when managed directly by the state such as in France today. Direct control by government of universities need not be the sine qua non of their subservience to government nor statutory autonomy of a university considered an adequate guarantee of its freedom to function even in the narrow academic field. In our country, even though government exercises greater control of I. I. Ts., they are known to enjoy freedom to maintain high standards of teaching, research and examinations. On the other hand, traditional universities, fully armed with statutory powers, find themselves utterly helpless in maintaining even semblance of discipline and academic integrity when confronted with insurgence by academic politicians, militant student mobs demanding right to use of unfair means, host of karamcharis led, or misled, by union leaders, outsiders who find entry into academic bodies through 'elections' and find in the democratic processes of autonomous functioning means to personal gains and power. Some university authorities find autonomy of no help; while some others join the big game to exploit autonomy to improve their personal fortunes. Government administration has to step in often to prop up university authorities and its handling of affairs is not invariably without political nuances. Autonomy of an institution is not a gift; autonomy belongs to that which has power to maintain it. Real academic autonomy of the university cannot come to it as a statutory gift; it has to be earned the hard way through rigorous self-discipline, devotion to intellectual pursuits and commitment

to ethical values which demand from the academic community preparedness to pay the price. The extent of statutorily gifted autonomy depends upon the political philosophy of the rulers and their commitment to education. As it is in our country, the authority of the university has no sanction; the ultimate sanction emanates from government. This reality of situation would seem to justify direct control of the university by government as it is in France, for example. This would enable responsibility for higher education to rest where it belongs viz. the government. The statutory autonomy of the university in our country is unreal in essence and provides an alibi to government which does back-seat driving without the responsibility of the person at the steering wheel. The university authorities are vested with responsibility which, as long experience in our country has shown, they have no power to fulfil. If administrative modalities of responsible and direct government control are thoughtfully worked out, the academics will not be denied autonomy in matters academic and will be allowed peace and security which they need for performance of their real functions. The French model appears to have relevance for us and merits trial. France claims an open society and the spirit of liberty equality and fraternity continues to inspire the Frenchmen. Nevertheless, education in the country is so highly centralised that it is said that the minister of education can by looking at his watch say what subject is taught at that time in any particular school. The syllabuses, appointments and expenditure on the university are all subject to immediate and even detailed control of government but this has not interfered with the quality of teaching and advancement of knowledge nor affected the dignity and autonomy of the teacher. France can be justly proud of its grand ecoles which are administered directly by the government. Given the will, government can control the universities and, at the same time, allow freedom in academic matters. The Commission, however, is reluctant to suggest direct government control of the universities in the state. Instead it would suggest provision of checks which would ensure that the universities use the autonomy vested in them prudently and that possibilities of political and other out-sid

influences are minimised. To this end, the proposed commission for Higher Education could be made to play an important role. However, the Commission would recommend that the new type of university designed on the lines of the open university in U.K. for those who learn through self-effort and desire to appear at university examinations as "private candidates" should be administered by government subject to the advice of an advisory committee consisting of academic experts.

10.9 We are not unaware of the dangers of direct control of universities by governments. Europe ruefully recalls, for example, the Nazi party's enthusiasm for freeing German universities from the shackles of "decadent" Jewish scholarship and Stalin's faith that all wisdom is deduction from Marxist-Leninist dialectic. These cannot be dismissed as aberrations.

10.10 There is still another model provided by some leading universities in U.S.A. which are really free in the sense that they depend on their own resources and are free of remotest control of government. Some of these 'free' universities are among the best in the world. A similar movement in U. K. was reported by Lord Butler in his lecture on "Survival Depends on Higher Education." Finding that universities in U. K. are tiring of the state and the state of the universities, a move was initiated for establishment of a "free" university independent of any subvention from the state. It was visualised that they would maintain themselves with fees charged from the students and funds received from private industries, corporations and trusts. It is open to give trial to such a model in India. However, there is the legitimate fear that those who pay—who, it is feared, are not many in our country—will call the tune and it would not be surprising if the donors of large sums show interest in what is done in the university and how the money is spent. However, the situation can be considerably normalised if the universities are manned by public trusts and donations to them are exempted from payments of taxes on the same basis as exemptions are given for scientific research.

10.11 The British concept of autonomy for universities is based upon the assumption that freedom allowed to the universities is not a privilege granted to them, but it is a necessary condition for proper discharge of higher academic functions and for providing dependable foundations for free societies. It is also assumed that independence of the universities, within understandable limits, is compatible with necessary degree of public control. There must be assurance to the individual teacher of freedom to teach according to his own conception of "fact and truth", freedom to publish and, subject to proper performance of allotted duties, freedom to pursue what personal studies and researches he finds congenial. But he is not free to refuse to perform a due share of necessary duties or to accept an assigned place in work demanding co-operation.

The autonomy of the universities provides freedom in the following matters :—

- (i) appointment of staff;
- (ii) prescribing curricula and standards and initiating measures considered necessary for maintenance of standards;
- (iii) admission of students, and determination of their size;
- (iv) determining salaries of the staff-which of course, is subject to prevailing rates in the country; and
- (v) determining the balance between teaching and research; liberal education and specialisation.

10.12 Autonomy of the university is inconceivable without a clear understanding of a working of relationship with the state. The state provides subvention to the universities and necessarily expects them to account for spending them. The state is also expected to come to the rescue of the universities in the event of break-down of law and order which is not infrequent. The state has to view higher education in the state comprehensively and to conceive of policies with which all state universities and other institutions of higher learning have to conform. The states are involved in implementation of national plans for development-social, economic and cultural-in realisation of which the universities are expected

to play a significant role. No legislation can ensure good relationship between the state and the universities. The issue is not legalistic, it is essentially a moral responsibility and willingness to surrender immediate and narrow gains for the good of future of our people. There can be no substitute for a political will to allow universities to function undisturbed and to encourage dedication and untiring effort on the part of the academics to pursue fearlessly sound educational ends and traditions. Governments and people should appreciate the fact that institutions of higher education are essential for national survival and security as well as for training of leadership in various fields of life and that they should not be trifled with for lesser gains, the academic community on its part should realise that autonomy has to be earned by hard work and selfless devotion which would convince the people that freedom is a condition necessary for creation of knowledge and that it is not merely a privilege grudgingly written into the statutes. Societies and universities need each other for mutual progress.

- 11.1 According to the university acts, the vice-chancellor is entrusted with the responsibility of ensuring that the acts, statutes, ordinances and other rules and regulations of the university are faithfully observed. Unfortunately, there are many instances which show that the vice-chancellors themselves violate the statutory provisions of the university. The commission should seriously consider provision of measures which would check in good time decisions on the part of the vice-chancellor and other university bodies which militate against the acts, statutes and regulations of the university. According to the present act, the chancellor has powers to annul wrong decisions of the university. However, such decisions are so many and so frequent that a chancellor, who is otherwise a very busy person, has neither the time nor patience-sometimes not even inclination-to appreciate and take decision on each issue which tends to become clouded and complicated by political and other pressures and involvement of high dignitaries. The Commission, therefore, feels that the power of vigilance and some sort of continuing supervision and even monitoring should be vested in, what we have proposed, the body called "the Commission for Higher Edu-

cation" which should take immediate steps well in time to prevent implementation of the wrong decision of the vice-chancellor and other university bodies. All decisions which are against the acts and statutes should be referred to the chancellor immediately and he should be advised to take suitable action. In the peculiar circumstances of the universities of Bihar, such watch-dog function appears necessary. The Commission should do nothing which would, by any means, interfere in the areas which come very well within the sphere of the autonomy of the university in academic matters. The Commission is of the view that the autonomy of the university has limits and that it does not permit any university official or anybody of the university to flout statutory proprieties. The Commission also hopes that if right type of vice-chancellors are appointed, such situations will be rare.

11.2. It is thus necessary that a separate statute should be enacted in order to provide an agency which would minimise the possibility of direct interference through governmental, political and other pressures in the functioning of the universities as well as keep constant vigilance on the functioning of the universities according to statutes and for realisation of the aims for which they are established. At present, there is an inter-university Board with limited functions and precious little authority. This should be replaced by a statutory autonomous body which may be called the Commission for Higher Education and which should act as buffer between the government and the universities and perform the following functions :—

- (i) co-ordination of education in the universities;
- (ii) to co-operate and collaborate with the University Grants Commission at Delhi and strive to maintain standards of teaching, examination and research in the universities of Bihar;
- (iii) to hold competitive examinations for selecting lecturers for universities and colleges;
- (iv) to hold competitive examinations and select candidates for post-graduate courses of the universities;

- (v) to assist universities in making and implementing policies and other programmes for improving the quality of work;
- (vi) to monitor programmes of development and provide correctives where necessary;
- (vii) to assess and report every five years on the working of each university and on the credibility of their degrees and diplomas;
- (viii) to advise governments in respect of grants for the universities in Bihar and monitor spending by the universities;
- (ix) to initiate and support research and studies into the working of the universities and organise other activities requiring inter-university collaboration;
- (x) to act as a clearing house of ideas and activities in the university and produce learned journals and other literature with co-operation of the universities;
- (xi) to take such measures as are necessary for academic growth in the universities;
- (xii) to present annual reports for consideration of the government and state legislature on the state of higher education in the state and indicate major issues which require attention;
- (xiii) to present audited statement of accounts of the universities with comments whether monies are spent properly by universities;
- (xiv) to advise the chancellor on amendments to the existing statutes and new statutes proposed by the universities and on such matters as affect proper observance of the acts and statutes of the universities as well as those relating to the standard of education, examination and research as well as integrity of academic and financial administration;
- (xv) to advise the universities in the state in matters of policies and innovative projects and programmes they wish to introduce, and

(xvi) to present to government the financial requirements of the universities for maintenance and development and disburse grants received from government to the universities and colleges in accordance with principles approved by government.

11.3 It is important that the Commission for Higher Education should be composed of persons who will command public confidence. It should consist of :-

(a) **Chairman** : The chairman of the Commission should be a whole-time officer of the rank of a senior vice-chancellor who should be an eminent educationist with experience of administration. He should be a person of proven integrity, courage and qualities of leadership and selected, irrespective of consideration of the state, religion, caste or ethnic group to which he belongs. He should be appointed by the chancellor from a panel of three or more names recommended by a committee consisting of :-

- (i) the chairman, University Grants Commission of India;
- (ii) President of the Association of Indian Universities; and
- (iii) a nominee of the chancellor of the universities of Bihar.

The Commission should recommend that the first chairman should be from outside the state. He should be a whole-time officer drawing a salary of not less than Rs. 3,500/-p.m. and entitled to other amenities which should include suitable accommodation free of rent, facilities for free transport and usual privileges for medical care and leave and provident fund. His appointment should be on the basis of a contract for five years, and he and his family should be provided with necessary security and protection. He will not be eligible for any further term of office in the Commission.

(b) **Two whole-time members** : The whole-time members should be appointed by the chancellor from a panel of at least five names proposed by a committee consisting of the chairman of the Commission and a nominee of the U.G.C. The pay of the members shall be Rs. 3,000/-p.m. and they should be

entitled to other amenities. They should have five years terms of office and should not be eligible for re-appointment.

(c) **Ex-officio members :-**

- (i) a nominee of the U.G.C.; and
- (ii) Education Commissioner, Bihar.

(d) The Commission shall have three whole-time secretaries—one incharge of administration and finance, one incharge of examination and evaluation and one incharge of academic affairs.

11.4 The Commission should have a permanent secretariat consisting of staff appointed by it. It should have three permanent sub-committees, one for administration and finance, the second for academic matters and the third for examination and evaluation which should function independently subject to the general policies laid down by the Commission. Each sub-committee shall be of not more than three members, who shall be experts in the field for which the sub-committee is to be constituted.

11.5 If the proposal is approved, a separate bill will have to be drafted accordingly indicating, among other things, relation with government and universities and ensuring financial support necessary for the creation and maintenance of the Commission. It will also follow that there will be no use for the Inter-University Board of Bihar.

11.6 The bill should ensure provision of necessary funds for establishment, maintenance and development of universities and colleges in accordance with norms mutually agreed upon by government and the proposed Commission. It should also be laid down that no new college or university shall be brought into being without prior approval of the Commission and without a clear picture of the nature and function of the institution and provision of adequate resources for its maintenance and growth. The Commission should also have the right to close down a university department or college if it fails to conform to norms laid down by the Commission and advise the chancellor in respect of suitable action against erring authorities and officers. This should be done in accordance with a prescribed procedure and previous consultation with government.

- 12.1 All the universities in the state should not be of the same type and that each should have some distinctive character and function of its own.

One of the universities in Bihar should concern itself entirely with those who wish to qualify for university degrees and other qualifications without registration as students in any college or university teaching department. Barring a few subjects that require regular guidance and continuing personal contact with university teachers such as engineering and medicine, education and law, regular admission in a college or university department should be unnecessary at least for the first degree. Many would actually gain if they are not forced by regulations to seek admission to the sub-standard degree colleges and even university departments in which teaching is inefficient and even misleading. They would also like to engage themselves in some gainful employment and at the same time find time to pursue higher education. Avenues of higher education should be kept open for them and innovative efforts should be made to make education relevant to their social and economic betterment as well as for their cultural enrichment. It is not necessary to lower standards of examination for them; on the contrary, hard work and good performance should be expected from the candidates. We have already suggested that Bihar should have a separate university for this purpose which should be designed on the pattern of the open university in U.K.

- 12.2 This would be a very different type of university which not only requires a very proficient staff, but also utilisation of mass media and communication and self-learning techniques as well as considerable managerial competence. There is little experience of working of such a university in India. It may necessitate training of some intelligent and comparatively young men in universities like the open university in U.K. As has been indicated earlier, it would also be necessary to establish "centres" in many parts of the state, having libraries and even laboratories especially equipped for attending to examination requirements and some permanent or peripatetic guides to help those who visit the centres occasionally or for brief

periods. This university would also innovate techniques of non-formal and continuing education. It is hoped that a university like this would relieve the conventional universities of strain created by poor quality of staff and over-crowding by students. Other universities may thus be able to concentrate on studies in depth at honours and post-graduate levels and research. It has already been suggested earlier that this new type of university should be administered directly by a department of the government advised by a body of well-known educationists.

- 13.1 There should be special provision in the act for ensuring high standards of education at the honours and post-graduate levels and that admissions to these courses should be compulsorily limited to facilities available in the university and to the competence of the candidate tested through competitive examination proposed in this note. It is also necessary to provide in the statutes that no university or college will come into being unless prior to starting them necessary provision is actually made-not merely guaranteed or promised for ensuring all its material and human needs. No university or college shall come into existence unless the Commission for Higher Education approves of it and certifies that all necessary inputs are provided. In the context of the experience of Bihar, it should be clearly understood that the purpose of establishing a college is mere provision of teaching jobs to relatives and friends, if not making profit.

Re-organisation, reform and development of higher education in Bihar tends to be defeated by the strangle-hold of the intermediate classes which are mostly entrenched in the universities and colleges. The Commission welcomes the recent government decision for separation of the intermediate classes from the universities and colleges and creation of a separate council of intermediate education for holding intermediate examination. Separation of intermediate classes from the universities and colleges, when it becomes effective, will enable the universities to start three-year degree courses leading to the first degree and even plan five-year integrated courses of high quality leading to a post-graduate degree. According to the schedule laid down by the government, the three-year course is scheduled

to start from the session beginning in 1983. The Commission is apprehensive that unless the intermediate classes are housed in separate building, provided with the required resources and allotted separate staff to function as independent units, the much-needed introduction of the proposed three-year honours course in the universities will be difficult and if introduced without physical and other necessary inputs, will remain nominal.

The fact remains that most of the intermediate classes are physically held in the colleges and universities and that the teachers of these classes consider themselves as members of the staff of their respective universities and colleges and not that of the intermediate classes. Physical constraints and vested interests of the teachers of the intermediate wing still constitute a difficult problem which government will have to face at some stage or the other. Hard and unpleasant decisions can no longer be postponed and a stage is reached when quick and firm action is absolutely necessary on the part of the government. The main issues will be to provide buildings and other physical requirements necessary for the intermediate classes to enable them to maintain themselves as units separate from the universities and colleges and firm decision based on certain accepted principles to determine and identify the staff that is meant for the intermediate classes. The Commission understands that the government has already laid down the scales of salaries and conditions of service for the staff of the intermediate classes. There are bound to be difficulties in decision-making when the interest of a large number of teachers is involved, but this should not inhibit prompt decisions which should not be postponed any further. Delay will only cause more complications and difficulties. The Commission, therefore, recommends that government should take earliest possible steps to remove physically the intermediate classes from the colleges and the university departments; to identify staff for the intermediate classes as distinct from that of the colleges and to provide necessary resources for the intermediate classes to function independently of the colleges or the universities. The Commission is not unaware of the magnitude of the task of providing separate independent existence to more than 300 intermediate colleges and

of taking unpleasant decision which will hurt many members of the staff. However difficult and unpleasant, a firm decision must be taken to prevent the system of education in Bihar from floundering.

The Commission realises the difficulties in separation of the staff of the intermediate classes from that of the colleges; it may involve even legal issues. The best course, the Commission recommends, is to take a decision based on academic merit determined by a competitive examination in different subjects and only those found capable of teaching at the higher level should be retained in the universities and colleges and the rest should be given an option to work in intermediate colleges. Those unwilling may be suitably compensated and left to seek other avenues in life.

- 13.2 One of the most neglected areas of the university education in this state is teacher-education which in fact, should be the most important faculty in the university in view of the fact that it provides by far the largest scope for employment. Unfortunately, training of teachers is nominal and it is openly exploited for making large fortunes by the unscrupulous. This happens to be the area where there is utmost corruption. It seems necessary to write into the act that teacher training shall not be provided in any college and that it will be the direct responsibility of the university to provide the teacher education courses. Admission to these courses should again be on the basis of merit judged through a competitive examination of the type proposed for honours and post-graduate courses. It should also be realised that, in reality, faculty of education—if it really does the kind and quality of work which it is expected to— is bound to be very expensive because of its professional and technological requirements and experimental work. It also demands considerable inter-disciplinary work which cannot be in any circumstances provided by an individual college. The whole concept of teacher education needs complete revision because the courses prescribed at present, methods of teaching adopted, the duration of the courses and the nature of examination all are in the red and there is urgent need for radical changes. Further, the faculty of education would be called on to provide continual refresher and

in-service courses. The education faculty should also have direct relationship with educational administration in the state in order to appreciate what ails education as it works in the field and what measures are necessary to improve functioning of the schools. Teacher education happens to be the weakest link in the chain of education in the country. It is essential that a new look should be given to it and the problem of preparation of teachers required at all stages of education including the university and their frequent re-education should be given the highest priority and, to this end, it is necessary that the requirements of the faculty of education should be written into a special statute. The Commission would also recommend administrative measures for putting a stop to proliferation of teacher training institutions and halt all corrupt practices which are too well-known. In fact, it is also necessary to withdraw recognition of institutions which run B. Ed. classes and make monetary gain thereby. It is inevitable that sufficient number of scholarships will be necessary to attract recruits of good quality and character to the teaching profession.

- 13.3 The position in this respect of teacher training applies ipso facto to education in law which also is a very serious matter. Law is a hard and demanding discipline that requires considerable intensive training and patient personal attention. The kind of proliferation in the teaching of law and poor standards of teaching in that subject, absence of able teachers, inadequate support of library facilities and opportunities for practical training prevailing in the universities are matters of serious concern and demand immediate remedy. Democracy will be in danger in a country which does not produce independent jurists of high calibre and noble character. Teaching of law requires considerable re-thinking and re-planning in consultation with the bar-council. It should not be allowed to be handled except by the best experts available.
- 14.1 We have already referred to the sad situation which characterises university administration in view of the fact that a large number of weak, hastily created and worthless colleges have been forced upon the university to be regarded as their constituent colleges. Government took snap decision to transfer these colleges to the

university without prior consultation with the university and without the slightest regard to the minimum condition of recognition provided in the statutes. Most of these colleges are not viable in any sense of the term. They are not housed, equipped and staffed properly. In fact, the only purpose for their establishment is said to be to enable a large number of relatives and friends of the sponsors, otherwise unqualified, to get jobs and draw salaries at the rate approved by the U.G.C. for the staff in universities and colleges. The persons who staff the colleges have never been tested in any interview but by sheer numbers they now constitute a powerful vested interest. It is necessary to authorise the proposed commission for Higher Education to review recognition of such colleges rigidly according to the norms prescribed for recognition of educational institutions and ensure that all teachers who come to the university in this manner are subjected to tests written and oral which should determine whether they should be retained in the service of the colleges or replaced by more competent persons. It may also be found necessary to convert some of these colleges into institutions of special type for providing some kind of vocational education needed by the economy of the state or into centres of the new type of open university recommended in earlier paragraphs for helping "private candidates" for the university examination. The colleges which are not viable and which do not conform to the standards laid down for recognition should be discontinued. Provision of this nature should be incorporated in the act, because it is certain that continuation of such colleges will constitute a burden on the universities which have neither the means nor the capacity to bear. We have already recommended that all constituent colleges should be taken over by government and all employees in them should be treated as government servants. It is also suggested that only those teachers should be retained in their posts who are tested by the Commission for Higher Education and found suitable.

- 14.2 Following measures appear necessary in respect of the constituent colleges which have been brought under the control of the university :-

- (i) Each college should be examined to ascertain whether it fulfils all the conditions prescribed for affiliation by the university. Those colleges which do not meet the requirements should be abolished or put to some other use.
- (ii) The staff of the constituent colleges should be tested through a written examination and interview after qualifying in written examination by the Commission for Higher Education to ensure their competence to undertake teaching at the university standard. Attempts should be made to provide alternative employment to those who are not found fit either in government or in private service or given some kind of vocational training to enable them to earn their livelihood. University education should, in no circumstances, be saddled with persons who lack ability and who have managed to secure teaching positions through the back-door.
- (iii) Some of the colleges should be converted into "centres" of the university which is especially designed for providing guidance to private candidates. The centre should be appropriately equipped and staffed for the purpose.
- (iv) The constituent colleges should confine themselves to teaching under-graduate courses especially designed to serve one of the following purposes :—
 - (a) a broad based pass course including three or four subjects planned to give general education and understanding of subjects which are of interest to the pupils, insight into the cultural traditions in the country and awareness of the context of contemporary social and economic conditions and challenges; and
 - (b) a mix of general and vocational education which would enable students to find some employment in life. This course should enable the students to acquire linguistic, social and vocational skills and discipline necessary for a vocational career.
- (v) The Commission reiterates that all constituent colleges should be transferred to government. Each college should be regarded

as an independent unit and should have a local committee to administer it very much like the pattern followed at Delhi. The governing body of the college should be constituted every three years by government or university or both together. There should be no transfer of teachers from one of these colleges to another. If a teacher goes to another college or university, he should face the selection committee or follow other procedure laid down for appointment to the post.

- (vi) The statutes of universities should provide for creation of a separate council of colleges presided over by a pro-vice-chancellor and an independent secretariat to attend to the needs and problems of these colleges and also to the needs of other affiliated colleges, if there be any.
- (vii) All traditional universities in the state should confine themselves mainly to honours and postgraduate courses and research.

Dr. V. S. Jha	Chairman
Prof. M.V. Mathur	Member
Dr. Sarup Singh	Member
Dr. S.P. Sinha	Member-Secretary

APPENDIX-I

<i>Year</i>		<i>No. of colleges made counstituent</i>
1952	..	-
1953	..	-
1954	..	-
1955	..	-
1956	..	-
1957	..	-
1958	..	-
1959	..	1
1960	..	2
1961	..	2
1962	..	6
1963	..	-
1964	..	-
1965	..	-
1966	..	-
1967	..	2
1968	..	-
1969	..	-
1970	..	4
1971	..	-
1972	..	-
1973	..	-
1974	..	-
1975	..	50
1976	..	-
1977	..	47+1
1978	..	138

APPENDIX-II

LIST OF CONSTITUENT COLLEGES

PATNA UNIVERSITY

<i>Sl. No.</i>	<i>Name of college</i>	<i>Date of transfer as constituent unit.</i>
1.	Patna College, Patna	2-1-1952
2.	B. N. College, Patna	2-1-1952
3.	Patna Law College, Patna	2-1-1952
4.	Patna Training College, Patna	2-1-1952
5.	Bihar College of Engineering, Patna	2-1-1952
6.	Patna Science College, Patna	2-1-1952
7.	Patna Women's College, Patna	2-1-1952
8.	Magadh Mahila College, Patna	2-1-1952
9.	Patna Women's Training College, Patna	2-1-1952
10.	Vanijya Mahavidyalaya, Patna	1975 (after separation from Patna College)
11.	Govt. Arts & Crafts Mahavidyalaya, Patna	12-4-1977

BIHAR UNIVERSITY, MUZAFFARPUR

1.	Langat Singh College, Muzaffarpur	2-1-1952
2.	Mahanth Darshan Das Mahila College, Muzaffarpur	1-4-1962
3.	Rajendra College, Chapra	1-1-1967
4.	Ramdeyalu Singh College, Muzaffarpur	1-7-1967
5.	Munshi Singh College, Motihari	1-4-1970
6.	D. A. V. College, Siwan	1-4-1975
7.	R. K. Goenka College, Sitamarhi	1-4-1975
8.	H. N. College, Hajipur	1-4-1975
9.	Jagdam College, Chapra	1-4-1975

<i>Sl.No.</i>	<i>Name of College</i>	<i>Date of transfer as constituent unit.</i>
10.	M. J. K. College, Bettiah	1-4-1975
11.	Gopalganj College, Gopalganj	1-4-1975
12.	Gopeshwar College, Hathwa	1-4-1975
13.	J. P. Mahila College, Chapra	1-4-1975
14.	Radhav Prasad Singh College, Jainpur, Muzaffarpur	1-4-1975
15.	L. N. College, Bhagwanpur, Vaishali	1-4-1975
16.	Jagnnath Singh College, Chandauli Sitamarhi	1-4-1977
17.	S. K. Sinha Mahila College, Motihari	1-4-1977
18.	Prabhunath Singh College, Parsa (Chapra)	1-4-1977
19.	Mahanth Shivshanker Giri College, Areraj (East Champaran)	1-4-1977
20.	R. B. G. R. College, Maharajganj (Siwan)	1-4-1977

BHAGALPUR UNIVERSITY, BHAGALPUR

1.	T. N. B. College, Bhagalpur	1-7-1959
2.	R. D. & D. J. College, Munger	1-4-1962
3.	Sundervati Mahila Mahavidyalaya, Bhagalpur	1-4-1962
4.	Marwari College, Bhagalpur	1-4-1970
5.	Koshi College, Khagaria, Munger	1-4-1975
6.	Deoghar College, Deoghar	1-4-1975
7.	Sahebganj College, Sahebganj (S. P.)	1-4-1975
8.	Godda College, Godda (S. P.)	1-4-1975
9.	J. P. College, Narayanpur	1-4-1975
10.	S. P. College, Dumka (S.P.)	1-4-1975
11.	K. K. M. College, Jamui (Munger)	1-4-1975
12.	Murarka College, Sultanganj, Bhagalpur	1-4-1975
13.	S. K. R. College, Barbigaha (Munger)	1-4-1975
14.	J. R. S. College, Jamalpur (Munger)	1-4-1975
15.	G. V. College, Naugachhia (Bhagalpur)	1-4-1977
16.	P. B. S. College, Banka (Bhagalpur)	1-4-1977
17.	B. N. M. College, Barahiya (Munger)	1-4-1977
18.	B. R. Mahila College, Munger	1-4-1977
19.	R. S. College Tarapur, Munger	1-4-1977

<i>Sl.No.</i>	<i>Name of college</i>	<i>Date of transfer as constituent unit.</i>
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RANCHI UNIVERSITY, RANCHI

1.	Ranchi College, Ranchi	2-1-1952
2.	Ranchi Women's College, Ranchi	1-4-1962
3.	St. Columbus College, Hazaribagh	1-4-1960
4.	Tata College, Chaibassa	1-4-1960
5.	Co-operative College, Jamshedpur	1-4-1975
6.	G. L. A. College, Daltonganj	1-4-1975
7.	S. L. N. T. Mahila College, Dhanbad	1-4-1975
8.	Giridih College, Giridih	1-4-1975
9.	Gumla College, Gumla	1-4-1977
10.	Simdega College, Simdega	1-4-1977
11.	J. J. College, Jhumeritelaia	1-4-1977
12.	Jamshedpur Women's College, Jamshedpur	1-4-1977
13.	R. S. More College, Govindpur, Dhanbad	1-4-1977
14.	Works College, Jamshedpur	1-4-1977
15.	P. K. Roy Memorial College, Dhanbad	1-4-1977
16.	Chatra College, Chatra	1-4-1977
17.	Birsa College, Khunti	1-4-1977
18.	Doranda College, Doranda	1-4-1977
19.	V. S. College, Lohardaga	1-4-1977
20.	K. B. Mahila College, Hazaribagh	1-4-1977

MAGADH UNIVERSITY, BODH-GAYA (GAYA)

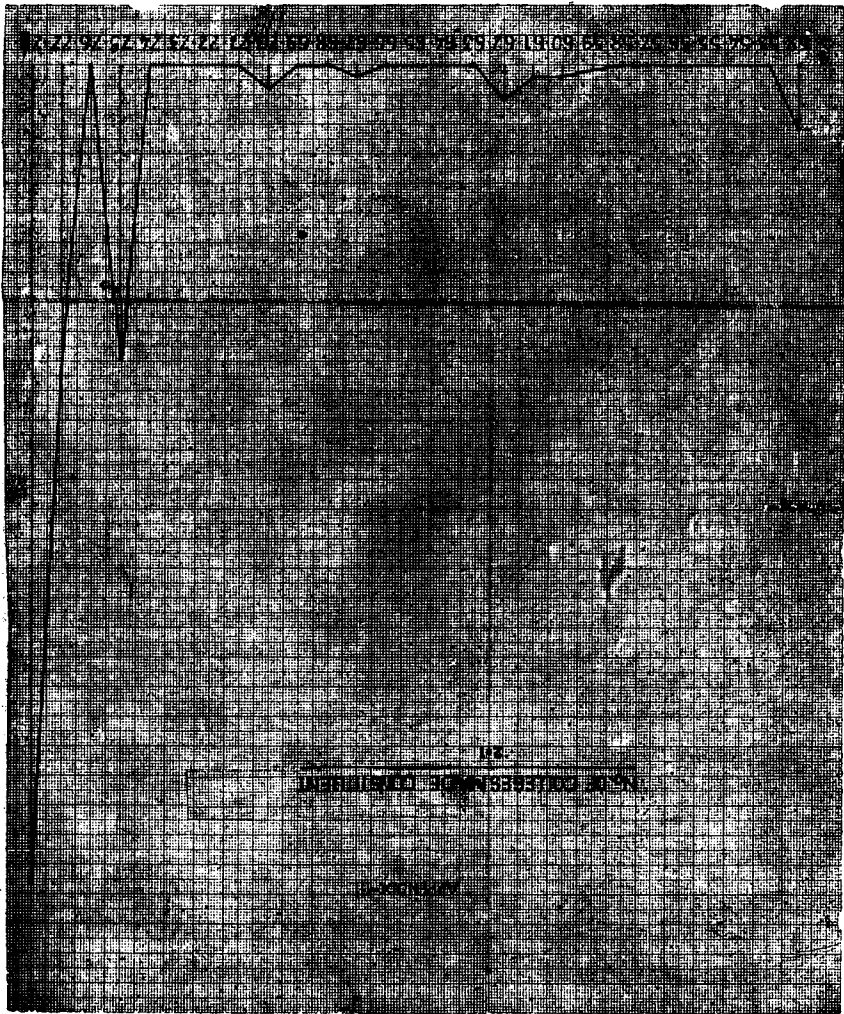
1.	H. D. Jain College, Arrah	9-4-1962
2.	Gaya College, Gaya	16-4-1962
3.	Nalanda College, Biharshariff (Nalanda)	1-4-1970
4.	S. Sinha College, Aurangabad	1-4-1975
5.	A. N. S. College, Barth (Patna)	1-4-1975
6.	College of Commerce, Patna	1-4-1975
7.	Maharaja Bahadur Ram Ran Vijaya Prasad Singh College, Arrah	1-4-1975
8.	S. S. College, Jahanabad (Gaya)	1-4-1975

<i>Sl.No.</i>	<i>Name of college</i>	<i>Date of transfer as constituent unit.</i>
9.	S. P. Jain College, Sasaram	1-4-1975
10.	B. S. College, Danapur, Patna	1-4-1975
11.	D. K. College, Dumrao, Arrah	1-4-1975
12.	K. L. S. College, Nawada	1-4-1975
13.	M. D. College, Naubatpur (Patna)	1-4-1975
14.	S. V. P. College, Bhabhua (Rohtas)	1-4-1975
15.	S. U. College, Hilsa (Nalanda)	1-4-1975
16.	A. S. College, Bikramganj (Bhojpur)	1-4-1975
17.	Kissan College, Sohsarai, Nalanda	1-4-1975
18.	M. V. College, Buxar	1-4-1975
19.	Ram Ratan Singh College, Mokamah, Patna	1-4-1975
20.	S. M. D. College, Punpun, Patna	1-4-1977
21.	G. J. College, Rambagh, Bihta (Patna)	1-4-1977
22.	Gautam Budh Mahila College, Gaya	1-4-1977
23.	Mahanth Mahadeva Nand College, Arrah	1-4-1977
24.	A. N. College, Patna	1-4-1977
25.	Jagjivan College, Arrah	1-4-1977
26.	Jagjivan College, Gaya	1-4-1977
27.	T. P. S. College, Patna	1-4-1977
28.	Guru Govind Singh College, Patna City	1-4-1977

LALIT NARAYAN MITHILA UNIVERSITY, DARBHANGA

1.	Chandradhari Mithila College, Darbhanga	1-4-1961
2.	Chandradhari Mithila Science College, Darbhanga	1-4-1961
3.	G. D. College, Begusarai	1-4-1970
4.	R. K. College, Madhubani	1-4-1975
5.	Purnea College, Purnea	1-4-1975
6.	Samastipur College, Samastipur	1-4-1975
7.	Saharsa College, Saharsa	1-4-1975
8.	T. P. College, Madhepura, Saharsa	1-4-1975
9.	D. S. College, Katihar	1-4-1975
10.	Millat College, Laheriasarai (Darbhanga)	1-4-1975

<i>Sl.No.</i>	<i>Name of College</i>	<i>Date of transfer as constituent unit.</i>
11.	Marwari College, Darbhanga	1-4-1975
12.	Marwari College, Kishanganj, Purnea	1-4-1975
13.	G. L. M. College, Banmankhi, Purnea	1-4-1975
14.	M. S. College, Udakishanganj (Saharsa)	1-4-1977
15.	J. N. College, Madhubani	1-4-1977
16.	L. N. Janta College, Jhanjharpur (Madhubani)	1-4-1977
17.	Forbisganj College, Purnea	1-4-1977
18.	B. S. S. College, Supaul (Saharsa)	1-4-1977
19.	Maharaja Lakshmeshwar Singh College Sarisavapahi (Madhubani)	1-4-1977
20.	Ras Narayan College, Mandaul (Madhubani)	1-4-1977
21.	S. K. Mahila College, Begusarai	1-4-1977
22.	Ayodhya Prasad Singh Smarak College, Barauni (Begusarai)	1-4-1977
23.	Acharya Narendra Dev. College, Shahpur Patory (Samastipur)	1-4-1977
24.	D. V. College, Jayanagar (Madhubani)	1-4-1977
25.	R. B. College, Dalsingsarai (Samastipur)	1-4-1977
26.	Rosera College, Rosera (Samastipur)	1-4-1977
27.	M. J. M. Mahila College, Katihar	1-4-1977
28.	M. R. Mahila College, Laheriasarai, (Darbhanga)	1-4-1977



PART-II

THE PATNA UNIVERSITY ACT

PREAMBLE

Patna University is the oldest university in the State. It was once known for its excellent traditions and scholarship. During the past few years, it has had crisis after crisis and the set-backs have seriously affected its efficiency and prestige which was never as low as it is today.

This university should again be a centre of excellence. It should be a unitary university, mostly residential, and it should provide post-graduate and honours courses only. The university should also be geared to develop excellent post-graduate departments and high quality of education and research in the fields of law and education. Further development should envisage instruction in some carefully selected technological subjects.

Structurally, the university should be some kind of a federation of autonomous faculties built in the university itself, but each independent and self-complete, having meaningful relationship with each other in order to ensure inter-disciplinary work. Decentralisation is essential to efficiency of work and cultivation of excellence as well as for reducing possibilities of tensions and indiscipline.

The university has the following faculties :—

- (1) the Faculty of Arts ;
- (2) the Faculty of Social Sciences ;
- (3) the Faculty of Science;
- (4) the Faculty of Commerce;
- (5) the Faculty of Engineering;
- (6) the Faculty of Medical Sciences;
- (7) the Faculty of Education; and
- (8) the Faculty of Law.

Each of these should manage its own affairs, prescribe courses of instruction, conduct teaching and research in accordance with the principles laid down by the Academic Council, and organise examination/evaluation for the degrees.

It is hoped that with this kind of decentralisation, the proposed faculties will be able to introduce a system of continuous evaluation and integrate the processes of learning and examination as ingredients of a single process of education. It would also be necessary to introduce tutorial system at the undergraduate level and seminar at the post-graduate level.

Considerable re-thinking and re-structuring will be necessary in order to re-organise teaching and examination and field work and practical work done in the faculties of law and education. The state of affairs in these two faculties obtaining at present is unsatisfactory. B.Ed. courses have become sources of cruel, corrupt and callous profiteering and instruction in this area is just nominal. The same is true of law and it is sad that such an important area of study should be grossly neglected. Paucity of trained, experienced and independent jurists and absence of philosophic approach to fundamentals of law and public affairs forebodes ill for a country aspiring to be a democracy.

In order to help proper functioning of the faculty of education, it will also be necessary to associate with the university full-fledged schools providing education from the pre-primary to the highest class in higher secondary education. One of these schools should be for boys, another for girls and possibly a third one for teaching technical and vocational subjects. These schools will provide opportunities for not only practical teaching to the pupil-teachers but for experimentation with new ideas in education. These schools should still be under the management of Government and they should also work in accordance with rules and regulations prepared by the Directorate of Secondary Education, Bihar and prepare candidates for the examinations held by the Bihar School Examination Board. The university, however, should be able to advise Government in matters of management of the schools and specially in the matters of appointment and transfer of teachers to enable stability and continuity necessary for their being used as practising schools for faculty of education. For all practical day to day purposes, the school

should be under the direct control of the Dean, Faculty of Education. The Faculty of Education should also review, from time to time, the curriculum, syllabi and curricular and extra curricular programmes as well as other activities of the schools and advise both Government and the Board in respect of changes they consider necessary for the experiments it wants to initiate. It is necessary that the request of the faculty should be favourably considered both by Government as well as the Directorate of Education. In course of time and when the schools are ripe for the purpose, the Directorate should even consider granting them adequate autonomy to prescribe their own curriculum in consultation with the faculty of education and conduct examinations. This should enable the schools to introduce better methods of teaching and examination and give to the schools a unique status. As experimental schools they may serve as pace-setters in the field of secondary education in Bihar.

It must be realised that the Patna University is now left with no option but to abandon the present campus and re-build itself in healthy and better environment where high quality of work will be possible. The approach road to the university at present is almost closed during business hours and no one in a hurry can get into and get out of the university in time. There is hardly any scope for growth and for free activities which constitute the very life of a university. The idea of shifting the university to a new campus is not new. It has been talked about before; but a time has now come when it cannot be postponed any further. It is very difficult to maintain discipline and law and order in the university if it continues to be in its present site.

The fundamental change in approach in administration of the university should be on the principle of decentralisation of functions, decision making and responsibility. To serve this end, it is suggested that the following colleges of the Patna University should be given autonomous status forthwith, empowered to provide instructions for Honours courses, hold examinations and award degrees in accordance with the general principles and policies laid down by the university and be subject to constant supervision and, wherever necessary, direction of the Patna University :—

- | | |
|---------------------------|----------------------------------|
| (1) Patna Science College | Honours in all science subjects. |
| (2) Patna College | Honours in all arts subjects. |

- | | | |
|-----|-----------------------|--|
| (3) | B. N. College | Honours in arts and science subjects. |
| (4) | Magadh Mahila College | Honours in arts and science subjects. |
| (5) | Patna Women's College | Honours in arts and science subjects. |
| (6) | Vanijya Mahavidyalaya | Honours in commerce subjects and such other subjects as the faculty of commerce may determine from time to time. |

These colleges should initiate high quality of Honours courses in various subjects and provide instructions in accordance with the modern methods in order to prepare thoroughly grounded Honours Graduates in the subjects in which they provide instruction. They should be held responsible for the quality of instruction and the quality of graduates they produce and it is hoped that they would set example for the very best quality of under-graduate education, on the pattern of the colleges of universities of Oxford and Cambridge. These colleges should be allowed all the freedom to develop programmes of education which would command respect as well as methods of examination by which they themselves will be judged.

The colleges of law and education should be merged into the faculty of law and education of the university respectively. They are to be post-graduate departments and should have status of all such departments in the university. No college should be allowed to undertake teaching for education and law degrees and the faculty of education and law should be adequately furnished and provided for the purpose of maintaining high quality of work.

The University of Patna should be directly responsible for training and instruction at the post-graduate level and for higher research through its various faculties. Separation of colleges from the departments of university will provide the university freedom to select entrants to the post-graduate courses on the basis of competitive entrance examination and to raise the standard of post-graduate education in the university as well as the quality of research.

The Commission hope that with decentralisation of authority a greater degree of freedom, initiative and authority will be given to the faculties

and departments of the university which will be held directly responsible for the quality of work they do and the type of persons they produce. The Commission hope that with decentralisation of authority and responsibility, there will be emergence of a greater degree of real academic autonomy which would inspire imaginative thinking and re-thinking and re-construction of programmes of teaching and research as well as revamping the system of examination.

Each faculty of the university should be in charge of a Dean with its office separate from the office of the Registrar. Each transfer from the Registrar's office to the Dean's office or vice versa should be in the nature of independent and fresh selection by properly constituted Selection Committees. Transfer of academic and non-academic staff has led to mal-practices and corruption and it should not be allowed any further. Similarly, the Heads of Departments and Deans of faculties and Principals of colleges should be responsible for discipline in their own institutions. The Deans and Principals of autonomous colleges should also be responsible for conduct of examinations and production of final results of students in the faculty or college concerned and for giving publicity to them and presenting them to the Vice-Chancellor.

Short title and commencement

1. An Act to establish and incorporate :—

- (i) This Act may be called the Patna University Act, 19 .
- (ii) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires :
- “University” means the university established and incorporated under section 3 of this Act ;
 - “Chancellor” means the Chancellor of the university;
 - “Vice-Chancellor” means the Vice-Chancellor of the university;

“Dean”

means the Dean of a faculty appointed as such by the Vice-Chancellor in accordance with the statutes;

“Head of the Department”

means the Head of any post-graduate department maintained by the university for imparting instruction to the students of the university at the post-graduate standard and research degree under the conditions prescribed in the statutes;

“Faculty”

means faculties created by the statutes and may include faculties of Arts, Science, Social Sciences, Commerce, Education, Law, Medical Sciences and Engineering;

Provided that the university shall not create a faculty for the subject of any branch of learning for which there is no department of learning and for which there is no arrangement in any department of the university or in any college thereof.

“College”

means an institution maintained or controlled by the university in which instruction is given, subject to the provisions of this Act, to the students of the college up to a standard below the post-graduate

	standard under the conditions prescribed in the statutes.
“Autonomous college”	means any college declared as such by the statutes;
“Academic Council”	means the Academic Council of the university.
“Commission for Higher Education”	means the commission constituted byAct of the yearand enacted by the Legislature of Bihar.
“Hostel”	means a unit of a residence, by whatever name it may be called for the students of the university and college maintained or recognised as such;
“Prescribed”	means prescribed by this Act or statutes, or ordinances or regulations or rules framed thereunder; and
“Statutes”	“Ordinances” and ‘Regulations’ means statutes, ordinances, and regulations made under this Act.

- The University 3. (1) There shall be constituted in the State of Bihar a university by the name of “Patna University” with headquarters at Patna.
- (2) The first Chancellor and the first Vice-Chancellor of the university and the first members

N.B. This definition presupposes that the management of the P. W. Medical College will be transferred to the university.

N.B. All definitions given in the present Act are not necessary. In this respect, the Jawaharlal Nehru University Act is followed. It will be open to the experts in law to add more definitions only if absolutely necessary, but it is best to adhere to the wholesome principle of law of parsimony. The best law is one that works in silence.

of the Senate, Syndicate and Academic Council and all persons who may thereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of "Patna University".

- (3) The university shall have perpetual succession and a common seal and shall sue or be sued by the said name.
- (4) With effect from the date of commencement of this Act, all educational institutions and properties admitted to the privileges of Patna University Act of 1967 (Bihar Act xxiv of 1976) shall be deemed to be institutions admitted to the privileges of the university.
 - (i) The objects of the university shall be to inspire and encourage the spirit of learning and of enquiry leading to advancement of knowledge;
 - (ii) to inculcate understanding of and respect for the cultural heritage of the country;
 - (iii) to arouse spirit of enquiry into and refinement of human, moral, aesthetic and spiritual values which fashion individual and social life;
 - (iv) to cultivate understanding of the fundamental principles underlying the constitution of our country and faith in its fundamental unity in the midst of diversity of religions, languages and ways of life of the people;
 - (v) to promote cultivation of sound character, adventurous spirit, strong healthy and efficient bodies, refined taste and polite and pleasing social behaviour;

These objectives should be realised by various means including teaching, research, extension and social service activities, organisation of corporate life as well as by personal example.

Powers of the university

5. The university shall have the following powers, viz.

- (1) to provide for instruction and to make provision for research for the advancement and dissemination of knowledge;
- (2) to provide extension service to communicate to the people in general and more specially to workers in the fields of agriculture, industries, social welfare, and cultural development;
- (3) to organise and to undertake extra-mural teaching and extension services;
- (4) to hold examination and grant diploma or certificates to, and confer degrees and other academic distinctions on, persons and to withdraw any such diploma, certificates, degrees or other academic distinctions for good and sufficient cause;
- (5) to confer honorary degrees or other academic distinctions in the manner laid down in the statutes;
- (6) to create such teaching, administrative and other posts as the university may deem necessary, from time to time and to make appointments thereto;
- (7) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the university;
- (8) to institute and award fellowships, scholarships, exhibitions and prizes;

- (9) to establish and maintain schools, departments, research units, hostels and other departments as it may deem fit, from time to time, and recognise, guide, supervise and control hostels maintained by the university and other accommodation for students, and to withdraw any such recognition;
- (10) to regulate and enforce discipline among students, occupants of hostels and employees of the university and to take such disciplinary measures in this regard as it may deem necessary;
- (11) to regulate, determine conditions and to provide for examinations for admission to the university and to the Honours and post-graduate classes of the university;
- (12) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;
- (13) 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 for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;
- (14) 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 purpose not repugnant to this Act;

- (15) to demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (16) to receive donations and to acquire, hold, manage and dispose of any property movable or immovable including trust or endowed property within or outside the territory of Bihar for the purpose or objects of the university and to invest funds in such manner as may be considered proper;
- (17) to make provision for research and advisory service and for that purpose to enter into such arrangements with other institutions or bodies as the university may deem necessary;
- (18) to provide for the printing, reproduction and publication of research and other work which may be deemed necessary by the university;
- (19) to borrow, with the approval of the State Government, on the security of the university property, money for the purposes of the university;
- (20) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the university;
- (21) to inspect all schools, departments, colleges, hostels and other institutions and activities of the university;
- (22) to recognise teachers as qualified to give instructions in university and colleges;
- (23) to declare departments, schools, colleges, institutes, subject to conditions as may be

prescribed in the statutes, as autonomous colleges or institutions as the case may be; and

- (24) to organise such assistance as may be deemed fit and proper for candidates whom the university permits to appear at the examinations to qualify for university degrees and other qualifications, as well as to those who appear at the All-India Competitive Examinations for Administrative, Defence, Foreign and other services.

University open to all classes, castes and creeds 6. No person shall be excluded from membership of any of the authorities of the university or from admission to any degree or course of study on the sole ground of sex, race, descent, class, caste, region or political belief.

Chancellor 7. (1) The Governor of Bihar shall be the chancellor of the university.

(2) The Chancellor shall seek advice of the commission for Higher Education in all matters relating to exercising his powers as Chancellor of the university and to advise the university in respect of its functioning.

(3) The Chancellor, on the advice of the Commission for Higher Education, Bihar, may, from time to time, appoint one or more persons to review the work and progress of the university and to submit a report thereon; and upon receipt of that report, the Chancellor may, after obtaining the views of the Syndicate thereon and in consultation with the Commission for Higher Education, Bihar take such action and issue such directions as he considers necessary in respect of any of the matters

dealt with in the report and the university shall be bound to comply with such directions.

- (4) The Chancellor shall also have the right to cause an inspection to be made, by such person or persons as he may direct, of the university, its buildings, laboratories and equipment and of any institution maintained by the university, and also of the examinations, teaching and other work conducted or done by the university and to cause any inquiry to be made in respect of any matter connected with the university including the conduct of its officers, authorities and any employee of the university.
- (5) The Chancellor shall in every case give notice to the university of his intention to cause an inspection or inquiry to be made and the university shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.
- (6) The Chancellor may, in consultation with the Commission for Higher Education, address the Vice-chancellor with reference to the result of such inspection and inquiry and the Vice-Chancellor shall communicate to the Syndicate the view of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.
- (7) The Syndicate shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has taken, upon the result of such inspection or inquiry.

- (8) Where the Syndicate 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 Syndicate and in consultation with the Vice-Chancellor and Commission for Higher Education, Bihar issue such directions as he may think fit and the Syndicate shall be bound to comply with such directions.
- (9) The Chancellor except in cases of emergency, acting on the advice of and in consultation with the Commission for Higher Education, Bihar, may by order in writing annul any proceeding of the university which in his judgement is not in conformity with this Act, the statutes or the ordinances, or is not in the best interest of the university.
- (10) The Chancellor in his discretion may, after consultation with the Commission for Higher Education, Bihar, and Government of Bihar, order closure of any school, department, college or institution or supersession of any authority or authorities, officer or officer, except the Vice-Chancellor if in his judgement they have violated provisions of the Act, statutes or regulations of the university and on no other grounds and in such a contingency order such other arrangements for their work as he deems necessary.
- (11) The Chancellor shall also have such other power as may be prescribed by statutes.

Officers of
university

8. *VICE-CHANCELLOR* :

- (1) There shall be a Vice-Chancellor who shall be appointed by the Chancellor from a panel

of there names presented in alphabetical order by the Committee consisting of—

- (i) Chairman of the University grants Commission, Delhi or his nominee;
- (ii) The president of the Association of Indian Universities or his nominee; and
- (iii) An eminent educationist not connected with the university nominated by the Chancellor.

The Chancellor shall nominate one of the three members as Chairman of the Committee.

- (2) The term of the office of the Vice-Chancellor shall be five years. He shall not be entitled for another term. His salary and other conditions will be as laid down in the statutes.
- (3) The Vice-Chancellor shall be the Principal Executive and Academic Officer of the university and ex-officio Chairman of the Syndicate, Academic Council and Finance Committee and he shall, in absence of the Chancellor, preside at any convocation for conferring degrees and also at any meeting of the Senate.
- (4) The Vice-Chancellor shall have a general responsibility for maintaining and promoting the efficiency and good order of the university and shall exercise all powers necessary for the purpose. He shall also be in charge of discipline among teachers, students and other employees of the university, boarders, officers and other employees of the hostel and he shall have the power to delegate this authority to such persons as he deems fit. His decision in these matters, when it is not inconsistent with the Acts and statutes, shall be final.

- (5) The Vice-Chancellor shall be responsible for ensuring observance of the provisions in the Acts, statutes and regulations and he shall also have authority to interpret Acts and statutes and his interpretation shall be binding on all concerned.
- (6) The Vice-Chancellor shall perform such other duties and functions as may be prescribed in the statutes.
- (7) The Vice-Chancellor shall not be removable from office before the expiry of his term of office except as a result of the findings of judicial enquiry into specific charges against him conducted by a bench of judges of the High Court of judicature of Bihar.
- (8) The Vice-Chancellor shall, subject to the provisions of this Act, the statutes and the ordinances made thereunder, have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength, of the ministerial staff and other servants of the university not being teachers and officers of the university and have control and full disciplinary power over such staff and servants.
- (7) Subject to the provision of this Act, it shall be the duty of the Vice-Chancellor to see whether the proceedings of the university are in accordance with the provisions of the Act, the statutes, the ordinances, the regulations, the rules or, in his opinion, are in the best interest of the university or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in con-

formity with such provisions or which, in his opinion, is not in the best interest of the university.

Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor, the Vice-Chancellor shall have the powers to stay the proceedings reported against.

PRO-VICE-CHANCELLOR :

There may be one or more pro-Vice-Chancellors who shall be appointed by the Chancellor on the advice of the Vice-Chancellor and their term of office and other conditions shall be as laid down in the statutes.

FINANCIAL ADVISER :

There shall be a Financial Adviser who shall be a whole-time officer of the university. He shall be appointed by the Vice-Chancellor on the advice of Commission for Higher Education from among the persons of the Indian Audit and Accounts Service or from any other Audit and Accounts Service under the Government of India either by deputation or by re-appointment. His duties shall be prescribed by the statutes and his conditions of service shall be determined by the Chancellor.

DEAN :

There shall be a Dean for each faculty appointed by the Vice-Chancellor from among Professors of the university or from outside with such powers and duties as may be prescribed by the statutes. He shall be appointed for a period of 5 years which will be renewable

for re-appointment for 5 years, but not beyond that. If a Dean is appointed from outside, he shall be appointed Professor and then Dean so that after expiry of his term, he may revert to the post of a Professor.

REGISTRAR :

There shall be a Registrar who shall be appointed by the Vice Chancellor after obtaining the approval of the Syndicate from a panel of names recommended by a committee consisting of the Vice-Chancellor as Chairman, the Pro-Vice-Chancellor and if there are more than one Pro-Vice-Chancellors, the senior Pro-Vice-Chancellor available, and one nominee of the Chancellor. In the event of difference of opinion between the Vice-Chancellor and the Syndicate, the issue will be referred to the Chancellor who shall take final decision after consulting the Commission for Higher Education, Bihar.

FINANCE OFFICER :

There shall be a Finance officer who shall be appointed by the Vice-Chancellor on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, a nominee of the Syndicate and two nominees of the Government of Bihar, one from the Department of Education and the other from the Finance Department. He shall exercise such powers and perform such duties as may be prescribed by the statutes.

OTHER OFFICERS :

There shall be a Dean of students welfare and a Chief Proctor and other officers provided

for in the statutes and their emoluments and term of service shall be as laid down in the statutes. The Syndicate, on the advice of the Vice-Chancellor, may create any post of an officer and make appointment thereon and determine his service conditions and prescribe his duties.

- Authorities of the university 9. The authorities of the university shall be the senate, the Syndicate, the Academic council, the Examination Board, the Finance committee, and such other authorities as may be declared by the statutes to be the authorities of university.
- The senate 10. (1) The senate shall be a deliberative body constituted in the manner prescribed by the statutes.
 (2) Subject to the provisions of this Act, the senate shall have the following powers and functions, namely :
 (i) to consider, from time to time, the broad policies of the university and to suggest for consideration measures for the improvement and development of the university; and
 (ii) to receive the annual report and the annual accounts, together with the audit report of the university
 (3) The resolutions by the senate shall be considered by the appropriate university authorities.
- The Syndicate 11. The syndicate shall be the principal executive body of the university and shall share functions and

N.B. There should be no transfer of any employee from one university to another or from one College to another or from College to university or from university to College.

N.B. The character of the senate is changed in order to conform the recommendations of the Gajendragadkar Committee. Thus it will not be called "Supreme authority of the university".

powers with different university authorities. The constitution and terms of its members other than ex-officio members shall be prescribed by the statutes.

Academic Council.

12. The Academic Council shall be the academic body of the university. Its constitution, powers and functions shall be prescribed by the statutes.

Faculties

13. There shall be as many faculties as are and may be prescribed by the statutes from time to time. Constitution, powers, functions and methods of working of faculty shall be prescribed in the statutes.

Statutes

14. Subject to the provision of this Act, the statutes may provide for all or any of the following matters, namely :—

- (a) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (b) the designations and powers of the officers of the university;
- (c) the constitutions, powers, functions and duties of the authorities of the university;
- (d) the establishment of colleges and hostels and their maintenance and management;
- (e) creation of autonomous colleges, their powers, functions and management;
- (f) the classification of teachers of the university, the manner of their appointment, the term of contract constituting the basis of their appointment;
- (g) the constitution of pension, insurance or provident fund for the benefit of the officers and other servants of the university and the teachers of colleges;

- (h) the maintenance of the register of registered graduates;
- (i) the number, qualifications, grades, pay, reservation of posts for a scheduled castes and scheduled tribes and conditions of services of teachers, officers and other servants of the university including the creation of new posts after considering the recommendations of the Academic Council in the case of teachers;
- (j) the maintenance of accounts of the income and expenditure of the university including the income and expenditure of colleges and the forms and registers in which such accounts shall be kept;
- (h) the maintenance of a register of teachers;
- (l) the conferment of honorary degrees and distinctions; and
- (m) all other matters which are to be or may be prescribed by the statutes.

Statutes how
made

15. (1) The first statutes are those set out in the first schedule.
- (2) The syndicate may, from time to time, make new or additional statutes or may amend or repeal the statutes in the manner hereafter in this section provided.

Provided that the Syndicate shall not make any statute of any amendment of a statute affecting the status, powers or constitution of any existing authority of the university until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Syndicate;

Provided further that no statute shall be made by the Syndicate affecting the standards of instruction, education and examination and also affecting numbers, qualifications, grades, pay and conditions of service of teachers except after consultation with the Academic Council.

- (3) Every new statute or addition to the statutes or any amendment or repeal of a statute shall require the approval of the Chancellor who shall, after consultation with the Commission for Higher Education, assent thereto or withhold assent or remit his views to the Syndicate for consideration.
- (4) A new statute or a statute amending or repealing an existing statute shall have no validity unless it has been assented to by the Chancellor.

Ordinances

16. (1) Subject to the provisions of the Act and the statutes, the ordinances may provide for all or any of the following matters, namely:
 - (a) the admission of students to the university and their enrolment as such;
 - (b) the conditions of residence of the students of the university, the levying of fees for residence in hostels maintained by or recognised by the university, and the recognition of hostels not maintained or recognised by the university, including the suspension or withdrawal of such recognition;
 - (c) the fees to be charged for courses of study in the university and for admission to the examination, degrees and diplomas of the university; and

(d) all other matters which by this Act or the statutes are to be or may be provided by the ordinance.

(2) The first ordinance shall be made by the Vice-chancellor with the approval of the Chancellor after consultation with the Commission for Higher Education and the ordinances so made may be amended, repealed or added to any time by the Syndicate in the manner prescribed by the statutes.

Regulations

17. (1) Subject to the provision of this Act, the statutes and ordinances, regulations may be made to provide for all or any of the following matters, namely

(a) the courses of study to be laid down for degrees and diplomas of the university;

(b) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the university, and shall be eligible for such degrees and diplomas;

(c) the creation of departments of teaching in the faculties;

(d) the conditions and mode of appointment and duties of examiners and the conduct of examinations; and

(e) all other matters which by this Act, the statutes or the ordinances are to be or may be provided for by the regulations.

(2) (i) A regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be, to the Syndicate for transmission to the Chancellor, and the Syndicate shall duly forward

the same to the Chancellor with such recommendations, if any, as it may wish to make but shall have no power to return it to the Academic Council for reconsideration, unless such regulation, in the opinion of the Syndicate, relates to matters which, directly or indirectly, affect the finances of the university;

- (ii) Such regulations shall have effect from the date on which they are confirmed by the Chancellor after consultation with the Commission for Higher Education with or without an amendment or from such other date as the Chancellor may appoint;
- (iii) Notwithstanding anything to the contrary contained in the act or statutes, if, at any time, except when the Academic Council is in session, the Vice-Chancellor considers the immediate enforcement of any regulation necessary, he may make a regulation and recommend it to the Chancellor accordingly and the Chancellor may thereupon, after consultation with the Commission for Higher Education, approve the regulation with or without any amendment and the regulation shall come into force with immediate effect, but such regulation shall cease to have effect on the expiry of seven days from the date of next meeting of the Academic Council, unless confirmed by it.

Provided that if the Academic Council does not confirm the regulation made by the Vice-Chancellor under this clause, the matter shall be referred to the Chancellor whose decision, after consultation

with the Commission for Higher Education, shall be final.

- Rules**
18. (1) The authorities and the Boards of the university, constituted either under this Act or under the statutes made thereunder, may make rules, consistent with this Act, the statutes, the ordinances and the regulations for the following matters, namely :—
- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
 - (b) laying down the procedure to be observed by Committees subordinate to any such authorities and the Boards at their meetings and the number of members required to form a quorum;
 - (c) providing for all matters which by this Acts, the statutes, the ordinances or the regulations are to be prescribed by rules; and
 - (d) providing for all other matters exclusively concerning such authorities, committees and Boards and not provided for by this Act, the statutes, the ordinances or the regulations.
- (2) Every authority of the university shall make rules providing for the giving of notice to the members of such authority of the date of meetings and of the business to be considered at the meetings and for the keeping of a record of the proceedings of the meetings.
- Annual report**
19. (1) The annual report of the university shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or

before such date as may be prescribed by the Statutes and shall be considered by the Senate at its annual meeting.

Finance, Acco-
unts and the
Audit of the
University

- (2) The Senate may communicate its comments thereon to the Syndicate.
20. (1) There shall be established two separate funds for the university—one required for financing the university, its departments and other activities and the other earmarked for expenditure for maintenance of colleges. These funds shall be independent and separately accounted for. Each of these funds shall be composed of—
- (a) all sums contributed or granted to the university from the consolidated fund of the State of Bihar and from any Central agency for the purpose of the university or for the purposes of the colleges and all sums borrowed by the university for the purpose of carrying out the provisions of this Act and the statutes, ordinances, regulations and rules made thereunder;
 - (b) all monies received by and on behalf of the institutions and departments established and maintained by the university under any provision of this Act and the statutes, ordinances, regulations and rules made thereunder;
 - (c) the balance, if any, standing to the credit of the university established and incorporated under the Patna University Act, 1961 (Bihar Act III of 1962) immediately before commencement of this Act;
 - (d) all interests and profits arising from endowments made to the university and

all contributions, donations and subsidies received from any local authority or private persons;

(e) all fees payable and levied under this Act and the statutes, ordinances and regulations made thereunder; and

(f) all other sums received by the university not included in clauses (a), (b), (c), (d) or (e) above.

(2) The accounts of the university and college funds shall be annually audited by the Accountant General, Bihar.

(3) Accounts when audited shall be published in the Bihar Government Gazette and the copy of the accounts together with the audit report shall be submitted by the Registrar to the Chancellor, the Commission for Higher Education and the Senate.

(4) Subject to provision of the Act, all funds of the university shall be managed in accordance with the rules framed by the Syndicate and approved by the Chancellor in consultation with the Commission for Higher Education.

Disputes as to constitution of the university authorities and bodies

21. If any question arises whether any person has been appointed as, or is entitled to be, a member of any authority or other body of the university, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Tribunal

22. There will be a tribunal consisting of one or two judges of the rank of District and Sessions Judge appointed by the Chief Justice of Bihar in consultation with the Vice-Chancellor from among the judicial service of Bihar on deputation for a period of three years. No judge will be entitled to a second

term. The function of the tribunal will be to adjudicate and give findings on all matters of dispute or enquiry referred to it relating to all components of the university, viz. the teaching and non-teaching staff and students. The findings of the tribunal shall be binding on all concerned and such undertaking will constitute a part of the conditions of service of all employees of the university and all students enrolled in it.

- Constitution of Committees** 23. Where any authority of the university is given power by this Act or the statutes to appoint Committees such Committees shall, save as otherwise provided, consist of members of the authority concerned and such other persons (if any) as the authority in each case may think fit.
- Filling of casual vacancies** 24. All casual vacancies among the members (other than ex-officio members) of any authority or other body of the university shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- Proceedings of the university authorities and bodies not invalidated by vacancies.** 25. No action or proceedings of any authority or other body of the university shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.
- Removal of difficulties** 26. If any difficulty arises in giving effect to the provisions of this Act, the Bihar Government, by order published in the official Gazette, may make such provisions, not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Transitional provisions.

27. Notwithstanding anything contained in this Act and the statutes :

- (a) the first syndicate and the Academic Council shall be nominated by the Chancellor and shall hold office for the period till these bodies are not constituted according to provisions of the Acts and the statutes ;
- (b) the first Vice-Chancellor shall be appointed by the Chancellor from a panel prepared by a committee constituted by the Chancellor consisting of the Chairman, University Grants Commission or his nominee, President, Association of Indian Universities and an eminent educationist nominated by the Chancellor himself.

Dr. V. S. Jha	Chairman
Prof. M. V. Mathur	Member
Dr. Sarup Singh	Member
Dr. S. P. Sinha	Member-Secretary

PART III

THE STATUTES OF THE PATNA UNIVERSITY

Definitions

1. In these Statutes :—

- (a) "Act" means the Patna University Act;
- (b) "Faculty" means faculties as specified in the Statutes;
- (c) "Department" means Department of Studies constituting faculties as specified in the Ordinances;
- (d) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

Emoluments and terms and conditions of service

2. (1) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows :

- (i) There shall be paid to the Vice-Chancellor a salary of not less than three thousand rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence with free supply of electricity and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence. He shall also be paid D.A. at the rate admissible to the officers of the Central Government getting the same scales and benefit of contributory Provident Fund and such sumptuary allowance as may be fixed by the Chancellor from time to time considering the special need of the university.

He shall be provided with a car maintained by the University;

- (i) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Chancellor;
- (iii) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service;
- (iv) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds to leave without pay for a period not exceeding three months during the term of his office.

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-clause (iii).

- (2) Notwithstanding anything contained in clause (iv), the Chancellor, in consultation with the Commission for Higher Education, may vary the emoluments and all or any of the conditions of service of the Vice-Chancellor at the time of his appointment.
- (3) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under clause (i) to the vacant office, be performed by the Pro-Vice-Chancellor, and if there are two or more Pro-Vice chancellors, by the seniormost of the Pro-Vice-Chancellors;

Provided that if there is no Pro-Vice-Chancellor, the Registrar shall report the matter to the Chancellor who shall take immediate steps by directing a senior Professor to carry on the work of the university.

**Powers and
duties of
Vice-chancellor**

3. (1) It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, the statutes, the ordinances and the regulations are duly observed and the decisions taken by the authorities of the university are implemented.
- (2) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate and the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of the Act, the statutes and the ordinances.
- (3) The Vice-Chancellor shall be entitled to address any meeting of any authority or body or committee of the university.
- (4) The Vice-Chancellor shall make appointments of Lecturers in accordance with the merit list of successful candidates at the competitive examination held by the Commission for Higher Education, Bihar and report the matter to the Syndicate.
- (5) The Vice-Chancellor shall make appointments of Professors, Readers and other members of the teaching staff as may be necessary on the recommendations of the Selection Committee constituted for the purpose and after taking approval of the Syndicate. If the Syndicate differs from the recommendations made by the Selection Committee or from the order of merit indicated by it, the Vice-Chancellor shall refer the matter to the Chancellor whose decision in the matter shall be final and binding on the university.
- (6) If, in the opinion of the Vice-Chancellor, any 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 for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter :

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Chancellor, whose decision taken after consultation with the Chairman of the Commission for Higher Education thereon shall be final;

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such section, an appeal to the Chancellor.

- (7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the statutes, the ordinances or the regulations.

Pro-Vice-
Chancellor

4. (1) Every Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and terms and conditions as may be laid down in the ordinances.
- (2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Chancellor on the recommendation of the Vice-Chancellor but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier.

Provided that Pro-Vice-Chancellor shall retire on attaining the age of 66 years.

- (3) The emoluments and other term and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the ordinances.
5. (1) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf. He shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.
- (2) Where the Vice-Chancellor is the Chairman of any body or committee of the university and he is absent for any reason whatsoever from any meeting of such body or committee, the Pro-Vice-Chancellor, and if there are two or more Pro-Vice-Chancellors, the seniormost Pro-Vice-Chancellor, present on the occasion, shall preside over such meeting.
- (3) A Pro-Vice-Chancellor shall, on being authorised by the Vice-Chancellor in that behalf, be entitled to be present at and to address any meeting of any authority, body or committee of the university;

Provided that if the Pro-Vice-Chancellor is a member of such authority, body or committee, such Pro-Vice-Chancellor shall have all the rights and privileges of a member thereof.

- (4) One of the Pro-Vice-Chancellors, if there are more than one, or the Pro-Vice-Chancellor shall be the Chairman of the Council of Colleges and perform such functions as may be delegated to him by the Vice-Chancellor or prescribed by the statutes.

Financial
Adviser

6. (1) The Financial Adviser shall be appointed by the Chancellor for a period of three years. He shall be eligible for re-appointment. He shall work under the direct control of the Vice-Chancellor.
- (2) The Financial Adviser shall be a member of the Finance Committee.
- (3) The Audit and Account Section shall work under his general control.
- (4) All matters involving finance shall pass through him.
- (5) If the Syndicate takes decision on any matter which is contradictory to the advice of the Financial Adviser, the Vice-Chancellor shall refer such matter to the Chancellor and his decision in such matters shall be final.
- (6) The Financial Adviser shall have the responsibility of—
- (a) preparation of budget of the university;
 - (b) audit of accounts of the university; and
 - (c) obtaining grants from the Government and the University Grants Commission.
- (7) It shall be the duty of the Financial Adviser to see that the Acts, statutes, ordinances, regulations and rules are observed in the university expenditure.

Dean of Faculty

7. (1) Every Dean of a faculty shall be appointed by the Vice-Chancellor for a period of five years and he shall be eligible for reappointment.

Provided that if one of the Professors of the faculties is appointed as a Dean, he shall have the right to revert back to his

original post of Professor after the expiry of his term of office:

Provided further that if an outsider is appointed as a Dean, he shall be appointed both as a Professor in a particular subject in which he specialises as well as a Dean and that he shall revert to the post of Professor on the expiry of his term of office.

- (2) The Dean shall be the Head of the faculty and shall be responsible for the conduct and standard of teaching and research in the faculty. He shall have such other functions as may be prescribed by the ordinances.
- (3) The Dean shall have the right to be present and to speak at any meeting of a Board or Committee of the faculty or a subject assigned to the faculty, as the case may be, but not the right to vote thereat unless he is a member thereof.
- (4) The Dean shall maintain and submit to the Vice-Chancellor every January a full report on the work done by each member of the teaching staff and give an assessment of his work as a teacher, researcher and evaluator and a member of the academic committee. It would be the duty of the Vice-Chancellor to communicate to the member of the staff such adverse comments as he considers necessary for helping the member of the staff to improve his work. The decision of the Vice-Chancellor in respect of the teacher's record of work shall be final. These observations of record of work of the teacher shall be taken into consideration in matters of promotion and assignment of other responsibilities. The instances where quality of

work is not reported to have improved inspite of adverse communication on three or more occasions, the Vice-Chancellor shall hold and enquiry through such persons as he may like to determine whether continuance of such persons is in the interest of the university and take such action thereon as he may deem justified.

Registrar

8. (1) The Registrar shall be appointed by the Vice-Chancellor after taking approval of the syndicate and shall be a whole-time salaried officer of the university.
- (2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (3) The Registrar shall not by reason only of his being Secretary of the Senate, the Syndicate and the Academic Council, be deemed to be a member of any of these authorities.
- (4) The following shall be the minimum qualification for the post of Registrar :—
- (i) At least a second class Master's degree of a statutory Indian university or a degree recognised as equivalent thereto.
 - (ii) At least ten year's administrative experience in a responsible executive position or at least 18 years teaching experience in a university department or a degree college of which five years must be as Principal or Head; and
 - (iii) Knowledge of university affairs as evidenced from his experience or writings.

- (5) The scale and other conditions of service of the Registrar will be equivalent to that of the post of a university professor.
- (6) The Registrar shall--
 - (a) be the custodian of the records, the common seal and such other properties of the university as the Syndicate shall commit to his charge;
 - (b) conduct the official correspondence of the Senate, the Syndicate and the Academic Council;
 - (c) in an emergency, when neither the Vice-Chancellor nor any of the Pro-Vice-Chancellors is able to act, call a meeting of the Syndicate forthwith and take its directions for carrying on the work of the university;
 - (d) represent the university in suits or proceedings by or against the university, sign powers of attorney and verify pleadings or depute his representative for the purpose; and
 - (e) perform such other duties as may be specified in these statutes or prescribed by the ordinances or the regulations or as may be required, from time to time, by the Syndicate, the Academic Council or the Vice-Chancellor.
- (7) (a) Subject to the decisions of the Vice-Chancellor, the Registrar, or in relation to accounts and audit staff of the university the Finance Officer, shall have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending

enquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment.

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

- (b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar, or, as the case may be, the Finance Officer imposing the penalty of the withholding of increment.
- (c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar, or, as the case may be, the Finance Officer is called for, the Registrar or, as the case may be, the Finance Officer shall, upon conclusion of the inquiry, make report to the Vice-Chancellor along with his recommendations, and such action as the Vice-Chancellor deems fit.

Provided that an appeal shall lie to the Chancellor who shall take decision in consultation with the Commissioner for Higher Education against the order of the Vice-Chancellor imposing a penalty of dismissal.

- Finance Officer** 9. (1) The Finance Officer shall be appointed by the Vice-Chancellor after the approval of the Syndicate and shall be a whole-time salary officer of the university. He shall work under the direct control of the Finance Adviser.

- (2) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (3) The Finance Officer shall—
- (a) exercise general supervision over the funds of the university and shall advise the university regarding financial policy subject to overall control of the Financial Adviser; and
 - (b) perform such other financial functions as may be assigned to him by the Syndicate or as may be prescribed by these statutes or the ordinances subject to overall control of the Financial Adviser.

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000/- without the previous approval of the Vice-Chancellor or Financial Adviser as the case may be.

- (4) Subject to the general control and supervision of the Vice-Chancellor or the Financial Adviser, as the case may be, the Finance Officer shall—
- (a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the university;
 - (b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded

and that all moneys are expended on the purposes for which they are granted or allotted;

- (c) be responsible for the preparation of annual accounts and the budget of the university for the next financial year and for their presentation to the Syndicate;
- (d) keep a constant watch on the state of the cash and bank balances and on the state of investments;
- (e) watch the progress of collection of revenue and advise on the methods of collection employed;
- (f) have the accounts of the university regularly audited by an internal audit party;
- (g) see that the registers of buildings, land, furniture and equipment are maintained up-to-date and that the stock-checking is conducted of equipment and other consumable materials in all offices, special centres, specialised laboratories, colleges and institutions maintained by the university;
- (h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault; and
- (i) call for from any office or department or institution under the university any information or returns that he may consider necessary to discharge his financial responsibilities and it shall be obligatory for them to supply the information.

- (5) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Syndicate for any money payable to the university shall be sufficient discharge for the same.
- Officers of the university** 10. (1) The following shall also be the officers of the university, namely :—
- (a) Dean of faculty;
 - (b) Dean of students welfare;
 - (c) Chief Proctor and Proctors;
 - (d) Librarian;
 - (e) Chief Medical Officer;
 - (f) Deputy Registrar;
 - (g) Any other officer, created by the Vice-Chancellor with the approval of the Syndicate.
- Dean of students welfare** (2) (a) The Dean of the Students Welfare shall be appointed by the Vice-Chancellor from amongst teachers of the university not below the rank of a Reader. The Dean so appointed shall be a whole-time officer and shall hold office for a term of 2 years and shall be eligible for re-appointment;
- Provided that he may be reverted to his original post by the Vice-Chancellor if, in his opinion, contingencies of administration require such action.
- (b) The person who is appointed as the Dean of Students Welfare shall continue to hold his lien on his substantive post and shall be eligible to all the benefits that would have otherwise accrued to him but for his appointment as Dean of Students Welfare;

Chief Proctor

- (c) When the office of the Dean of Student Welfare is vacant or when the Dean is by reason of illness or absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
 - (d) The duties and powers of the Dean of Students Welfare shall be prescribed by the ordinance.
- (3) (a) The Chief Proctor shall be appointed by the Vice-Chancellor from among the members of the staff of the university not below the rank of a Reader and he shall exercise such powers and perform such duties in respect of the maintenance of discipline among the students as may be assigned to him by the Vice-Chancellor.

Provided that he may be reverted to his original post by the Vice-Chancellor if, in his opinion, contingencies of administration require such action.

- (b) The person who is appointed as the Chief Proctor shall continue to hold his position on his substantive post and shall be eligible to all the benefits that would have otherwise accrued to him but for his appointment as Chief Proctor.
- (c) When the office of the Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Proctor

- (4) The Vice-Chancellor shall, in consultation with the Chief Proctor, decide the number of Proctors necessary for the requirements of the university. No Proctor shall be below the rank of Reader and he shall perform his duties in addition to his normal teaching functions. He shall be appointed for a period of two years subject to the conditions that he may cease to function as Proctor if required to do so by the Vice-Chancellor on the advice of the Chief Proctor.

Librarian

- (2) (a) The Librarian shall be appointed by the Vice-Chancellor after the approval of the Syndicate and shall be a whole-time salaried officer of the university.
- (b) The duties and powers of the Librarian shall be regulated by the ordinance.
- (6) Other officers shall be appointed by the Vice-Chancellor after approval of the Syndicate and shall be whole-time officers of the university.

Senate

11. (1) The Senate shall consist of the following members, namely—

Ex-officio members

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Pro-Vice-Chancellor or the Pro-Vice Chancellors;
- (v) The Financial Adviser;
- (v) The remaining members of the Syndicate who are not otherwise members of the Senate;
- (vi) The Dean of Students Welfare;

- (vii) The Chief Proctor;
- (viii) The University Librarian;
- (ix) The Chief Medical Officer;

Representative of Faculties

- (x) All Deans of faculties;
- (xi) All Principals of the colleges;
- (xii) All Heads of the University departments who are not Deans;
- (xiii) One Professor, one Reader and one Lecturer from each faculty by rotation according to seniority in each category.

Representatives of recognised institutions

- (xiv) One representative from each college under the university on the basis of rotation according to seniority of teachers in service;

Representatives of Legislature

- (xv) Ten representatives of the State Legislature, six to be nominated by the Speaker of the Vidhan Sabha and four by the Chairman of the Vidhan Parishad;

Nominated representatives of learned profession., industry, commerce and agriculture, eminent educationists and alumni.

- (xvi) Not more than five eminent educationists to be nominated by the Chancellor;
- (xvii) Not more than three persons representing learned professions to be nominated by the Chancellor;

(xviii) Not more than three persons representing industry, labour, commerce and agriculture to be nominated by the Chancellors and

(xix) Five distinguished alumni of the university nominated by the Chancellor (three years).

(2) When a nominated member of the Senate becomes an ex-officio member before the expiry of his terms, he shall cease to be nominated or elected member.

(3) Save as otherwise expressly provided, a member of the Senate shall hold office for a period of three years.

(4) Thirty members of the Senate shall form the quorum.

Meeting of
Senate

12. (1) An annual meeting of the Senate shall be held on a date fixed by the Vice-Chancellor and at such annual meetings a report of the working of the university during the previous year together with a statement of the receipts and expenditure, the balance-sheet as audited and the budget for the next financial year shall be presented by the Syndicate.

(2) A copy of the report of the university for the preceding year together with a copy of the statement of receipts and expenditure and of the balance-sheet and the budget referred to in clause (1) shall be sent to every member of Senate at least seven days before the date of the annual meeting.

Syndicate

13. (1) The Syndicate shall consist of the following members :—

(i) the Vice-Chancellor, ex-officio;

- (ii) the Pro-Vice-Chancellor or Pro-Vice-Chancellors, *ex-officio*;
- (iii) the Dean of Students Welfare, *ex-officio*;
- (iv) the Chief Proctor, *ex-officio*;
- (v) Education Commissioner, Government of Bihar, *ex-officio*;
- (vi) four Deans—one from each of the following faculties by rotation according to seniority among permanent Deans :—
 - (a) Deans of faculties of sciences and commerce;
 - (b) Deans of faculties of social sciences and humanities;
 - (c) Deans of faculties of education and medical sciences;
 - (d) Deans of faculties of engineering and law;
- (vii) Two Principals, by rotation, according to seniority among permanent Principals of colleges including autonomous colleges; and
- (viii) Two teachers of the university, one from each of the following categories by rotation according to inter-seniority among the permanent members of the staff:—
 - (a) permanent Professors and Readers of the university; and
 - (b) permanent Lecturers of the university.
- (ix) Two members of the Senate, nominated by the Chancellor, none of whom shall be an employee of the university or an institution recognised by or associated with the university.

- (2) The members of the Syndicate shall hold office for a term of two years.
 - (3) The term of office of the members of the Syndicate shall commence from the date of appointment, or nomination, as the case may be,
 - (4) Six members of the Syndicate shall form the quorum.
14. Subject to the provisions of the Act, the statutes and the ordinances, the Syndicate shall, in addition to any other powers vested in it, have the following powers, namely—
- (1) to receive the report on appointments of Lecturers made by the Vice-Chancellor in accordance with merit list of successful candidate at the competitive examination held by the Commission for Higher Education, Bihar;
 - (2) to approve the appointment of Professors, Readers and other members of the teaching staff made by the Vice-Chancellor on the recommendations of the Selection Committee constituted for the purpose;
- Provided that if the Syndicate does not approve the appointment made by the Vice-Chancellor, the same shall be referred to the Chancellor and his decision after making consultation with the Chairman of the Commission for Higher Education shall be final.
- (3) with the prior approval of the Government, to creat administrative, ministerial and other necessary posts except that no academic post shall be created without consultation with the Academic Council;

- (4) to regulate and enforce discipline among the members of the teaching, administrative and ministerial staff of the university in accordance with the act, the statutes and the ordinances;
- (5) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the university and, for that purpose, to appoint such agents as it think fit;
- (6) to invest any money belonging to the university, including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments time to time;
- (7) (a) to accept on behalf of the university any trust, bequest, donation or transfer of any movable or immovable property to the university; and
 (b) to transfer any movable or immovable property on behalf of the university;
- (8) to provide the buildings, premises, furniture, apparatus and other means needed for carrying on the work of the university;
- (9) to enter into, vary, carry out and cancel contracts on behalf of the university;
- (10) to entertain, adjudicate upon, and, if it thinks fit to redress, any grievances of the salaried officers, the teaching staff and other employees of the university who may for any reasons feel aggrieved;

Provided that, in matters of discipline and punishment, where the final power has been

vested in the Vice-Chancellor or any other officer of the university, no appeal shall lie to the Syndicate.

- (11) to select a common seal for the university and provide for the custody and use of the seal;
- (12) to institute fellowship, scholarship, studentship, medals and prizes; and
- (13) to delegate any of its powers to the Vice-Chancellor.

Academic Council

15. (1) The Academic Council shall consist of the following members, namely :—
- (i) The Vice-Chancellor;
 - (ii) the Pro-Vice-Chancellor or the Pro-Vice-Chancellors;
 - (iii) The Deans of faculties;
 - (iv) The Heads of centres/departments;
 - (v) The Principals of the colleges;
 - (vi) One Professor, two Readers and two Lecturers other than Deans, Principals and Heads of Departments, by rotation, in order of seniority, in the respective category;
 - (vii) Two experts, not being the employees of the university or institution recognised by it, nominated by the Vice-Chancellor.
- (2) All members of the Academic Council, other than ex-officio members, shall hold office for a term of two years;
- (3) Fifteen members of the Academic Council shall form the quorum.

Powers and duties of the Academic Council

16. Subject to the provisions of the Act, the statutes and the regulations, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—
- (i) to report on any matter referred to it by the Senate or the Syndicate;
 - (ii) to make proposals to the Syndicate for the establishment of departments, colleges, institutions of higher learning, special centres, specialised laboratories, libraries and museums;
 - (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to faculty;
 - (iv) to consider proposals submitted by the faculty;
 - (v) to promote research within the university and to require, from time to time, reports on such research;
 - (vi) to make recommendations to the Syndicate with regard to the creation and abolition of teaching posts in the university and to propose draft statutes relating to the classification, qualifications and pay-scales of teaching posts for the consideration of the Syndicate;
 - (vii) to recognise diplomas and degrees of other universities and institutions and to determine their equivalent diplomas and degrees of the university;
 - (viii) to approve rules for admission to the university;
 - (ix) to approve lists of prescribed or recommended text-books and the syllabuses of prescribed courses of study;

- (x) to lay down policies for providing instruction and holding examination and conducting research in various faculties for various university degrees;
 - (xi) to recommend regulations relating to holding of examinations and eligibility of candidates for being admitted to such examinations;
 - (xii) to make recommendations for the conferment of honorary degrees;
 - (xiii) to make proposals to the Syndicate for the institution of fellowships, scholarships, studentships, medals and prizes and to award the same; and
 - (xiv) to perform in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, the statutes, the ordinances and the regulations.
17. (1) The university shall have the following faculties :—
- (i) Faculty of Humanities;
 - (ii) Faculty of Social Sciences;
 - (iii) Faculty of Science;
 - (iv) Faculty of Commerce;
 - (v) Faculty of Education;
 - (vi) Faculty of Law;
 - (vii) Faculty of Engineering;
 - (viii) Faculty of Medicine; and such other faculty which may be added in the statutes from time to time.
- (2) Each faculty shall consist of the following members :—
- (i) The Dean of the Faculty (Chairman);

- (ii) The Heads of the Departments in the faculty;
 - (iii) The Professors in the departments in the faculty;
 - (iv) One Reader and one Lecturer by rotation, according to seniority, from each department in the faculty: and
 - (v) Two members elected by the Academic Council for their special knowledge in any subject assigned to the faculty or in any allied branch of knowledge.
- (3) All members of the faculty, other than ex officio members, shall hold office for a term of two years and shall be eligible for re-election or re-appointment, as the case may be. The first term of members shall commence from such date as may be notified by the university.
- (4) Every faculty shall have such powers and shall perform such duties as may be prescribed by the ordinances.
- (5) The Dean of the faculty concerned shall have powers to convene meetings of the faculty as and when necessary, but there shall be at least two meetings of the faculty in a calendar year. One half of the members shall form the quorum.
- (6) (a) Every faculty shall consist of such departments as may be assigned to it by ordinances;
- (b) (i) Each department shall have a Head who may be a Professor or, if there is no Professor, a Reader.

Provided that where in any department there are two or more

Professors, or there is no Professor but there are two or more Readers, the Vice-Chancellor shall appoint the Head of the Department for a period of three years from among permanent Professors in the department, and that the person so appointed shall be eligible for re-appointment after completing his term of office as a Head :

Provided further that if there is only one Professor in the department, he shall continue to be the Head;

Provided further that if there is no Professor in the department, the Vice-Chancellor shall appoint for a period of three years, a Reader from the department who shall also be eligible for re-appointment after the expiry of his term of office;

Provided further that there shall be no Head of the department below the rank of a Reader and if there be a department without a Professor or Reader, the Vice-Chancellor shall appoint one of the Professors in the faculty concerned as the Head of the department.

- (ii) The duties and functions of the Head of the department shall be as prescribed by the ordinances.
- (7) Every department shall have a Board of Studies consisting of the following members, namely:—
- (i) The Head of the Department (Chairman);

- (ii) The Professors in the department;
 - (iii) One Reader and one Lecturer of the department by rotation, according to seniority; and
 - (iv) Three members elected by the faculty for their special knowledge in the subject assigned to the department or in an allied branch of knowledge.
- (8) All members of the Board, other than ex officio members, shall hold office for a term of two years and shall be eligible for election or re-appointment, as the case may be. The first term of members shall commence from such date as may be notified by the university.
- (9) Every Board shall have such powers and shall perform such duties as may be prescribed in the ordinances.
- (10) Four members of the Board shall form the quorum. The Board shall meet at least once in one academic year.
- (11) Every faculty shall have an examination committee consisting of the following
- (i) Dean of the faculty .. Chairman;
 - (ii) Heads of departments of the faculty;
 - (iii) Two Professors or Readers nominated by the Vice-Chancellor who shall hold office for two years.
- (12) Subject to the provisions of the Act and the statutes, the examination committee shall have the following powers, duties and functions
- (i) to appoint examiners for examination of the subjects covered under the faculty

- (ii) to approve the title for Doctoral work; and
 - (iii) to evaluate the final results of examinations held by the faculty and recommend to the Vice-Chancellor for publication or otherwise.
- (13) The examination committee shall meet as often as necessary.
- (14) One half members of the examination committee shall form the quorum.
- Finance 18. (1) The Finance Committee shall consist of the following members, namely :—
- (i) The Vice-Chancellor—Chairman;
 - (ii) The Financial Advisor;
 - (iii) Two persons, nominated by the Chancellor on the recommendation of the Vice-Chancellor;
 - (iv) One person, who is not a member of the Syndicate nor an employee of the university or of any recognised institution, nominated by the Syndicate; and
 - (v) One nominee of the Education Department, Government of Bihar.
- (2) The Financial Adviser shall be the member-Secretary of the Finance Committee.
- (3) Three members of the Finance Committee shall form the quorum.
- (4) All members of the Finance Committee, other than ex-officio members, shall hold office for a term of three years.
- (5) The Vice-Chancellor shall preside at the meetings of the Finance Committee.

- (6) The Finance Committee shall meet as often as may be necessary, but not less than four times every year to examine accounts and scrutinise proposals for expenditure and to recommend the budget to the Syndicate.
- (7) The annual accounts and financial estimate of the university prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Syndicate for approval with or without amendments.

Committees 19. The Senate, the Syndicate or the Academic Council may appoint committees, consisting of its members and of such other persons (if any) as, in such case, it may think fit; and any such committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

Elected Chairman 20. Where, by the statutes or the ordinances, to preside where no provision made in statutes or otherwise, no provision is made for a Chairman to preside over a meeting of any university authority, Boards or Committee, or when the Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

Resignation 21. (1) Any member other than an ex-officio member of the Senate, the Syndicate, the Academic Council or any other authority of the university or committee may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

- (2) Any officer of the university (whether salaried or otherwise) may resign his office by letter addressed to the Registrar.

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to fill the vacancy.

- Disqualification 22. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the university—
- (a) If he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;
 - (b) if he is an undischarged insolvent;
 - (c) if he has been convicted by the court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment.
- (2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Chancellor and his decision after taking advice from the Commission for Higher Education shall be final, and no suit or other proceedings shall lie in any court of law against such decision.
- (3) Notwithstanding anything contained in the terms of office of a member of the university bodies, the Vice-Chancellor shall have powers to suspend any member for a given period from the membership of any university body if the Vice-Chancellor is satisfied that any member's behaviour in a meeting of the university body or in dealing with any univer-

sity official has not been in keeping with the standard of academic life.

Honorary degrees

23. Any proposal for the conferment of honorary degrees shall be made by the Academic Council to the Syndicate, and the proposal if accepted by the Syndicate shall require the assent of the Chancellor.

Withdrawal of degrees, etc.

24. The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the university for good and sufficient cause :

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice which such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

University teachers

25. (1) Teachers of the university shall be of two classes, namely :—
- (i) appointed teachers of the university;
 - (ii) recognised teachers of the university.
- (2) Appointed teachers of the university shall be either—
- (a) employees of the university paid by the university and appointed by the Vice-Chancellor as professors, Readers, Lecturers or otherwise as teachers of the university; or
 - (b) persons appointed by the Vice-Chancellor as honorary Professors, emeritus Pro

fessors, or otherwise as teachers of the university.

- (3) Recognised teachers of the university shall be the members of the staff of a recognised institution other than an institution maintained by the university.

Provided that no such member of the staff shall be deemed to be a recognised teacher unless he is recognised by the Academic Council as a Professor, Reader or in any other capacity as a teacher of the university.

- (4) The qualifications of recognised teachers of the university shall be such as may be prescribed by the ordinances.
- (5) All applications for the recognition of teachers of the university shall be made in such manner as may be laid down by the regulations made by the Academic Council in that behalf.
- (6) The period of recognition of a teacher of the university as Professor or Reader shall be determined by ordinances made in that behalf. A person in the service of a recognised institution other than an institution maintained by the university, recognised as a teacher of the university otherwise than as a professor or Reader shall continue to be recognised so long as he is in the service of the institution.
- (7) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher :

Provided that no such resolution shall be passed until a notice in writing has been

given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any and any evidence he may produce in support of them, have been considered by the Academic Council.

- (8) A person aggrieved by an order of withdrawal under clause (7) may, within three months from the communication to him of such order, appeal to the Vice-Chancellor who may pass such orders thereon as it thinks fit.

Method of
selection of staff

26. (1) The Commission for Higher Education shall hold a competitive examination, once every year, and publish a list of successful candidates for lecturers in university department and colleges of Bihar in order of merit according to the marks obtained at the examination, and it shall be the duty of the Vice-Chancellor to ensure that appointments of Lecturers in university departments or colleges, wherever necessary are made strictly in accordance with the order in the merit list. The person thus appointed shall enjoy seniority in service based on the order in the merit list. The list shall be valid for appointment for a period of one year from the date of its publication.
- (2) The Commission for Higher Education shall constitute a selection committee consisting of the following for the posts of Professors, Readers and Principals of colleges in the State :—
- (i) chairman of the Commission for Higher Education as ex-official member;

- (ii) Vice-chancellor or Vice-Chancellors of the universities for which selection is to be made;
- (iii) Head of the department of the subject concerned nominated by the Chairman of the Commission for Higher Education from amongst the Heads of departments in the subject concerned in the universities of the State; and
- (iv) Four experts, unconnected with the university concerned, of which at least two shall be from outside the State, nominated by the Chancellor.

No meeting of the selection committee shall be valid unless at least three members nominated by the Chancellor are present at it.

Registrar,
Finance officer

- (3) The Registrar and Finance Officer shall be appointed by the Vice-Chancellor from a panel of names recommended by a committee consisting of :—
 - (i) The Vice-Chancellor as Chairman;
 - (ii) One Pro-Vice-Chancellor, if there are more than one Pro-Vice-Chancellors, the senior Pro-Vice-Chancellor available; and
 - (iii) A nominee of the Chancellor.

Librarian

- (4) The Librarian shall be appointed by the Vice-Chancellor on the recommendation of a Selection Committee consisting of the Vice-Chancellor and three persons not connected with the university, who have special knowledge of the subject of library science to be nominated by the Vice-Chancellor in consultation with the Chairman of the Commission for

Higher Education. The Vice-Chancellor shall be the Chairman of the Committee.

Appointment of other officers in the university 27. Subject to the provision of the Act, the Vice-Chancellor shall make appointment to the posts of Deputy Registrar, Finance Officer, Librarian and other officers of the university, for whom no separate provision has been made in the Act, on recommendations of the selection committee which shall consist of :

- (1) The Vice-Chancellor as Chairman;
- (2) the Pro-Vice-Chancellor, but if there be more than one Pro-Vice-Chancellor, the Pro-Vice-Chancellor nominated by the Chancellor;
- (3) one person nominated by the Chairman of Commission for Higher Education;
- (4) the Education Commissioner or a person nominated by him or a person not below the rank of the Director of Higher Education or Joint Secretary, and
- (5) one person nominated by the Syndicate.

Conditions of service of officers, etc. 28. (1) Every teacher and salaried officer and such other employees as are mentioned in the statutes shall be appointed under a written contract, which shall be lodged with the university and a copy thereof shall be furnished to the officer or teacher or the employee concerned. No appointment shall be considered valid until such contract is signed by respective persons and lodged with the university.

(2) One of the conditions for employment to a salaried teacher of the university that he will be required to account for 40 hours per week of work during each session which shall not

be less than 200 working days except when he is on leave without pay, duty leave and leave on medical grounds. All other leave shall be subject to the minimum requirement of prescribed work for the teacher.

- (3) Any dispute arising out of a contract between the university and those mentioned in clause (1) shall, at the request of the teacher or officer or employee concerned, or at the instance of the university, be referred to a tribunal of arbitration consisting of one member appointed by the syndicate, one member nominated by the officer or teacher concerned and an umpire appointed by the chancellor, and the decision of the tribunal shall be final.

Removal of
teachers

29. (1) When there is an allegation of mis-conduct against a teacher or of inefficiency and incompetence or of violation of discipline in any manner, or of shirking of his normal duties, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Syndicate the circumstances in which the order was made.

Provided that the Syndicate may if it is of the opinion that the circumstances of the case do not warrant suspension of the teacher, refer the matter to the Chancellor regarding the reason for not approving the action of the Vice-Chancellor. The Chancellor's decision made in consultation with the Commission for Higher Education shall be final. Suspension shall continue until order of the Chancellor is received.

- (2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Vice-Chancellor shall be entitled to remove a teacher on the ground of misconduct, inefficiency, incompetence or undesirable conduct.
- (3) Save as aforesaid, the Vice-Chancellor shall not be entitled to remove a teacher except for good cause and after giving four months' notice in writing or payment of four months' salary in lieu of notice.
- (4) No teacher shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
- (5) The removal of a teacher shall take effect from the date on which the order of removal is made.

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect from the date on which he was placed under suspension.

- (6) Notwithstanding anything contained in these statutes, the teacher shall be entitled to resign by giving four month's notice or paying four month's salary in lieu thereof, in writing to the Vice-Chancellor.

Removal of
employees other
than teachers

30. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the university, other than a teacher, may be removed by the authority which is competent to appoint the employee

- (a) if he is of unsound mind or is a deaf mute or suffers from contagious leprosy;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment;
- (d) if he is otherwise guilty of misconduct; and
- (e) if his work is found negligent and unsatisfactory.

The officer thus removed shall have right to appeal to the Vice-Chancellor if the order of removal is not passed by him and to the Chancellor if the order of removal is passed by the Vice-Chancellor.

- (2) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of notice.
- (3) Notwithstanding anything contained in these statutes, an employee of the university, not being a teacher, shall be entitled to resign—
 - (i) in the case of a permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the university three months' salary in lieu thereof; and
 - (ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the university one month's salary in lieu thereof.

Maintenance of discipline among students of the university

- (1) All powers relating to discipline and disciplinary action in relation to a students shall vest in the Vice-Chancellor.
- (2) The Vice-Chancellor may delegate all or such of the powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.
- (3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-Chancellor may, in the exercise of his powers aforesaid, order or direct that any student or students be expelled from any college or institution maintained by the university, department, special centre or specialised laboratory, or be, for a stated period, rusticated or be not, for a stated period, admitted to a course or courses of study in any department or any other institution or be fined in a sum of rupees that may be specified or be debarred from taking an examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he has or they have appeared be cancelled.
- (4) The Deans, or, as the case may be, the Heads of the departments, or Principals of colleges shall exercise all such disciplinary powers over the students in their respective faculties, departments or colleges respectively as may be necessary for the proper conduct of such faculty, department or college.

- (5) Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, and subject to the provision of the ordinance, detailed rules of discipline and proper conduct shall be framed by the Deans or, as the case may be, the Heads of the departments and Principals of colleges. Every student shall provide himself with a copy of these rules.
- Membership of students organisation 32. The membership of any students' organisation shall be voluntary and subscriptions for the purpose shall be collected by the organisations concerned subject to the provision of the ordinance in this regard.
- Alumni association 33. (1) There shall be an Alumni Association established for the university.
- (2) The subscription for membership of the Alumni Association shall be prescribed by the ordinance.
- Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election after the commencement of the Act.
- Ordinances 34. Subject to the provisions of the Act and the statutes, the ordinances may provide for all or any of the following matters, namely :
- (a) the fees to be charged for courses of study in the university and for admission to the examinations, degrees and diplomas of the university;
- (b) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (c) the maintenance of discipline among the students of the university;

- (d) the conditions of residence of students at the university;
- (e) the special arrangements, if any, which may be made for the residence, discipline and the prescribing for them of special courses of study and teaching of women students and the prescribing for them of special courses of study;
- (f) the giving of moral instruction ;
- (g) the management of schools, institutes maintained by the university, special centres and specialised laboratories ;
- (h) supervision and inspection of colleges, recognised institutions, special centres and specialised laboratories ; and
- (i) all other matters which by the Act or the statutes are to be or may be provided for by the ordinances.

Ordinances how made

35. (1) The first ordinances shall be made by the Vice-Chancellor with the previous approval of the Chancellor advised by the Commission for Higher Education.
- (2) The said ordinances may be amended, repealed or added to at any time by the Vice-Chancellor with the approval of the Syndicate provided that no ordinance shall be made affecting the admission of students to the university and their enrolment or the conditions of residence or discipline of students, except after consultation with the Academic Council.
- (3) The Syndicate shall not have power to amend any draft proposed by the Academic Council under clause (2) but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or

part, together with any amendments which the Syndicates may suggest.

- (4) Where the Syndicate has rejected the draft of an ordinance proposed by the Academic Council, the Vice-Chancellor may refer the matter for consideration to a Special Committee consisting of five representatives of Academic Council and an equal number of representatives of the Syndicate presided over by the Vice-Chancellor. A decision taken by this committee shall be deemed to have the approval of both the bodies. The ordinance will have effect from such date as may be specified by the committee.
- (5) Notwithstanding anything contained above, if at any time, except when the Syndicate is in session, the Vice-Chancellor is satisfied that a situation has arisen in which an ordinance on any subject is to be made and considers its immediate enforcement necessary, he may recommend to the Chancellor accordingly and the Chancellor may assent to the same with such amendment, if any, as he may consider necessary. The ordinance shall come into immediate effect, but shall be placed at a subsequent meeting of the Syndicate for its approval.

Provided that if the Syndicate does not approve the ordinance made as above, the matter shall be referred to the Chancellor, whose decision, after obtaining the advice of the Commission for Higher Education, shall be final.

36. (1) Subject to the provisions of this Act, the statutes and the ordinances, regulations

may be made to provide for all or any of the following matters, namely :—

- (a) the courses of study to be laid down for all degrees and diplomas of the university;
 - (b) the conditions under which students shall be admitted to the degree or diploma courses, and to the examinations of the university, and shall be eligible for such degrees and diplomas;
 - (c) the creation of departments of teaching in the faculties;
 - (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations;
 - (e) all other matters which by this Act, the statutes or the ordinances are to or may be provided for by regulation.
- (2) (i) A regulation made by the Academic Council under sub-section 1 (1) shall be forwarded as soon as may be to the Syndicate for transmission to the Chancellor and the Syndicate shall duly forward the same to the Chancellor with such recommendations, if any, as it may wish to make but shall have no power to return it to the Academic Council for reconsideration, unless such regulation, in the opinion of the Syndicate, relates to matters which, directly or indirectly, affect the finance of the university;
- (ii) Such regulation shall have effect from the date on which it is approved by

Chancellor after consultation with the Commission for Higher Education with or without amendment or from such other date as the Chancellor may specify;

- (iii) Notwithstanding the above provisions, if at any time, except when the Academic Council is in session, the Vice-Chancellor considers the immediate enforcement of any regulation necessary, he may make such regulation and recommend to the Chancellor accordingly and the Chancellor shall thereupon may, approve the regulation with or without any amendment and the regulation shall come into immediate effect.

Provided that the regulation shall be placed before the Academic Council and if the Academic Council does not approve it, the matter shall be referred to the Chancellor whose decision, after consultation with the Commission for Higher Education, shall be final.

Rules

37. (1) The authorities and the Boards of the university, constituted either under this Act or under the statutes made thereunder, may make rules, consistent with this Act, the statutes, the ordinances and the regulations for the following matters, namely—
- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
 - (b) laying down the procedure to be observed by committees subordinate to any such authorities and the Boards at their

meetings and the number of members required to form a quorum;

- (c) providing for all matters which by this Act, the statutes, the ordinances or the regulations are to be prescribed by rules; and
- (d) providing for all other matters exclusively concerning such authorities, committees and Boards and not provided for by this Act, the statutes the ordinances or the regulations.

- (2) Every authority of the university shall make rules providing for the giving of notice to the members of such authority of the date of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of the meetings.

Degrees,
diplomas

- 38. (1) The university shall confer the following degrees, namely :—
 - (i) Doctor of letters, science and laws;
 - (ii) Doctor of philosophy;
 - (iii) Doctor of medicine and master of surgery;
 - (iv) Master of philosophy;
 - (v) Master of arts, science, commerce, law, engineering, and education;
 - (vi) Bachelor with Honour of arts, science and commerce;
 - (vii) Bachelor of education;
 - (viii) Bachelor of medicine and surgery, engineering, technology and law; and
 - (ix) Such other Bachelor's or Masters' degrees as may be prescribed hereafter by the statutes under this clause.

- (2) The university shall award diplomas and certificates in such subjects as may be specified in the ordinances.

Dr. V. S. Jha Chairman

Prof. M. V. Mathur Member

Dr. Sarup Singh Member

Dr. S. P. Sinha Member-
Secretary

PART IV

BIHAR UNIVERSITIES ACT

PREAMBLE

Besides Patna University, there are five other general universities in Bihar, they are :

1. Bihar University, Muzaffarpur,
2. Ranchi University, Ranchi,
3. Bhagalpur University, Bhagalpur,
4. Magadh University, Bodh Gaya,
5. L. N. Mithila University, Darbhanga.

In addition to these, there is K.S.D. Sanskrit University, Darbhanga.

All these six universities which are teaching-cum-affiliating in nature have to manage a large number of constituent colleges.

It is unrealistic to expect that the universities with their records of poor management of their own departments would be able to improve the conditions of mostly sub-standard colleges started with the obvious purpose to provide asylum to the academically incompetent recruits for the teaching profession and transferred to the universities as constituent colleges, to give them security and salary grades approved by the U. G. C. Some of them are even worse than third rate secondary schools. The rural and Adivasi areas for the proclaimed benefit of which most of the new constituent colleges are created are ill-served by the poor quality of the colleges. In fact, the backward areas need "Netarhats" rather than abundance of academic inferiority.

The universities, if they are expected to serve the purposes for which they are established, must be relieved of the burden of managing constituent colleges. The Commission would strongly recommend that these colleges should be managed by Government directly and should be allowed the status of affiliated Government colleges, if they fulfil conditions required

for being admitted to the privileges of a university. The requirements of these colleges will be much better looked after by the administrative machinery of Government Department. They will be in a better position to maintain high standards of academic work expected by the university system, Government would be in a much better position to ensure better efficiency and discipline among the students, teachers and non-teaching staff and individual attention to the needs of the colleges. The Commission hopes that Government would agree to its recommendation that all constituent colleges should be taken over by Government and treated as Government colleges. Nevertheless, the university will have to re-orient the colleges in accordance with definite aims and purposes in order to make them relevant to the needs of the large number of students who join them and give them training and education which might be more useful to them than the present type of purely academic courses. These colleges will require constant thinking and watchfulness on the part of the university in order to make them useful to the students. The Commission, therefore, recommends that while the colleges should be taken over by Government and treated as Government institutions, the university should have a separate council of colleges as one of the authorities of the university to deal with special needs of these institutions. This Council, in addition to studying the special needs of the colleges and suggesting special programmes of education and other activities in them, will also organise regular supervision and inspection in order to ensure high standard and usefulness of its programmes. This council of colleges should preferably be in the charge of an independent Pro-Vice-Chancellor and a separate cell in the Registrar's office.

These universities will be different from the Patna University and the open university and should provide :

(1) The teaching departments of the universities should provide education at Honours and post-Graduate levels in humanities, sciences and social sciences and commerce; engineering and medical sciences; and Post-Graduate courses in education and law.

(2) The pattern of courses in the affiliated colleges should be different from that in the university departments. The colleges should provide new type of Under-Graduate courses which should include—

- (a) oral and written efficiency in the use of two or more modern languages;
- (b) courses in the cultural history of the country, its present history and growth in social, economic and cultural as well as the role of our country in international life;
- (c) a variety of general courses in, at least, three subjects selected from the faculties of Humanities, sciences, Arts, Social Sciences and commerce; and
- (d) an intensive course in a vocational subject which would enable the students to find employment or to employ himself after obtaining the degrees.

(3) The broad-based general education provided in the constituent colleges should also be so oriented as to enable competent graduate candidate to compete for entry into Honours and Post-Graduate teaching departments of the university.

The experience shows that the time of the students in the college is not fully utilised and this creates many difficulties and affects discipline. The courses should be so planned as to demand continued intensive and useful work on the part of the students as well as teachers.

(4) An outline of the proposed Act is given in the following pages. It is meant only to illustrate the essential features of the Act and is by no means comprehensive. A careful scrutiny by the legal experts will be essential.

Provisions with regard to Sanskrit University and also Intermediate Education Council should be incorporated wherever required, as has been done in the present Act, amended by the ordinance.

THE BIHAR STATE UNIVERSITY ACT.....

AN ACT

TO ESTABLISH AND INCORPORATE AFFILIATING-CUM-TEACHING UNIVERSITIES AT MUZAFFARPUR, BHAGALPUR, RANCHI, GAYA (BODHGAYA) AND DARBHANGA IN THE STATE OF BIHAR

Be it enacted by the Legislature of the State of Bihar in the..... year of the Republic of India as follows :—

- Short title and commencement** 1. (1) This Act may be called the Bihar State Universities Act.....
- (2) It shall come into force at once.
- Definitions** 2. In this Act, unless there is anything repugnant in the subject or context :—
- (a) “College” means a college maintained by or admitted to the university in accordance with the procedure prescribed by the statute;
- (b) “hostel” means a unit of residence, by whatever name called, for the students of the university;
- (c) “prescribed” means prescribed by a statutes, ordinances or regulations of the university;
- (d) “Statutes”, “Ordinances” and “Regulations” mean, respectively, the statutes, ordinances and regulations of the university made under this Act;
- (e) “University” means Bihar University, Bhagalpur University, Ranchi University, Magadh University, L. N. Mithila University and K. S. D. Sanskrit University, Darbhanga;
- (f) “Commission for Higher Education” means Commission constituted by Act.....ofyear of Bihar;
- (g) “College Council” means council for colleges created by the statute to the university; and
- (h) “autonomous colleges” means autonomous colleges created by the statutes.

N. B. : All definitions given in the present act are not necessary. It will be open to the experts in law to add more definitions, if necessary, but it is best to adhere to the law of parsimony. The best law is one that works in silence.

* This suggestion is made on the assumption that the constituent colleges will be converted into Government colleges and retained as affiliated colleges by the university and provide special courses of education designed for them by the university.

Establishment
and incorporation
of universities

3. (1) With effect from the commencement of this Act, there shall be established the following universities, namely :—
- (a) the Bihar University with headquarters at Muzaffarpur and territorial jurisdiction over the whole of the Muzaffarpur and Chapra Divisions;
 - (b) the Bhagalpur University with headquarters at Bhagalpur and territorial jurisdiction over the whole of the Bhagalpur Division;
 - (c) the Ranchi University with headquarters at Ranchi and territorial jurisdiction over the whole of the North and South Chotanagpur Divisions;
 - (d) the Magadh University with headquarters at Bodh Gaya (Gaya) and territorial jurisdiction over the whole of Patna and Gaya Divisions (excluding the colleges falling within the territorial jurisdiction of the Patna University as defined in section 4 of the Patna University Act, 1976);
 - (e) the Lalit Narain Mithila University with headquarters at Darbhanga and territorial jurisdiction over the whole of the Darbhanga and Kosi Divisions; and
 - (f) Kameshwar Singh Darbhanga Sanskrit University with headquarters at Darbhanga and territorial jurisdiction over the whole of the State.

Provided that the State Government may, by notification in the official Gazette, alter the territorial jurisdiction of the university.

- (2) The first Chancellor, the first Vice-Chancellor, the first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the university specified in sub-section (1).
- (3) The university shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- (4) No educational institution beyond the territorial jurisdiction of the university, shall except by an order of the State Government, published in the official Gazette, form a part or be admitted to the privileges of the university. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other university incorporated by law in India, and any such recognition granted by any such other university to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have withdrawn on the commencement of this Act.

Powers of the university

4. The university shall have the following powers, viz
 - (1) to provide for instruction including the method of correspondence, use of other communications media and techniques in such branches of learning as the university may, from time to time, determine and to make provision for research for the advancement and dissemination of knowledge;

- (2) to undertake programmes of nonformal education and extension services for the continuing education of those in and outside the university;
- (3) to hold examinations and grant diplomas or certificates to, and confer degree and other academic distinctions on, persons and to withdraw any such diplomas, certificates degrees or other academic distinctions for good and sufficient cause;
- (4) to confer honorary degrees or other academic distinctions in the manner laid down in statutes;
- (5) to create such teaching, administrative and other posts as the university may deem necessary, from time to time, and to make appointments thereto;
- (6) to appoint or recognise persons as professors, readers or lecturers or otherwise as teachers of the university.
- (7) to institute and award fellowships, scholarships, exhibitions and prizes;
- (8) to establish and maintain colleges and hostels, to recognise, guide, supervise and control hostels maintained by the university and other accommodation for students, and to withdraw any such recognition;
- (9) to regulate and enforce discipline among students, occupants of the hostels and employees of the university and to take such disciplinary measures in this regard as may be deemed necessary;
- (10) to make measures necessary to enable the students :—

- (i) to develop their personality and their potential talents;
 - (ii) to cultivate physical skills, efficiency and capacity for endurance;
 - (iii) to promote their health and to acquire healthy habits of living;
 - (iv) to understand and appreciate their role and responsibility to the vital problems of life such as unrestricted population growth, annihilation of forests and pollution of environment;
 - (v) to cultivate moral attitude in dealing with other men as well as with animals, birds, trees and other objects in nature;
 - (vi) to cultivate good aesthetic tastes as well as good manners and pleasant and polite behaviour in dealing with others;
 - (vii) to acquire attitudes and skills for democratic life such as conducting and participating in discussions and debates, and organising institutions for community service.
- (11) to regulate, determine methods to lay down conditions and to provide for competitive examinations for regulating admission to the Honours and Post-Graduate classes of the university;
 - (12) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;
 - (13) 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 for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;

- (14) 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 purpose not repugnant to this Act;
- (15) to demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (16) to receive donations and to acquire, hold, manage and dispose of any property movable or immovable including trust or endowed property within or outside the territory of Bihar for the purpose or objects of the university and to invest funds in such manner as the university thinks fit;
- (17) to make provision for research and advisory service and for that purpose to enter into such arrangements with other institutions or bodies as the university may deem necessary;
- (18) to provide for the printing, re-production and publication of research and other work which may be approved by the university;
- (17) to borrow money, with the approval of the State Government, on the security of the university property, for the purposes of the university;
- (20) to inspect all colleges, university, departments, hostels and other institutions and activities of the university;
- (21) to recognise teachers as qualified to give instructions in colleges.

- (22) to declare existing departments, colleges or institutes, subject to conditions as may be prescribed in the statutes, as autonomous colleges or institutions as the case may be
- (23) to organise such assistance as may be deemed fit and possible for candidates whom the university permits to appear at the examinations to qualify for university degrees and other qualifications;
- (24) to provide extension services to the people not otherwise connected with the university in order to assist them in improving the quality of their life and work.
- (25) to do all such things as may be necessary incidental or conducive to the attainment of all or any of the objects of the university.

University open to all classes, castes and creeds.

5. No person shall be excluded from membership of any of the authorities of the university or from admission to any degree or course of study on the sole ground of sex, race, descent, class, caste, or political belief. It shall not be lawful for the university to adopt or impose on any person any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the university, such test is made a condition thereof by any testamentary or other instrument creating such benefaction;

Provided that nothing contained in this section shall restrain the university from reserving posts or appointments in favour of Scheduled Castes and Scheduled Tribes subject to their possessing the prescribed conditions and qualifications.

Chancellor

6. (1) The Governor of the State shall be the Chancellor of the university.
- (2) The Chancellor on the advice of the Commission for Higher Education may, from time to time, appoint one or more persons to review the work and progress of the university and to submit a report thereon; and upon receipt of that report, the Chancellor may, after obtaining the views of the Syndicate thereon and in consultation with the Bihar Commission for Higher Education take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the university shall be bound to comply with such directions.
- (3) The Chancellor shall also have the right to cause an inspection to be made by such person or persons as he may direct to the university, its buildings, laboratories and equipment and of any institution maintained by the university, and also of the examinations, teaching and other work conducted or done by the university and to cause any inquiry to be made in respect of any matter connected with the university including the conduct of its officers, authorities and any employee of the university.
- (4) The Chancellor shall in every case give notice to the university of his intention to cause an inspection or inquiry to be made and the university shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.
- (5) The Chancellor may, in consultation with the Commission for Higher Education,

address the Vice-Chancellor with reference to the result of such inspection and inquiry and the Vice-Chancellor shall communicate to the Syndicate the view of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.

- (6) The Syndicate shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.
- (7) Where the Syndicate 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 Syndicate and in consultation with the Commission for Higher Education, issue such direction as he may think fit and the Syndicate shall be bound to comply with such directions.
- (8) The Chancellor, acting on the advice of or in consultation with the Commission for Higher Education may order in writing annual any proceeding of the university which in his judgement is not in conformity with this Act, the statutes or the ordinances.
- (9) The Chancellor may, after consultation with the Commission for Higher Education and Government of Bihar, order closure of any university or college or supersession of any authority or authorities, officer or officers if in his judgement they violated provisions of the Act and statutes or any other regulation of the university and on no other grounds and in such a contingency order such other

arrangements for their work as he deems necessary.

- (10) The Chancellor shall also have such other powers as may be prescribed by statutes.

Officers of the
university

7. **Vice-Chancellor :**

- (1) There shall be a Vice-Chancellor who shall be appointed by the Chancellor from a panel of three names presented in alphabetical order by the committee consisting of—
- (i) Chairman of the University Grants Commission, Delhi, or his nominee;
 - (ii) President of the Association of Indian universities or his nominee;
 - (iii) An eminent educationist nominated by the Chancellor.

The Chancellor shall nominate one of the three members as Chairman of the Committee.

- (2) The term of the office of the Vice-Chancellor shall be 5 years and he shall not be eligible for appointment for a second term in any university in Bihar or any office in the Commission for Higher Education. His salary and other conditions will be as laid down in the statutes.
- (3) The Vice-Chancellor shall be the Principal Executive and Academic Officer of the university and ex-officio Chairman of the Senate Academic Council and Finance Committee and he shall, in absence of the Chancellor preside at any convocation for conferring degrees and also at any meeting of the Senate.

- (4) The Vice-Chancellor shall have a general responsibility for maintaining and promoting the efficiency and good order of the university and shall exercise all powers necessary for the purpose. He shall also be in charge of discipline among teachers, students and other employees of the university, boarders, officers and other employees of the hostel and he shall have the power to delegate this authority to such persons as he deems fit. His decision in these matters when it is not inconsistent with the Acts and statutes, shall be final.
- (5) The Vice-Chancellor shall be responsible for ensuring observance of the provisions in the Acts, statutes and regulations and he shall also have authority to interpret Acts and statutes and his interpretation shall be binding on all concerned.
- (6) The Vice-Chancellor shall perform such other duties and functions as may be prescribed in the statutes.
- (7) The Vice-Chancellor shall not be removable from office before the expiry of his term of office except as a result of the findings of a judicial enquiry into specific charges against him conducted by a bench of judges of the High Court of judicature of Bihar.
- (8) The Vice-Chancellor shall, subject to the provisions of this Act, the statutes and the ordinances, made thereunder, have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength, of the ministerial staff and other servants of the university, not being teachers and officers of the univer-

sity, and have control and full disciplinary powers over such staff and servants.

- (9) Subject to the provision of this Act, it shall be the duty of the Vice-Chancellor to see whether the proceedings of the university are in accordance with the provisions of this Act, the statutes, the ordinances, the regulations, the rules or, in his opinion are in the best interest of the university or not, and the Vice-Chancellor shall report to the Chancellor every such proceedings which is not in conformity with such provisions or which, in his opinion, is not in the best interest of the university.

Till such time as the orders of the Chancellor are not received on the report of the Vice-chancellor, the Vice-chancellor shall have the powers to stay the proceedings reported against

8. There shall be one or more Pro-Vice-chancellors who shall be appointed by the Chancellor on the advice of the Vice-chancellor and their term of office and other conditions shall be as laid down in the statutes.

One of the Pro-Vice-Chancellors, if there are more than one, or the Pro-Vice-chancellor, if there is only one, shall be the Chairman of the Council of Colleges and perform such duties in respect of these as may be provided by the statutes.

9. There shall be a Financial Adviser who shall be a whole-time officer of the university. He shall be appointed by the Chancellor from among the persons of the Indian Audit and Accounts Service or from any other Audit and Account service under the Government of India, either by deputation or by

Pro-Vice-
chancellor

Financial
Adviser

re-appointment. His duties shall be prescribed by the statutes and his conditions of service shall be determined by the Chancellor.

**Deans of
Faculties**

10. There shall be a Dean for each faculty appointed by the Vice-chancellor from among Professors of the university or from outside and with such powers and duties as may be prescribed by the statutes. He shall be appointed for a period of 5 years which will be renewable for re-appointment for 5 years, but not beyond that. If a Dean is appointed from outside, he shall be appointed as a Professor and the Dean so that after expiry of his term he may join the post of Professor.

**Dean Students'
Welfare**

11. The Dean of Students' Welfare shall be appointed by the Vice-chancellor. His terms of appointment, duties, powers and functions shall be prescribed by the statutes.

Chief Proctor

12. The Chief Proctor shall be appointed by the Vice-Chancellor. His terms of appointment, duties, powers and functions shall be prescribed by the statutes.

Registrar

13. There shall be a Registrar who shall be appointed by the Vice-Chancellor after obtaining approval of the syndicate from a panel of names recommended by a committee consisting of the Vice-Chancellor, one Pro-Vice-Chancellor and if there are more than one Pro-Vice-Chancellors, the senior Pro-Vice-Chancellor available, and one nominee of the Chancellor. In the event of difference of opinion between the Vice-Chancellor and the syndicate, the issue will be referred to the Chancellor who shall take final decision after consulting the Bihar Commission for Higher Education.

**Inspector of
colleges**

14. The Inspector of colleges shall be appointed by the Vice-Chancellor. His duties, powers and functions shall be prescribed by the statutes.

- Finance Officer** 15. There shall be a Finance Officer who shall be appointed by the Vice-Chancellor on the recommendation of a committee consisting of the Vice-Chancellor, a nominee of the Chancellor, a nominee of syndicate and two nominees of the Government of Bihar, one from Department of Education and the other from the Finance Department. He shall exercise such powers and perform such duties as may be prescribed by the statutes.
- Authorities of the university** 16. The authorities of the university shall be the Senate, the Syndicate, the Council of Colleges, the Academic Council, the Examination Board, the Finance Committee and such other authorities as may be declared by the statutes to be the authorities of the university.
- Senate** 17. (1) The senate shall be a deliberative body constituted in the manner prescribed by the statutes. The size of the senate shall not exceed 150 and members except the ex-officio ones will hold office for not more than two years unless they are appointed again.
- (2) Subject to the provisions of this Act, the senate shall have the following powers and functions, namely :—
- (i) to consider the general policies of the university and to advise on matters related to the improvement and development of the university; and
- (ii) to receive the annual report and the annual accounts together with the audit report of the university.

* There shall be no transfer of any employee from one university to another or from one college to another or from college to university or from university to college.

- (3) The resolutions passed by the senate shall be advisory in nature and shall be considered by the appropriate university authority in due course.
- Syndicate 18. The syndicate will be the principal executive body of the university and will share functions and powers with different university authorities. The constitution and term of office of its members other than ex-officio members shall be prescribed by the statutes.
- Council of Colleges 19. The Council of colleges shall be the principal executive body of all the constituent colleges. The constitution and terms of office of its members other than ex-officio members shall be prescribed by the statutes.
- Academic Council 20. The Academic Council shall be the principal academic body of the university. Its constitution, powers and functions shall be prescribed by the statutes.
- Faculties 21. There shall be as many faculties as are and may be prescribed by the statutes from time to time. Constitution, powers, functions and methods of working of faculties shall be prescribed by the statutes.
- Admitting colleges to the privileges of the 22. No college or department in an affiliated college shall be admitted to the privileges of the university unless the proposal is first referred to the Commi-

N.B. The character of the senate is changed in order to conform to the recommendations of the Gajendradkar Committee. Thus it will not be called "Supreme authority of the university."

N.B. The Chancellor is of the view that composition of Syndicate, senate, Academic council, etc. should be provided in statute and not in the Act. He is of the view that it will be easier to make necessary provisions in the statutes without making it a controversial issue in the legislature. Dr. S. P. Sinha is of the view that it should be incorporated in the Act in order to ensure that it is not lightly changed by the university through connivance at higher levels. At any rate, according to the established custom, the first statute of the university will have to be approved by the legislatures. Is it possible to prepare statutes, at least the major ones, without the legislative bodies? I am doubtful about it and it is necessary that legal opinion on this issue be obtained.

university.

ssion for Higher Education, Bihar and examined and approved by it.

No new college or department of a college shall admit students to it until the university has obtained previous approval of the Commission for Higher Education and of the Government of Bihar.

Statutes

23. Subject to the provisions of this Act, the statutes may provide for all or any of the following matters, namely :—
- (a) the institution of fellowships, scholarships, exhibitions, medals and prizes;
 - (b) the designations and powers of the officers of the university;
 - (c) the constitutions, powers, functions and duties of the authorities of the university;
 - (d) the establishment of colleges and hostels and their maintenance and management;
 - (e) creation of autonomous colleges, their powers, functions and management;
 - (f) the classification of teachers of the university, the manner of their appointment, the terms of contract constituting the basis of their appointment;
 - (g) the constitution of pension, insurance or provident fund for the benefit of the officers and other servants of the university, and the teachers of colleges;
 - (h) the maintenance of the register of registered graduates;
 - (i) the number, qualifications, grades, pay, reservation of posts for scheduled castes and scheduled tribes and conditions of services of teachers, officers and other servants of the university including the creation of new posts

after considering the recommendations of the academic council in the case of teachers;

- (j) the maintenance of accounts of the income and expenditure of the university including the income and expenditure of colleges and the forms and registers in which such accounts shall be kept;
- (k) the maintenance of a register of teachers;
- (l) the conferment of honorary degrees and distinctions; and
- (m) all other matters which are or may be prescribed by the Statues.

Statutes how
made

24. (1) The first statutes are those set out in the second schedule.
- (2) The syndicate may, from time to time, make new or additional statutes or may amend or repeal the statutes in the manner hereafter in this section provided :—

Provided that the syndicate shall not make any statute or any amendment of a statute affecting the status, powers for constitution of any existing authority of the university until such authority has been given opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the syndicate;

Provided further that the statute shall be made by the syndicate affecting the standards of instruction, education and examination and also affecting numbers, qualifications, grades, pay and conditions of service of teachers except after consultation with the Academic Council.

- (3) Every new statute or addition to the statutes or any amendment or repeal of a statute shall require the approval of the Chancellor who shall, after his consultation with the Commission for Higher Education, assent thereto or withhold assent or remit his views to the syndicate for consideration.
- (4) A new statute or a statute amending or repealing an existing statute shall have no validity unless it has been assented to by the Chancellor.

Ordinances

25. (1) Subject to the provisions of the Act and the statutes, the ordinances may provide for all or any of the following matters, namely :—
- (a) the admission of students to the university, and their enrolment as such;
 - (b) the conditions of residence of the students of the university, the levying of fees for residence in hostels maintained by or recognised by the university, and the recognition of hostels not maintained or recognised by the university, including the suspension or withdrawal of such recognition;
 - (c) the fees to be charged for courses of study in the university and for admission to the examination, degrees and diplomas of the university; and
 - (d) all other matters which by this Act or the statutes are to be or may be provided for by the ordinance.
- (2) The first ordinance shall be made by the Vice-Chancellor with the approval of the Chancellor and the ordinance so made may be amended, repealed or added to any

time by the syndicate in the manner prescribed by the statutes.

Regulations

26. (1) Subject to the provision of this Act, the statutes and ordinances, regulations may be made to provide for all or any of the following matters, namely :
- (a) the courses of study to be laid down for all degrees and diplomas of the university ;
 - (b) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the university, and shall be eligible for such degrees and diplomas ;
 - (c) the creation of departments of teaching in the faculties ;
 - (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations ; and
 - (e) all other matters which by this Act, the statutes or the ordinances are to be or may be provided for by the regulations.
- (2) (i) A regulation made by the academic council under sub-section (1) shall be forwarded, as soon as may be, to the syndicate for transmission to the Chancellor and the syndicate shall duly forward the same to the Chancellor with such recommendations, if any, as it may wish to make but shall have no power to return it to the academic council for reconsideration, unless such regulation, in the opinion of the syndicate relates to matters which, directly or indirectly, effect the finance of the university ;

- (ii) Such regulation shall have effect from the date on which it is confirmed by the Chancellor after consultation with the Commission for Higher Education with or without an amendment or from such other date as the Vice-Chancellor may appoint ;
- (iii) Notwithstanding anything to the contrary contained in the Act or Statutes, if, at any time, except when the Academic Council is in session, the Vice-Chancellor considers the immediate enforcement of any regulation necessary, he may make a regulation and recommend it to the Chancellor accordingly and the Chancellor may thereupon approve the the regulation with or without any amendment of the regulation, which shall come into immediate effect, but such regulation shall cease to have effect on the expiry of seven days from the date of next meeting of the Academic Council, unless confirmed by it.

Provided that if the Academic Council does not confirm the regulation made by the Vice-Chancellor under this clause, the matter shall be referred to the Chancellor whose decision shall be final.

- Annual Report 27. (1) The annual report of the university shall be prepared under the direction of the Vice-Chancellor and shall be submitted to the senate on or before such date as may be prescribed by the statutes and shall be considered by the senate at its annual meeting.
- (2) The senate may communicate its comments thereon to the syndicate.

Finance,
Accounts and
the Audit of the
university

28. (1) There shall be established two separate funds for the university— one required for financing the university, its departments and other activities and the other earmarked for expenditure for maintenance of constituent colleges. These two funds shall be independent and separately accounted for. Each of these funds shall be composed of—
- (a) all sums contributed or granted to the university from the consolidated fund of the State of Bihar for the purpose of the university or for the purposes of the colleges and all sums borrowed by the university for the purposes of carrying out the provisions of this Act and the statutes, ordinances, regulations and rules made thereunder;
 - (b) all moneys received by and on behalf of the institutions and departments established and maintained by the university under any provision of this Act and the statutes, ordinances, regulations and rules made thereunder;
 - (c) the balance, if any, standing to the credit of the university established and incorporated under the Patna University Act, 1961 (Bihar Act III of 1962) immediately before commencement of this Act;
 - (d) all interests and profits arising from endowments made to the university and all contributions, donations and subsidies received from any local authority or private persons;
 - (e) all fees payable and levied under this Act and the statutes, ordinances and regulations made thereunder; and

(f) all other sums received by the university, not included in clauses (a), (b), (c), (d), or (e) above.

(2) The accounts of the university and college funds shall be annually audited by the Account-General, Bihar.

(3) Accounts when audited shall be published in the Bihar Government Gazette and the copy of the accounts together with the Audit Report shall be submitted by the Registrar to the Chancellor, Commission for Higher Education and the senate.

(4) All funds of the university and colleges shall be managed in accordance with the Financial code prepared in consultation with the Commission for Higher Education and approved by the Government of Bihar.

disputes as to
constitution of
university author-
ities and bodies.

29. If any question arises whether any person has been appointed as, or is entitled to be, a member of any authority or other body of the university, the matter shall be referred to the Chancellor whose decision thereon shall be final.

tribunal

30. There will be a tribunal consisting of one to two judges of the rank of District and Sessions Judge appointed by the Chief Justice of Bihar in consultation with the Vice-Chancellor or Vice-Chancellors concerned from among persons in the judicial service of Bihar on deputation for a period of three years. No judge will be entitled to a second term. The function of the tribunal will be to adjudicate and give findings on all matters of dispute or enquiry referred to it relating to all components of the university, viz., the teaching and non-teaching staff and students. The findings of the tribunal shall be binding on all concerned and undertaking

will constitute a part of the conditions of service of all employees of the university and all students enrolled in it.

- Constitution of Committee** 31. Where any authority of the university is given power by this Act or the statutes to appoint Committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons (if any) the authority in each case may think fit.
- Filling of casual vacancies.** 32. All casual vacancies among the members (other than ex-officio members) of any authority or other body of the university shall be filled, as soon as conveniently may be, by the person or body who is appointed, elected, or co-opted to the member whose place has become vacant, and the person so appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- Proceedings of the university authorities and bodies not invalidated by vacancies** 33. No Act or proceedings of any authority or other body of the university shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.
- Removal of difficulties** 34. If any difficulty arises in giving effect to the provisions of this Act, the Bihar Government may, by order published in the official Gazette, make such provisions not inconsistent with the purposes of this Act as appear to it to be necessary or expedient for removing the difficulty.
- Transitional provisions** 35. Notwithstanding anything contained in this Act and the statutes —
- (a) the first syndicate and the academic council shall be nominated by the Chancellor and shall hold office for a term of three years

- (b) the first Vice-Chancellor shall be appointed by the Chancellor from a panel prepared by a committee constituted by the Chancellor consisting of the Chairman, university Grant Commission or his nominee, President of the Indiann Universities Association or his nominee and an eminent educationist nominated by the Chancellor.

Dr. V. S. Jha Chairman

Prof. M. V. Mathur Member

Dr. Sarup Singh Member

Dr. S. P. Sinha Member-
Secretary

PART-V

THE STATUTES OF THE BIHAR UNIVERSITIES

Definitions.

1. In these Statutes :—

- (a) “Act” means the Bihar Universities Act;
- (b) “Faculty” means faculties as specified in the statutes;
- (c) “Department” means Department of Studies constituting faculties as specified in the ordinances; and
- (d) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

Emoluments and terms and conditions of service.

2. (1) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows :—

- (i) There shall be paid to the Vice-Chancellor a salary of not less than three thousand rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence with free supply of electricity and no charge shall fall on the Vice-chancellor personally in respect of the maintenance of such residence. He shall also be paid D.A. at the rate admissible to the officers of the central Government getting the same scales and benefit of contributory provident Fund and such sumptuary allowance as may be fixed by the Chancellor from time to time considering the special need of the the

university. He shall be provided with a car maintained by the university;

- (ii) The Vice-chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Chancellor;
- (iii) The Vice-chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service; and
- (iv) The Vice-chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the terms of his office.

provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-clause (iii).

- (2) Notwithstanding anything contained in clause (iv), the Chancellor, in consultation with the Commission for Higher Education, may vary the emoluments and all or any of the conditions of service of the Vice-chancellor at the time of his appointment.
- (3) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under clause (1) to the vacant office, be performed by the Pro-Vice-Chancellor, and if there are two or more Pro-Vice-Chancellors, by the seniormost of the Pro-Vice-Chancellors :

Provided that if there is no Pro-Vice-Chancellor, the Registrar shall report the matter to the Chancellor who shall take immediate steps by directing a senior professor to carry on the work of the university.

Powers and
duties of
Vice-
Chancellor

3. (1) It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, the statutes, the ordinances and the regulations are duly observed and the decisions taken by the authorities of the university are implemented.
- (2) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate and the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of the Act, the statutes and the ordinances.
- (3) The Vice-Chancellor shall be entitled to address any meeting of any authority or body or Committee of the university.
- (4) The Vice-Chancellor shall make appointments of Lecturers in accordance with the merit list of successful candidates at the competitive examination held by the Commission for Higher Education, Bihar and report the matter to the Syndicate.
- (5) The Vice-Chancellor shall make appointments of Professors, Readers and other members of the teaching staff as may be necessary on the recommendations of the Selection Committee constituted for the purpose and after taking approval of the Syndicate. If the Syndicate differs from the recommendations made by the selection Committee or from the order of merit indicated by it, the Vice-Chancellor shall refer the matter to the Chancellor whose decision in the matter shall be final and binding on the university.
- (6) If, in the opinion of the Vice-Chancellor, any 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 for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter.

Provided that, if the action taken by the Chancellor is not approved by the authority concerned, he may refer the matter to the Chancellor, whose decision taken after consultation with the Chairman of the Commission for Higher Education thereon shall be final.

Provided, further that, where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of the such action, an appeal to the Chancellor.

Pro-Vice
Chancellor

- (7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the statutes, the ordinances or the regulations.
4. (1) Every Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and terms and conditions as may be laid down in the ordinance.
- (2) The term of office of a Pro-Vice-chancellor shall be such as may be decided by the Chancellor on the recommendation of the Vice-chancellor but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-chancellor, whichever is earlier.

Provided that Pro-Vice-Chancellor shall retire on attaining the age of 65 years

- (3) The emoluments and other terms and conditions of service of a Pro-Vice-chancellor shall be such as may be prescribed by the ordinances.
5. (1) The Pro-Vice-chancellor shall assist the Vice-chancellor in respect of such matter as may be specified by the Vice-chancellor in this behalf. He shall also exercise such powers and perform such duties as may be delegated to him by the Vice-chancellor.
- (2) Where the Vice-chancellor is the Chairman of any body or Committee of the university and he is absent for any reason whatsoever from any meeting of such body or Committee, the Pro-Vice-chancellor, and if there are two or more Pro-Vice-chancellors, the seniormost Pro-Vice-chancellor, present on the occasion, shall preside over such meeting.
- (3) A Pro-Vice-Chancellor shall, on being authorised by the Vice-Chancellor in that behalf, be entitled to be present at and to address any meeting of an authority, body or Committee of the university;

Provided that if the Pro-Vice-Chancellor is a member of such authority, body or Committee, such Pro-Vice-Chancellor shall have all the rights and privileges of a member thereof.

- (4) One of the Pro-Vice-Chancellors, if there are more than one, Pro-Vice-chancellor shall be the Chairman of the Council of colleges and perform such functions as may be delegated to him by the Vice-chancellor or prescribed by the statutes from time to time.

- Financial Adviser** 6. (i) The Financial Adviser shall be appointed by the Chancellor for a period of three years. He shall be eligible for re-appointment. He shall work under the direct control of the Vice-chancellor.
- (ii) The Financial Adviser shall be a member of the Finance Committee.
- (iii) The Audit and Account Service shall work under his general control.
- (iv) All matters involving finance shall pass through him.
- (v) If the Syndicate takes decision on any matter which is contradictory to the advice of the Financial Adviser, the Vice-chancellor shall refer such matter to the Chancellor and his decision in such matters shall be final.
- (vi) The Financial Adviser shall have the responsibility of —
- (a) preparation of budget of the university;
 - (b) audit of accounts of the university; and
 - (c) obtaining grants from the Government and the University Grants Commission.
- (vii) It shall be the duty of the Financial Adviser to see that the Acts, statutes, ordinances, regulations and rules are observed in the university expenditure.

- Dean of Faculty** 7. (1) Every Dean of a faculty shall be appointed by the Vice-chancellor for a period of five years and he shall be eligible for re-appointment

Provided that if one of the Professors of the faculties is appointed as a Dean, he shall have the right to revert back to his original post of Professor after the expiry of his term of office.

Provided further that if an outsider is appointed as a Dean, he shall be appointed both as a Professor in a particular subject which he specialises as well as a Dean and that he shall revert to the post of Professor on the expiry of his term of office.

Provided further that if there is no Post-Graduate teaching department of a faculty in the university, the function of the Dean in that faculty will be performed by the seniormost Principal of a college imparting teaching in that faculty and if there be more than one such college by rotation from among the Principals of colleges imparting teaching in the faculty subject to the condition that no person shall be appointed Dean who is not a teacher in a subject assigned to that faculty.

- (2) The Dean shall be the Head of the faculty and shall be responsible for the conduct and standard of teaching and research in the faculty. He shall have such other functions as may be prescribed by the ordinances.
- (3) The Dean shall have the right to be present and to speak at any meeting of a Board of Committee of the faculty, as the case may be, but not the right to vote thereat unless he is a member thereof.
- (4) The Dean shall maintain and submit to the Vice-chancellor every January a full report on the work done by each member of the teaching staff in the Post-Graduate department in the faculty and give an assessment of his work as a teacher, researcher and evaluator and a member of the academic community. It would be the duty of the Vice-chancellor

to communicate to the member of the staff such adverse comments as he considers necessary for helping the member of the staff to improve his work. The decision of the Vice-chancellor in respect of the teacher's record of work shall be final. These observations of record of work of the teacher shall be taken into consideration in matters of promotion and assignment of other responsibilities. The instances where quality of work is not reported to have improved inspite of adverse communication on three or more occasions, the Vice-chancellor shall hold an enquiry through such person or persons as he may like to determine whether continuance of such a teacher is in the interest of the university and take such action thereon as he may deem justified.

Registrar

8. (1) The Registrar shall be appointed by the Vice-chancellor after taking approval of the Syndicate and shall be a whole-time salaried officer of the university.
- (2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause, unable to perform the duties of his office. the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (3) The Registrar shall not, by reason only of his being Secretary of the Senate, the Syndicate and the Academic Council, be deemed to be a member of any of these authorities.
- (4) The following shall be the minimum qualifications for the post of Registrar :—

- (i) At least a second class Master's degree of a statutory Indian University or degree recognised as equivalent thereto;
 - (ii) At least ten years' administrative experience in a responsible executive position or at least 10 years teaching experience in a university department or a degree college of which not less than five years must be as Principal or head; and
 - (iii) Knowledge of university affairs as evidenced from his experience or writings.
- (5) The scale and other conditions of service of the Registrar will be equivalent to that of the post of a university Professor.
- (6) The Registrar shall—
- (a) be the custodian of the records, the common seal and such other properties of the university as the Syndicate shall commit to his charge;
 - (b) conduct the official correspondence of the Senate, the Syndicate and the Academic Council;
 - (c) in an emergency, when neither the Vice-Chancellor nor any of the Pro-vice-chancellors is able to act, call a meeting of the Syndicate forthwith and take its directions for carrying on the work of the university;
 - (d) represent the university in suits or proceedings by or against the university sign powers of attorney and verify pleadings or depute his representative for the purpose; and
 - (e) perform such other duties as may be specified in these statutes or prescribed

by the ordinances or the regulations as may be required, from time to time, by the Syndicate, the Academic Council or the Vice-chancellor.

- (7) (a) Subject to the decisions of the Vice-chancellor, the Registrar, or in relation to accounts and audit staff of the university the Finance Officer, shall have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment;

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

- (b) An appeal shall lie to the Vice-chancellor against any order of the Registrar, or, as the case may be, the Finance Officer, imposing the penalty of the withholding of increment.
- (c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar or, as the case may be, the Finance Officer is called for, the Registrar or, as the case may be, the Finance Officer shall, upon conclusion of the inquiry, make report to the Vice-chancellor along with his recommendations, for such action as the Vice-chancellor deems fit.

Provided that an appeal shall lie to the Chancellor who shall take decision

in consultation with the Commission for Higher Education against the order of the Vice-chancellor imposing the penalty of dismissal.

Inspector of colleges

9. (1) There shall be at least two Inspectors of colleges who shall be appointed by the Vice-chancellor and shall be whole-time salaried officers of the university.
- (2) The following shall be the minimum qualifications for the post of Inspector of colleges :
- (i) At least a second class Master's degree of a statutory Indian university or a degree recognised as equivalent thereto;
 - (ii) At least ten year's experience of teaching in a degree college or post-Graduate department of which at least five years should be as a Principal or Head; and
 - (iii) Considerable knowledge of university and college affairs as evidenced from his experience or working.
- (3) The pay and other conditions of service of an Inspector will be equivalent to that of a Registrar; and

The functions and duties of the Inspector shall be prescribed by the ordinances.

Finance officer

10. (1) The finance officer shall be appointed by the Vice-chancellor after the approval of the Syndicate and shall be a whole-time salaried officer of the university. He shall work under direct control of the Financial Adviser.
- (2) When the office of the Finance Officer is vacant or when Finance Officer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as

the Vice-Chancellor may appoint for the purpose.

- (3) The Finance Officer shall
- (a) exercise general supervision over the funds of the university and shall advise the university regarding Financial policy; and
 - (b) Perform such other financial functions as may be assigned to him by the Syndicate, the Vice-Chancellor or the Financial adviser or as may be prescribed by these statutes or the ordinances.

Provided that the Finance officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Vice-Chancellor or the Financial Adviser, as the case may be.

- (4) Subject to the control of the Syndicate the Vice-Chancellor or the Financial Adviser the Finance officer shall :—
- (a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the university;
 - (b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;
 - (c) be responsible for the preparation of annual accounts and the budget of the university for the next financial year and for their presentation to the Syndicate.

- (d) keep a constant watch on the state of the cash and bank balances and on the state of investments;
 - (e) watch the progress of collection of revenue and advise on the methods of collection employed;
 - (f) have the accounts of the university regularly audited by an internal audit party;
 - (g) see that the registers of buildings, land, furniture and equipment are maintained up-to-date and that the stock-checking is conducted of equipment and other consumable materials in all offices, special centres, specialised laboratories, colleges and institutions maintained by the university;
 - (h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault; and,
 - (i) call for from any office or school or institution under the university any information or returns that he may consider necessary to discharge his financial responsibilities and it shall be obligatory for them to supply the information.
- (5) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Syndicate for any money payable to the university shall be sufficient discharge for the same.

Officers of the
University

11. (1) The following shall also be the officers of the university, namely :—
- (a) Dean of faculty;

- (b) Dean of students welfare;
- (c) Chief Proctor;
- (d) Librarian;
- (e) Chief Medical Officer;
- (f) Deputy Registrar;
- (g) Any other officer, created by the Vice-chancellor, in consultation with the Syndicate and the Council for Higher Education.

Deans of students welfare.

- (2) (a) The Dean of students welfare shall be appointed by the Vice-chancellor from amongst teachers of the university below the rank of Reader. The Dean so appointed shall be a whole-time officer and shall hold office for a term of 2 years and shall be eligible for reappointment.

Provided that he may be reverted to his original post by the Vice-chancellor if, in his opinion, contingencies of administration require such action.

- (b) The person who is appointed as the Dean of students welfare shall continue to be on his lien on his substantive post and shall be eligible to all the benefits that he would have otherwise accrued to him but for his appointment as Dean of students welfare.
- (c) When the office of the Dean of students welfare is vacant or when the Dean of students welfare is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-chancellor may appoint for that purpose.

(d) The duties and powers of the Dean of students welfare shall be prescribed by the ordinances.

Chief Proctor

(3) (a) The Chief Proctor shall be appointed by the Vice-Chancellor from among the teachers of the university not below the rank of a Reader and he shall exercise such powers and perform such duties in respect of the maintenance of discipline among the students as may be assigned to him by the Vice-Chancellor.

(b) The Chief Proctor shall be a whole-time officer and shall hold office for a term of two years and shall be eligible for re-appointment.

Provided that he may be reverted to his original post by the Vice-Chancellor if, in his opinion, contingencies of administration require such action.

(c) The person who is appointed as the Chief Proctor shall continue to hold his lien on his substantive post and shall be eligible to all the benefits that would have otherwise accrued to him but for his appointment as Chief Proctor.

(d) When the office of the Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Librarian

(4) (a) The Librarian shall be appointed by the Vice-Chancellor after the approval of

the Syndicate and shall be a whole-time salaried officer of the university.

- (b) The duties and powers of the Librarian shall be regulated by the ordinance.
- (5) Other officers shall be appointed by the Vice-Chancellor after approval of the Syndicate and shall be whole-time officers of the university.

Senate

12. (1) The Senate shall consist of the following members, namely :—

Ex-Officio Members

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Pro-Vice-Chancellor or the Pro-Vice-Chancellors;
- (iv) The Financial Adviser;
- (v) The remaining members of the Syndicate who are not otherwise members of the Senate;
- (vi) The Dean of Students Welfare;
- (vii) The Chief Proctor;
- (viii) The University Librarian;

Representatives of Faculties.

- (ix) All Deans of faculties;
- (x) Ten Principals of the colleges by rotation in the manner prescribed in the ordinance;
- (xi) All Heads of the university departments who are not Deans;
- (xii) One Professor, two Readers and two Lecturers from the university departments other than Heads and Deans

rotation according to seniority respectively in each category;

Representatives of recognised Institutions

- (xiii) Ten teachers from colleges, other than Principals by rotation in the manner prescribed in the ordinance.

Representatives of legislature :

- (xiv) Ten representatives of the State legislature; six to be nominated by the Speaker of the Vidhan Sabha and four by the Chairman of the Vidhan Parishad;

Nominated representatives of learned professions, industry, commerce and agriculture, eminent educationists and alumni :

- (xv) Five distinguished alumni of the university nominated by the Chancellor;
- (xvi) Not more than five eminent educationists to be nominated by the Chancellor ;
- (xvii) Not more than three persons representing learned professions to be nominated by the Chancellor ; and
- (xviii) Not more than three persons representing industry, labour, commerce and agriculture to be nominated by the Chancellor.
- (2) When a nominated or elected member of the Senate becomes an ex-officio member before the expiry of his terms, he shall cease to be a nominated or elected member.

- (3) Save as otherwise expressly provided, a member of the Senate shall hold office for a period of three years.
- (4) Thirty members of the Senate shall form the quorum.
- Meeting of Senate 13. (1) An annual meeting of the Senate shall be held on a date fixed by the Vice-Chancellor and at such annual meetings a report of the working of the university during the previous year together with a statement of the receipts and expenditure, the balance-sheet as audited and the budget for the next financial year shall be presented by the Syndicate.
- (2) A copy of the report of the university for the preceding year together with a copy of the statement of receipts and expenditure and of the balance-sheet and the budget referred to in clause (1) shall be sent to every member of the senate at least seven days before the date of the annual meeting.
- Syndicate 14. (1) The syndicate shall consist of the following members :
- (i) the Vice-chancellor, ex-officio;
 - (ii) the Pro-vice-chancellor or Pro-vice-chancellors, ex-officio;
 - (iii) the Dean of students welfare, ex-officio;
 - (iv) the Chief Proctor;
 - (v) Education Commissioner, Government of Bihar, or his nominee not below the rank of Joint Secretary, ex-officio;
 - (vi) four Deans—one from each of the following faculties by rotation according to seniority among permanent Deans :—

- (a) Deans of faculties of sciences and commerce;
 - (b) Deans of faculties of social sciences and humanities;
 - (c) Deans of faculties of education and medical sciences; and
 - (d) Deans of faculties of engineering and law;
- (vii) Two principals, by rotation, according to seniority among permanent principals of colleges including autonomous colleges;
- (viii) Two teachers of the university, one from each of the following categories by rotation according to inter-seniority among the permanent members of the staff ;—
- (a) permanent professors and readers of the university; and
 - (b) permanent lecturers of the university and
- (ix) Two members of the senate, nominated by the Chancellor, none of whom shall be an employee of the university or an institution recognised by or associated with the university.
- (2) The members of the Syndicate shall hold office for a term of two years.
- (3) The term of office of the members of the syndicate shall commence from the date of appointment, or nomination as the case may be.
- (4) Six members of the syndicate shall form the quorum.
15. Subject to the provisions of the Act, the statutes and the ordinances, the syndicate shall, in addition

to other powers vested in it, have the following powers, namely—

(1) to receive report on the appointments of lecturers made by the Vice-chancellor in accordance with merit list of successful candidate at the competitive examination held by the Commission for Higher Education, Bihar;

(2) to approve the appointment of professors, readers and other members of the teaching staff on the recommendations of the selection committee constituted for the purpose;

Provided that if the syndicate does not approve any appointment made by the Vice-Chancellor, the same shall be referred to the chancellor and his decision after making consultation with the Chairman of the Commission for Higher Education shall be final.

(3) With the prior approval of the Government to create administrative, ministerial and other necessary posts except that no academic post shall be created without consultation with the academic council;

(4) to regulate and enforce discipline among the members of the teaching, administrative and ministerial staff of the university in accordance with these statutes and the ordinances;

(5) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the university and for that purpose, to appoint such agents as it may think fit;

(6) to invest any money belonging to the university, including any unapplied income, in stocks, funds, shares or securities, as it shall from time to time, think fit, or in the purchase

of immovable property in India, with the like powers of varying such investments from time to time;

- (7) (a) to accept on behalf of the university any trust, bequest, donation or transfer of any movable or immovable property to the university; and
- (b) to transfer any movable or immovable property on behalf of the university;
- (8) to provide the buildings, premises, furniture, apparatus and other means needed for carrying on the work of the university;
- (9) to enter into, vary, carry out and cancel contracts on behalf of the university;
- (10) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers, the teaching staff and other employees of the university who may for any reasons feel aggrieved :

provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-chancellor or any other officer of the university, no appeal shall lie to the syndicate;

- (11) to select a common seal for the university and provide for the custody and use of the seal;
- (12) to institute fellowship, scholarship, student-ship, medals and prizes; and
- (13) to delegate any of its powers to the Vice-chancellor.

Council of
Colleges

16. (1) The Council shall consist of the following members ;—

1. The Pro-Vice-chancellor— ex-officio
Chairman

2. A nominee of the Education Commissioner, Government of Bihar, not below the rank of Deputy Secretary ex-officio
 3. A nominee of the Finance Commissioner not below the rank of Deputy Secretary ex-officio
 4. Two members of the Syndicate nominated by the Vice-Chancellor;
 5. Two Principals by rotation according to seniority among the permanent Principals of the colleges.
 6. Two teachers of the colleges by rotation according to seniority among the permanent members of the staff.
- (2) There shall be a Secretary to the Council who shall be appointed by the Vice-chancellor. His qualifications, pay-scale and procedures of appointment shall be those of the Registrar. He shall have a separate office under his control.
 - (3) The members of the Council shall hold office for a term of 2 years.
 - (4) The term of office of the members of the Council shall commence from the date of appointment.
 - (5) Five members of the Council shall form the quorum.
 - (6) Subject to the provisions of the Act, statutes and ordinances, the Council shall have the following powers :—
 - (i) with the prior approval of the Govern-

- ment, to create administrative, ministerial and other necessary posts except that no academic post shall be created without consultation with the academic Council;
- (ii) to regulate and enforce discipline among the members of the teaching, administrative and ministerial staff of the colleges in accordance with the Act, the statutes and the ordinances;
 - (iii) to manage and regulate the finances, accounts, investment, property, business and all other administrative affairs of the colleges and, for that purpose, to appoint such agents as it may think fit;
 - (iv) to invest any money belonging to the colleges including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;
 - (v) to provide the buildings, premises, furniture, apparatus and other means needed for carrying on the work of the colleges;
 - (vi) to enter into, vary, carry out and cancel contracts on behalf of the colleges; and
 - (vii) to entertain, adjudicate upon, and, if it thinks fit, to redress, any grievances of the salaried officers, the teaching staff and other employees of the university who may for any reasons feel aggrieved :

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor, or

Pro-Vice-chancellor or any other officer of the university, no appeal shall lie to the Council.

Academic Council

17. (1) The Academic Council shall consist of the following members, namely :—
- (i) the Vice-Chancellor;
 - (ii) the Pro-Vice-chancellor or the Pro-vice-chancellors;
 - (iii) the Deans of faculties;
 - (iv) the heads of departments/centres;
 - (v) ten principals of the colleges by rotation in the manner prescribed by the ordinances;
 - (vi) one professor, two readers and two lecturers by rotation in order of seniority in the respective category; and
 - (vii) two experts, belonging to different faculties not being the employees of the university or institution recognised by it, nominated by the Vice-chancellor.
- (2) All members of the Academic Council, other than ex-officio members, shall hold office for a term of two years;
- (3) Fifteen members of the Academic Council shall form the quorum.

Powers and duties of the Academic Council

18. Subject to the provisions of the Act, the statutes, ordinances and the regulations, the Academic Council shall, in addition to other powers vested in it, have the following powers, duties and functions, namely :—
- (i) to report on any matter referred to it by the senate or the syndicate;
 - (ii) to make proposals to the syndicate for the establishment of departments, colleges, insti-

- tutions of higher learning, special centres, specialised laboratories, libraries and museums;
- (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to faculty;
 - (iv) to consider proposals submitted by the faculty;
 - (v) to promote research within the university and to require, from time to time, reports on such research;
 - (vi) to make recommendations to the syndicate with regard to the creation and abolition of teaching posts in the university and prepare draft statutes relating to classification, qualification and payscales of the teaching posts for the consideration of the syndicate;
 - (vii) to recognise diplomas and degrees of other universities and institutions and to determine their equivalent diplomas and degrees of the university;
 - (viii) to approve rules for admission to the university and colleges;
 - (ix) to approve lists of prescribed or recommended text-books and the syllabus of prescribed courses of study;
 - (x) to lay down policies for providing instruction and holding examination and conducting research in various faculties for various university degrees;
 - (xi) to recommend regulations relating to holding of examinations and eligibility of candidates for being admitted to such examinations;
 - (xii) to make recommendations for the conferment of honorary degrees and to confer or grant

degrees, academic distinctions, honours diplomas, licenses, titles and marks of honour

- (xiii) to make proposals to the Syndicate for the institution of fellowships, scholarships, studentships, medals and prizes and to award the same; and
 - (xiv) to perform in relation to academic matters all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, the statutes, the ordinances and the regulations.
19. (1) The University shall have the following faculties :—
- (i) Faculty of Humanities;
 - (ii) Faculty of Social Sciences;
 - (iii) Faculty of Science;
 - (iv) Faculty of Commerce;
 - (v) Faculty of Education;
 - (vi) Faculty of Law;
 - (vii) Faculty of Engineering;
 - (viii) Faculty of Medicine; and such other faculty which may be added in the statutes from time to time.
- (2) Each faculty shall consist of the following members :—
- (i) The Dean of the faculty (Chairman);
 - (ii) The Heads of the departments in the faculty;
 - (iii) The professors in the departments in the faculty;
 - (iv) One Reader and one lecturer by rotation according to seniority, from each department in the faculty; and

- (v) Two members nominated by the Academic Council for their special knowledge in any subject assigned to the faculty or in any allied branch of knowledge.
- (3) All members of the faculty, other than ex-officio members, shall hold office for a term of two years and shall be eligible for reelection or re-appointment, as the case may be. The first term of members shall commence from such date as may be notified by the university.
- (4) Every faculty shall have such powers and shall perform such duties as may be prescribed by the ordinances.
- (5) The Dean of the faculty concerned shall have powers to convene meetings of the faculty as and when necessary, but there shall be at least two meetings of the faculty in a calendar year. One half of the members shall form the quorum.
- (6) (a) Every faculty shall consist of such departments as may be assigned to it by ordinances;
- (b) (i) Each department shall have a Head who may be a professor or, if there is no Professor, a Reader.

Provided that where in any department there are two or more Professors, or there is no Professor but there are two or more Readers, the Vice-Chancellor shall appoint the Head of the Department for a period of three years from among permanent Professors in the departments, and that the person so

appointed shall be eligible for re-appointment after completing his term of office as a Head:

Provided that if there is only one Professor in the department he shall continue to be the Head.

Provided further that if there is no Professor in the department the Vice-Chancellor shall appoint for a period of three years, a Reader from the department who shall also be eligible for re-appointment after the expiry of his term of office.

Provided further that there shall be no Head of the department below the rank of a Reader and where there be a department without a Professor or Reader, the Vice-Chancellor shall appoint one of the Professors in the faculty concerned as the Head of the department.

- (ii) The duties and functions of the Head of the department shall be prescribed by the ordinances.
- (7) Every department shall have a Board of Studies consisting of the following members namely —
- (i) The Head of the Department (Chairman);
 - (ii) The Professors in the department;
 - (iii) One Reader and one Lecturer of the department by rotation, according to seniority; and
 - (iv) Three members elected by the faculty on account of their special knowledge in the subject.

assigned to the department or in any allied branch of knowledge.

- (8) All members of the Board, other than ex-officio members, shall hold office for a term of two years and shall be eligible for re-election or re-appointment, as the case may be. The first term of members shall commence from such date as may be notified by the university.
- (9) Every Board shall have such powers and shall perform such duties as may be prescribed by the ordinances.
- (10) Four members of the Board shall form the quorum. The Board shall meet at least once in one academic year.
- (11) Every faculty shall have an examination committee consisting of the following :—
 - (i) Dean of the faculty...Chairman;
 - (ii) Heads of departments of the faculty;
 - (iii) Two Professors or Readers nominated by the Vice-Chancellor who shall hold office for two years.
- (12) Subject to the provisions of the Act and the statutes, the examination committee shall have the following powers, duties and functions :—
 - (i) to appoint examiners for examinations of the subjects covered under the faculty;
 - (ii) to approve the title for Doctoral work; and
 - (iii) to evaluate the final results of examinations held by the faculty and recommend to the Vice-Chancellor for publication or otherwise.

- (13) The examination committee shall meet as often as necessary.
- (14) One half members of the examination committee shall form the quorum.
- Finance Committee 20. (1) The Finance Committee shall consist of the following members, namely :—
- (i) the Vice-Chancellor ... Chairman
 - (ii) the Financial adviser ... Member;
 - (iii) two persons, nominated by the Chancellor on the recommendation of the Vice-Chancellor;
 - (iv) two persons, who are not employees of the university or of any recognised institution nominated by the Syndicate;
 - (v) one nominee of the Education Department Government of Bihar.
- (2) The Financial Adviser shall be the Member Secretary of the Finance Committee.
- (3) Three members of the Finance Committee shall form the quorum.
- (4) Members of the Finance Committee, other than ex-officio members, shall hold office for a term of three years.
- (5) The Vice-Chancellor shall preside at the meetings of the Finance Committee.
- (6) The Finance Committee shall meet as often as may be necessary, but not less than four times every year to examine accounts and scrutinise proposals for expenditure and recommend budget to the Syndicate.
- (7) The annual accounts and financial estimates of the university prepared by the Financial Officer under the direction of the Financial Adviser shall be laid before the Finance

Committee for consideration and comments and thereafter submitted to the Syndicate for approval with or without amendments.

Committees

21. The Senate, the Syndicate or the Academic Council may appoint committees consisting of members of the authority making such appointment and of such other persons, if any, as that authority in each case may think fit and any such Committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

Elected
Chairman to
preside where no
provision made
in statutes

22. Where, by the statutes or the ordinances, or otherwise, no provision is made for a Chairman to preside over a meeting of any university authority, board or committee, or when the Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

Resignation

23. (1) Any member other than an ex-officio member of the Senate, the Syndicate, the Academic Council or any other authority of the university or committee may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.
- (2) Any officer of the university (whether salaried or otherwise) may resign his office by the letter addressed to the Registrar.

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to fill the vacancy.

Disqualification

24. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the university:—
- (a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

- (b) if he is an undischarged insolvent;
- (c) if he has been convicted by the court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Chancellor and his decision after taking advice from the Commission for Higher Education shall be final, and no suit or other proceeding shall lie in any court of law against such decision.

Honorary degrees

25. Any proposal for the conferment of honorary degrees shall be made by the academic council to the syndicate, and the proposal if accepted by the syndicate shall require the assent of the Chancellor.

Withdrawal of degrees, etc.

26. The academic council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the university for good and sufficient cause :

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the academic council.

University teachers

27. (1) Teachers of the university shall be of two classes, namely :—

(i) appointed teachers of the university;

- (ii) recognised teachers of the university.
- (2) Appointed teachers of the university shall be –
- (a) employees of the university paid by the university and appointed by the Vice-chancellor as professors, readers or lecturers in accordance with the procedure for appointment of teachers;
 - (b) persons appointed by the Vice-chancellor as honorary professors, emeritus professors.
- (3) Recognised teachers of the university shall be the members of the staff of a recognised institution other than an institution maintained by the university.

Provided that no such member of the staff shall be deemed to be a recognised teacher unless he is recognised by the academic council as a professor, reader or in any other capacity as a teacher of the university.

- (4) The qualifications of recognised teachers of the university shall be such as may be prescribed by the ordinances.
- (5) All applications for the recognition of teachers of the university shall be made in such manner as may be laid down by the regulation made by the academic council in that behalf.
- (6) The period of recognition of a teacher of the university as professor or reader shall be determined by ordinances made in that behalf. A person in the service of a recognised institution other than an institution maintained by the university, recognised as a teacher of the university otherwise than as a professor or reader shall continue to be recognised so long as he is in the service of the institution.

- (7) The academic council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher :

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the academic council.

- (8) A person aggrieved by an order of withdrawal under clause (7) may, within three months from the communication to him of such order, appeal to the Chancellor who may pass such orders thereon as it thinks fit.

Method of
selection of
staff

28. (1) The Commission for Higher Education shall hold a competitive examination, once every year, and publish a list of successful candidates for lecturers in university departments and colleges of Bihar in order of merit according to the marks obtained at the examination, and it shall be the duty of the Vice-chancellor to ensure that appointments of lecturers in university departments and constituent colleges, wherever necessary, are made strictly in accordance with the order in the merit list. The person thus appointed shall enjoy seniority in service based on the order in the merit list. The list shall be valid for appointment for a period of one year from the date of its publication.
- (2) The Commission for Higher Education shall constitute a Selection Committee consisting

of the following for the posts of professors, readers and principals of colleges in the State :

- (i) Chairman of the Commission for Higher Education as ex-officio Chairman;
- (ii) Vice-chancellor or Vice-chancellors of the universities for which selection is to be made;
- (iii) Head of the department of the subject concerned nominated by the Chairman of the Commission for Higher Education from amongst the heads of departments in the subject concerned in the universities of the State; and
- (iv) Four experts, unconnected with the university concerned, of which at least two shall be from outside the State, nominated by the Chancellor.

No meeting of the Selection Committee shall be valid unless at least three members nominated by the Chancellor are present at it.

Registrar, Finance officer

- (3) The Registrar and the Finance officer shall be appointed by the Vice-chancellor from a panel of names recommended by a committee consisting of :
 - (i) The Vice-chancellor as Chairman;
 - (ii) One Pro-Vice-chancellor, if there are more than one Pro-Vice chancellors, the seniormost Pro-Vice-chancellor available; and
 - (iii) a nominee of the Chancellor.

Librarian

- (4) The Vice-Chancellor and three persons not connected with the university, who have special knowledge of the subject of library science to

be nominated by the Chancellor on the advice of the Vice-chancellor. The Vice-chancellor shall be the Chairman of the Committee.

Appointment of other officers in the university

29. Subject to the provision of the Act, the Vice-chancellor shall make appointment to the posts of Deputy Registrar, Finance officer, Librarian and other officers of the university, for whom no separate provision has been made in the Act, on the recommendations of the selection committee. which shall consist of :—

- (i) the Vice-chancellor as Chairman;
- (ii) the Pro-Vice-chancellor, but if there be more than one Pro-Vice-chancellor, the Pro-Vice-chancellor nominated by the Chancellor;
- (iii) one person nominated by the Chairman of the Commission for Higher Education;
- (iv) the Education Commissioner or a person nominated by him or a person not below the the rank of the Director of Higher Education or Joint Secretary; and
- (v) one person nominated by the syndicate.

Conditions of service of officers, etc.

30. (1) Every teacher and salaried officer and such other employees as are mentioned in the statutes shall be appointed under a written contract, which shall be lodged with the university and a copy thereof shall be furnished to the officer or teacher or the employee concerned. No appointment shall be considered valid until such contract is signed by respective persons and lodged with the university.
- (2) One of the conditions for employment to a salaried teacher of the university shall be that he will be required to account for 40 hours per week of work during each session

which shall not be less than 200 working days except when he is on leave without pay, duty leave and leave on medical grounds. All other leave shall be subject to the minimum requirement of prescribed work for the teacher.

- (3) Any dispute arising out of a contract between the university and the employees mentioned in clause (1) shall, at the request of the teacher or officer or employee concerned, or at the instance of the university, be referred to a tribunal of arbitration consisting of one member appointed by the syndicate, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancery, and the decision of the tribunal shall be final.

Removal of
teacher

31. (1) When there is an allegation of misconduct against a teacher or of inefficiency and incompetence or of violation of discipline in any manner or of shirking of his normal duties, the Vice-chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the syndicate the circumstances in which the order was made.

Provided that the syndicate may, if it is of the opinion that the circumstances of the case do not warrant suspension of the teacher, refer the matter to the Chancellor giving the reason for not approving the action of the Vice-chancellor. The Chancellor's decision made in consultation with the Commission for Higher Education shall be final. Suspension shall continue until order of the Chancellor is received.

- (2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Vice-chancellor shall be entitled to remove a teacher on the ground of misconduct, inefficiency, incompetence or undesirable conduct.
- (3) Save as aforesaid, the Vice-chancellor shall not be entitled to remove a teacher except for good cause and after giving four months' notice in writing or payment of four months' salary in lieu of notice.
- (4) No teacher shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
- (5) The removal of a teacher shall take effect from the date on which the order of removal is made;

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

- (6) Notwithstanding anything contained in these statutes, the teacher shall be entitled to resign by giving four months' notice or paying four months' salary in lieu thereof, in writing to the Vice-chancellor.

Removal of
employees other
than teacher

32. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the university, other than a teacher, may be removed by the authority which is competent to appoint the employee—

- (a) if he is of unsound mind or is deaf mute or suffers from contagious leprosy;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment;
- (d) if he is otherwise guilty of misconduct;
- (e) if his work is found negligent and unsatisfactory.

The officer thus removed shall have right to appeal to the Vice-chancellor if the order of removal is not passed by him and to the Chancellor if the order of removal is passed by the Vice-chancellor.

- (2) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of notice.
- (3) Notwithstanding anything contained in these statutes, an employee of the university, not being a teacher, shall be entitled to resign—
 - (i) in the case of permanent employees, only after giving three months' notice in writing to the appointing authority or paying to the university three month's salary in lieu thereof;
 - (ii) in any other case, only after giving one months' notice in writing to the appointing authority or paying to the university one month's salary in lieu thereof.

Maintenance of discipline among students of the university

33. (1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-chancellor.
- (2) The Vice-chancellor may delegate all or such of the powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.
- (3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-chancellor may, in the exercise of his powers aforesaid, order or direct that any student or students be expelled from any college or institution maintained by the university, department, special centre or specialised laboratory, or be, for a stated period rusticated or be not, for a stated period, admitted to a course or courses of study in any department or any other institution or be fined a sum of rupees that may be specified, or be debarred from taking an examination or examinations for one or more years or that the results of students or student concerned in the examination or examinations in which he has or they have appeared be cancelled.
- (4) The Deans, or, as the case may be, the heads of the departments, or principals of colleges shall exercise all such disciplinary powers over the students in their respective faculties, departments, colleges, respectively as may be necessary for the proper conduct of such faculty, department or college.
- (5) Without prejudice to the powers of the Vice-chancellor and the Chief Proctor as aforesaid

and subject to the provision of the ordinance, rules of discipline and proper conduct shall be framed by the Deans or, as the case may be, the heads of the departments and principals of colleges as they deem necessary for the aforesaid purposes. Every student shall provide himself with a copy of these rules.

Membership of students organisation. 34. The membership of any student's organisation shall be voluntary and subscriptions for the purpose shall be collected by the organisations concerned subject to the provision of the ordinance in this regard.

Alumni Association. 35. (1) There shall be an Alumni Association established for the university.
(2) The subscription for membership of the Alumni Association shall be prescribed by the ordinance.

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election after the commencement of the Act.

Ordinances 36. Subject to the provisions of the Act and statutes, ordinances may provide for all or any of the following matters, namely :—

- (a) the fees to be charged for courses of study in the university and for admission to the examinations, degrees and diplomas of the university;
- (b) the conditions of the award of fellowship, scholarships, studentships, exhibitions, medals and prizes;
- (c) the maintenance of discipline among the students of the university;
- (d) the conditions of residence of students at the university;

- (e) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing for them of special courses of study;
- (f) the giving of moral instruction;
- (g) the management of institutions, maintained by the university including special centres and specialised laboratories;
- (h) supervision and inspection of colleges, recognised institutions, special centres and specialised laboratories; and
- (i) all other matters which by the Act of these statutes are to be or may be provided for by the ordinances.

Ordinances
how made

37. (1) The first ordinances shall be made by the Vice-Chancellor with the previous approval of the Chancellor on the advice of the Commission for Higher Education.
- (2) The said ordinances may be amended, repealed or added to at any time by the Vice-Chancellor with the approval of the syndicate provided that no ordinance shall be made affecting the admission of students to the university and their enrolment or the conditions of residence or discipline of students, except after consultation with the academic council.
- (3) The syndicate shall not have power to amend any draft proposal by the academic council under clause (2) but may reject the proposal or return the draft to the academic council for reconsideration, either in whole or in part, together with any amendments which the syndicate may suggest.

- (4) Where the syndicate has rejected the draft of an ordinance proposed by the academic council, the academic council may, within two months of the date of such rejection, appeal to the Chancellor and he may approve the proposed ordinance with or without any amendment or reject it. The ordinance will have effect from such date as may be specified by the Chancellor in his order.
- (5) Notwithstanding anything contained above, if at any time, except when the Syndicate is in session, the Vice-Chancellor is satisfied that a situation has arisen in which an ordinance on any subject is to be made and considers its immediate enforcement necessary, he may recommend to the Chancellor accordingly and the Chancellor may assent to the same with such amendment, if any, as he may consider necessary. The ordinance shall come into immediate effect, but shall be placed at a subsequent meeting of the syndicate for its approval.

Provided that if the Syndicate does not approve the ordinance made as above, the matter shall be referred to the Chancellor, whose decision, after obtaining the advice of the Commission for Higher Education, shall be final.

- Regulations 38. (1) Subject to the provisions of this Act, the statutes and the ordinances, regulations may be made to provide for all or any of the following matters, namely :—
- (a) the courses of study to be laid down for all degrees and diplomas of the university;
 - (b) the conditions under which students shall be admitted to the degree or diploma

- courses, and to the examinations of the university, and shall be eligible for such degrees and diplomas;
- (c) the creation of departments of teaching in the faculties;
 - (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations; and
 - (e) all other matters which by this Act, the statutes or the ordinances are to be or may be provided for by regulations.
- (2) (i) A regulation made by the Academic Council under sub-section 1(1) shall be forwarded as soon as may be to the Syndicate for transmission to the Chancellor and the Syndicate shall duly forward the same to the Chancellor with such recommendations, if any, as it may wish to make but shall have no power to return it to the Academic Council for re-consideration, unless such regulation, in the opinion of the Syndicate, relates to matters which, directly or indirectly affect the finance of the university;
- (ii) Such regulation shall have effect from the date on which it is approved by the Chancellor with or without an amendment or from such other date as the Chancellor may specify;
 - (iii) Notwithstanding the above provisions if any time, except when the academic council is in session and the Vice-chancellor considers the immediate enforcement of any regulation necessary, he may make such a regulation and recommend

to the Chancellor accordingly and the Chancellor shall thereupon may approve the regulation with or without any amendment and the regulation shall come into immediate effect.

Provided that the regulation shall be placed before the academic council and if the academic council does not approve it, the matter shall be referred to the Chancellor whose decision shall be final.

rules

39. (1) The authorities and the boards of the university, constituted either under this Act or under the statutes made thereunder, may make rules, consistent with this Act, the statutes, the ordinances and the regulations for the following matters, namely—
- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
 - (b) laying down the procedure to be observed by committees subordinate to any such authorities and the boards at their meetings and the number of members required to form a quorum;
 - (c) providing for all matters which by this Act, the statutes, the ordinances or the regulations are to be prescribed by rules; and
 - (d) providing for all other matters exclusively concerning such authorities, committees and boards and not provided for by this Act, the statutes, the ordinances or the regulations.

Degrees,
Diplomas

- (2) Every authority of the university shall make rules providing for the giving of notice to the members of such authority of the date of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of the meetings.
40. (1) The university shall confer the following degrees, namely :—
- (i) Doctor of letters, science and laws;
 - (ii) Doctor of philosophy;
 - (iii) Doctor of medicine and master of surgery;
 - (iv) Master of philosophy;
 - (v) Master of arts, science, commerce, law engineering and education;
 - (vi) Bachelor with honours of arts, science and commerce;
 - (vii) Bachelor of education;
 - (viii) Bachelor of medicine and surgery, engineering, technology, and law;
 - (ix) Such other Bachelor's or Master's degrees as may be prescribed hereafter by the statutes under this clause.
- (2) The university shall award diplomas and certificates in such subjects as may be specified in the ordinances.

Dr. V. S. Jha Chairman

Prof. M. V. Mathur Member

Dr. Sarup Singh Member

Dr. S. P. Sinha Member
Secretary

PART—VI

COMMISSION FOR HIGHER EDUCATION (BIHAR) ACT

An Act to make provision for the Co-ordination, determination and maintenance of standards in universities of Bihar, and their efficient functioning and advising the Chancellor in performance of his statutory obligations to the universities and other matters referred to him, and for that purpose, to establish a Commission for Higher Education, Bihar.

Be it enacted by the Legislature in the year of the Republic of India as follows :

Short title and Commencement 1. This Act may be called the Commission for Higher Education Act and it shall come into force on such date as the State Government may, by notification in the official gazette, appoint.

Definitions 2. In this Act, unless the context otherwise requires—

- (a) "Chancellor" means the Governor of Bihar as ex-officio Chancellor of the universities in Bihar;
- (b) "Commission" means the Commission for Higher Education, Bihar established under section 3 of this Act;
- (c) "Vice-Chancellor" means Vice-chancellor of a university in Bihar except Rajendra Agricultural University and Birsa Agricultural University;
- (d) "Authority of the university" means the authorities mentioned in the university Acts of the universities in Bihar;
- (e) "Fund" means the fund of the Commission for Higher Education constituted under section 16 of this Act;

- (f) "Chairman" means the Chairman of the Commission for Higher Education;
- (g) "Member" means a member of the Commission for Higher Education and includes the Chairman;
- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "University" means university established by an act of legislation by Government of Bihar except Rajendra Agricultural University and Birsa Agricultural University but include any such institution as may, in consultation with the university concerned, be recognised by the Commission in accordance with the regulations made in this behalf under the Act;
- (j) "College" means a college maintained by Government or by a university or affiliated to a university in Bihar and includes autonomous colleges under the universities.

**Establishment
of the Commission**

3. (1) With effect from such date as the State Government may, by notification in the official gazette, appoint, there shall be established Commission by name of the Commission for Higher Education.

- (2) The said Commission shall be a body corporate having perpetual succession and common seal and shall by the said name sue and be sued.

**Composition of
the Commission**

4. (1) The Commission shall consist of—
- (i) a Chairman;
 - (ii) two whole-time members; and
 - (iii) two ex-officio members.

- (2) The Chairman shall be appointed by the Chancellor from among a panel of three or more names, all from outside the State, recommended by a Committee consisting of—
 - (a) one nominee of the Chancellor of the universities of Bihar;
 - (b) the Chairman, University Grants Commission, Delhi; and
 - (c) the President, Association of Indian Universities.
- (3) The pay of the Chairman shall be not less than Rs. 3,500/- per month and he will be entitled to free and furnished house, free transport and such conditions of service as are admissible to the Vice-Chancellor of the Patna University.
- (4) Of the two ex-officio members, one shall be the nominee of the University Grants Commission and the others shall be the Education Commissioner, Government of Bihar.
- (5) The whole-time members shall be eminent educationists of national repute having experience of educational administration and academic work expected of a Vice-Chancellor, and shall be appointed by the Chancellor from a panel of five names recommended by a Committee consisting of —
 - (a) the Chairman of the Commission;
 - (b) one nominee of the Chancellor of the universities of Bihar, and
 - (c) one nominee of the Chairman, University Grants Commission.

**Qualification of
the Chairman**

5. The Chairman should be a person reputed for his academic competence and ability to provide leadership in the field of higher education.

6. (1) The term of the office of the Chairman shall be of 5 years. He shall not be eligible for re-appointment for a second term, nor he shall be eligible for appointment in any university in Bihar.
- (2) The term of the office of the whole-time members shall be 5 years. They shall be entitled to the same status, the same salary and the same facilities as those of the Vice-Chancellor, Patna University.
- (3) The Chairman or a member other than ex-officio members may resign from his office by writing under signature addressed to the Chancellor but he shall continue in office until his resignation is accepted by the Chancellor.
- (4) If a casual vacancy occurs in the office of the Chairman whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Chancellor shall nominate one of the members to act as Chairman, as a temporary measure.
- Meetings of the Commission** 7. The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.
- Validation of Acts and proceedings of the Commission** 8. No Act or proceedings of the Commission shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Commission.
- Temporary Association of persons for specific purpose** 9. (1) The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice

it may desire in carrying out any of the provisions of this Act.

- (2) A person associated with the Commission under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission and shall not be a member for any other purpose.

Staff of the
Commission

10. The Commission shall have a Secretary and other officers and employees as it may think necessary for the efficient performance of its functions under this Act and the terms and conditions of service of the employees shall be such as may be determined by the Commission.

Authentication
of orders and
other instruments
of the Commi-
ssion

11. All orders and decisions of the Commission shall be authenticated by the signature of the Chairman or any other members authorised by the Commission in this behalf, and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised in like manner in this behalf.

Functions of the
Commission

12. (a) It shall be the general duty of the Commission to advise the Chancellor in all matters relating to—
- (i) the functioning of the universities;
 - (ii) establishment of new departments in universities, new colleges and new departments in colleges;
 - (iii) selection of Professors and Readers of the universities and Principals of colleges in the State and for this purpose, appointment of relevant Selection Committees; and

- (iv) inspection of universities, departments of universities and colleges.
- (b)
- (i) It shall be the duty of the Commission to advise the Chancellor in all matters referred to it by him in respect of the functioning of the universities;
 - (ii) The Commission shall examine and advise on all proposals referred to it by the universities relating to establishment of new departments of universities, new colleges and new departments of colleges, and the universities shall abide by the advice;
 - (iii) It shall conduct annually the competitive examinations in various subjects for recruitment to the posts of lecturers in the universities and colleges of Bihar and prepare lists subject-wise in order of merit of the successful candidates at the examinations;
 - (iv) It shall assist universities and colleges in assessment of the academic and other work of the teachers and maintenance of the record of assessment; and
 - (v) It shall take such steps as are necessary for promotion and co-ordination of university education and determination of standards of teaching, examination and research in the universities.
- (c) In performance of the functions entrusted to the Commission it may—
- (i) co-operate and collaborate with the University Grants Commission in Delhi and strive to maintain the standard

teaching, examination and research in the universities;

- (ii) assist universities in making and implementing policies and other programmes for improving the quality of work;
- (iii) monitor programmes of development and provide correctives, wherever necessary;
- (iv) assess and report every ten years on the work of each university and on the credibility of its degrees and diplomas;
- (v) advise the Chancellor on suspension or supersession of a university or any of its officers of authorities if in its opinion there is failure to maintain proper standards of teaching, examination or research and to maintain discipline;
- (vi) advise Government in respect of grants for the universities and monitor spending by the universities and on such other matters relating to higher education as may be referred to it;
- (vii) initiate and support research and studies into the working of the universities and help collaboration of academic and non-academic activities among the universities;
- (viii) act as a clearing house of ideas and activities in the universities and produce learned journals and other literature with the co-operation of the universities;
- (ix) present annual reports for consideration of the Government and the State Legislature on the state of higher education;

- and indicate major issues which require attention;
- (x) present audited statement of accounts of the universities with comments on how moneys are spent by the universities;
 - (xi) advise the Chancellor on amendments to the Statutes, Ordinances and Regulations;
 - (xii) advise the universities on matters of policy and innovative projects and programmes;
 - (xiii) take such measures as are necessary for academic growth in the universities of Bihar; and
 - (xiv) perform all such functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in Bihar and as may be referred to it by the chancellor.
13. (a) The Commission for Higher Education shall have a special and independent section consisting of such staff as the Commission may deem necessary for the purpose of holding competitive examinations every year for preparing a list of competent candidates for the posts of lecturers in the universities and colleges of Bihar and such other competitive examinations as may be entrusted to it.
- (b) The Chief Executive of the section shall be one of the Members of the Commission nominated by the Chairman of the Commission.*

*Note :—Another view was expressed that for conducting examinations for the posts of lecturers and selection of professors and readers and principals for universities in Bihar there should be a separate body and it should function independently.

- Inspection** 14. (1) For the purpose of ascertaining the financial needs of a university or its standards of teaching examination, research, extension work, other academic and related activities and state of discipline, the Commission may, after consultation with the university, cause an inspection of any department, college or institution thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.
- (2) The Commission shall communicate to the university the date on which any inspection under sub-section (1) is to be made and the university shall be entitled to be associated with the inspection in such manner as may be decided by the Commission in consultation with the university.
- (3) All communications to a university under this section shall be made to the executive authority thereof and the executive authority of the university shall report to the Commission the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3).
- Payment to the Commission** 15. The State Government may, after due appropriation made by the State legislature, by law in this behalf pay to the Commission in each financial year such sums as may be considered necessary for the performance of the functions of the Commission under this Act.
- Fund of the Commission** 16. (1) The Commission shall have its own fund; and all sums which may, from time to time, be paid to it by the State Government and all the receipts of the Commission (including any sum which any authority or person may

hand over to the Commission) shall be carried to the fund and all payments by the Commission shall be made therefrom.

- (2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the State Government, be decided by the Commission.
- (3) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Commission.

Budget

17. The Commission shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the next ensuing financial year showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the State Government.

Annual Report

18. The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the Legislature.

Account and Audit

19. (1) The Commission shall cause to be maintained such books of account and other books in relation to its account in such form and in such manner as may, in consultation with the Accountant General of Bihar, be prescribed.
- (2) The Commission shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form and forward the same to the Accountant General

of Bihar by such date, as the State Government may, in consultation with the Accountant-General, Bihar, determine.

- (3) The accounts of the Commission shall be audited by the Accountant-General, Bihar at such time and in such manner as he thinks fit.
- (4) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the State Legislature and shall also forward a copy of the audit report to the Commission for taking suitable action on the matters arising out of the audit report.

Relation with State Government and Central Government regarding educational policy 20. In the discharge of its functions under this Act, the Commission shall be guided by such directions as may be issued by the State Government on questions of policy relating to development of education, keeping in view the national policy on education.

Returns and information 21. The Commission shall furnish to the State Government such returns or other information with respect to its property or activities as the State Government may, from to time, require.

Power to make rules 22. The Commission may make rules consistent with this Act and the rules made thereunder;

- (a) regulating the meetings of the Commission and the procedure for conducting business thereat;
- (b) regulating the manner in which and the purposes for which persons may be associated with the Commission under section 8; and

**Power to
delegate**

- (c) specifying the terms and conditions of service of the employees appointed by the Commission.
23. (1) The Commission may, by regulations made under this Act, delegate to its Chairman, or any of its full-time members or any of its officers, its powers of general superintendence and direction over the business transacted by the commission, including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.
- (2) No regulation shall be made under this Section except with the previous approval of the Chancellor.

Dr. V. S. Jha Chairman

Prof. M. V. Mathur Member

Dr. Sarup Singh Member

Dr. S. P. Sinha Member-
Secretary

PART-VII

PREAMBLE FOR OPEN UNIVERSITY

An Act to establish and incorporate an open University empowered to lay down courses, hold examinations and award degrees to those not enrolled in any university or college and also to provide, where possible, opportunities to enable them to learn through correspondence and other media and means such as establishment of centres for studies equipped with libraries and other teaching aids and professional guides.

The object of this university should be to help those who wish to get higher education through self-effort and to provide a wider range of courses of studies suited to the needs—occupational or personal—and interests of the students. The university system needs not force any one whether employed in some occupation or not to join a college for receiving education for studying for a university degree. It should be open to all to employ their spare hours to learn through self-effort for qualifying themselves for the university degrees. The open University should provide high quality of courses especially suited to the needs of such students and organise such guidance and aids which would help self-learning by those who wish to do so.

The degrees of the open University should be, by no means, less exacting and demanding than those of other universities and it should be possible for the competent graduates to move on to receive post-graduate education in any university. In the altered conditions of life and increasing rush for higher education, it is desirable to open avenues for non-formal education and encourage self-effort on the part of candidates to study when they can spare time instead of forcing them to waste their money and time by joining sub-standard colleges.

This type of non-formal education would require considerable re-thinking about the courses and methods of learning and unusual efficiency in designing correspondence courses and use of other media. However, innovative effort cannot be postponed. There is considerable experience and material available for organising higher education in the manner

proposed and full advantage should be taken of it. It should also be recognised that this university will require staff of very high calibre and commitment; higher than that in other universities as well as a high degree of managerial competence. The innovative university will also have to use wide range of educational technology.

Two steps need to be taken immediately to pave the way for establishment of the open university in the near future to give the more serious among the private candidates opportunities for higher education till the open university shoulders responsibility and organises non-formal programmes of education and to remedy to a considerable degree the state of indiscipline prevailing among the students. They are :—

- (i) immediate annulment of the statutes which require enrolment in a university department or college and compulsory attendance of lectures given in them as necessary conditions for admission to B. A., B. Sc., and B. Com examinations; and
- (ii) permitting candidates to appear at B.A., B. Sc., and B. Com. examinations as private candidates subject to their satisfying qualifying conditions and to such rules of registration and procedures as are laid down by the universities in this respect.

The Commission feels that democratic concern for providing higher education to whosoever wishes to have it and has the capacity to receive it will be satisfied by opening up avenues for them to get higher education through non-formal means as is done in several countries. It would be unrealistic to hope that even the most affluent State would have human and material resources to establish traditional universities and colleges of even tolerable quality to meet the ever-growing demand for higher education. The only hope lies in radical and innovative approach through the avenues of non-formal education and adoption of modern educational technology and encouraging self-learning. This approach would not only reduce the menace of indiscipline which has corroded life and work in the universities but also liberate the traditional universities from the disabling pressure of numbers which threaten to smother what Ashby calls the "thin stream of excellence" consisting of the few talented who can stand the rigour of academic discipline and hard work. Non-formal approach and utilisation of the various media of communication and adoption of educational technology will require innovation, impro-

visation and continuous learning by trial and error. There are few known procedures of work in this new field and it will be necessary to depend upon whatever material is available, such as experience of the open university in U. K. and correspondence courses in our country; but the challenge will necessarily demand considerable imagination and initiative. The task is worth the trouble. One such university is already established at Hyderabad and it can be hoped that the University Grants Commission will view the proposal favourable and give it preference over multiplication of conventional universities.

OPEN UNIVERSITY : The organisational set up for the Open University and its modus operandi should be worked out by a committee of experts appointed by the chancellor in consultation with the U. G. C. The Acts and statutes necessary for the purpose should be framed accordingly. It is realised that the university of this nature will require a variety of specialised personnel and academic staff and that its management would have to have a business like efficiency. The Commission is not in a position to anticipate the findings of the expert committee and to suggest draft of Acts and statutes. The Commission is of the view that the proposed Open University should be established immediately without any further delay and that it should be under the direct control of Government which should provide the necessary administrative machinery.

Academic programmes for the Open University should aim at general education leading to B. A., B.Sc., and B. Com. degrees and should include—

- (a) oral and written efficiency in the use of two or more modern languages;
- (b) courses in the cultural history of the country, its present history and growth in social, economic and cultural fields as well as the role of our country in international life;
- (c) a variety of general courses in, at least, three subjects selected from the faculties of Humanities Arts, Social Sciences and Commerce;
- (d) diploma level courses in various technical and vocational subjects and subjects of interest to the students such as Indian/foreign languages, music, fine arts, accounts and audit, business administration, health nutrition and the rest.

It should be possible for those who graduate from the Open University to compete for entrance to the whole-time post-graduate courses in various subjects provided in the universities. The Open University will be mainly an examining university and its success will depend upon—

- (i) designing courses which will 'provide interest and intellectual discipline as well as be of practical value to the candidates;
- (ii) innovative approach to conduct and organisation of examination based on modern techniques and use of computers for quick and faultless evaluation;
- (iii) managerial competence of the university in delivery of instruction through correspondence and other media of communication as well as providing assistance and guidance through nonformal methods to the candidates for examination; and
- (iv) visualising and ascertaining needs of the candidates in respect of their professional betterment and personal enrichment.

While the Education Department should be responsible for all administrative work of the university including conduct of examinations, the academic work of the university should be done in accordance with the advice of the Academic Board of the University presided over by the Vice-Chancellor of the university and consisting of—

- (i) Chairman of the Commission for Higher Education;
- (ii) All Vice-chancellors of the universities of Bihar;
- (iii) The Director of Higher Education, Bihar;
- (iv) Two experienced and distinguished educationists nominated by the Chancellor; and
- (v) Two experts in technique of evaluation nominated by the Chancellor

Wherever necessary, the Academic Board of the university and the Department of Education may appoint such committees of experts as they find necessary for prescribing curricula and syllabi and holding of examinations.

The Education Department should establish—

- (a) an efficient registry for organising examinations and assistance to the candidates; and
- (b) an independent office for conducting evaluation and production of results.

It is recommended that when the decision is taken for an Open University, the first Vice-Chancellor should be appointed by the Chancellor and he should be a person of considerable administrative experience and standing in the academic world. He should be the chief executive of the university. It is also necessary that the key academic and administrative staff is appointed immediately in consultation with the Vice-chancellor. It has already been suggested that initially the university should start by prescribing courses and holding examinations for the candidates who at present appear as "private candidates" at B.A., B.Sc., and B. Com. examinations at various universities. A committee of experts should, however, be established to plan and prepare for giving to this university the shape of an Open University and prepare plans for establishment of centres and machinery for correspondence courses as well as utilisation of the media of mass communication and refining the techniques of examination, wherever possible. The Vice-chancellor should, in the meanwhile, prepare necessary rules and regulations necessary for the conduct of the affairs of the university and its other activities.

The Commission advises setting up of a committee of experts by the Chancellor to advise how the open University should unfold its future activities on the lines of the Open University in U.K. and with the one recently established at Hyderabad and with due regard to conditions obtaining in Bihar. The Commission feels that this committee of experts will need to study in depth the conditions obtaining in Bihar and suggest plans which would be relevant and workable in State. On its part, the Commission will only emphasize the imperative need of immediate establishment of an Open University in the manner proposed by it and sees in this proposal a solution of many ills that beset the system of the higher education in Bihar at present.

Dr. V. S. Jha	Chairman
Prof. M. V. Mathur	Member
Dr. Sarup Singh	Member
Dr. S.P. Sinha	Member-Secretary

SUMMARY

OF

RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS

Part I

NEED FOR CHANGE

The first part of the report; "Need for Change" surveys briefly the malaise of the system of the university education in Bihar and identifies some of the major factors that account for its ineffectual functioning and prevailing state of indiscipline and corrupt practices which have led to deterioration in the standard of teaching, research and examination. The Commission further considers measures which are necessary for bringing about wholesome changes in the functioning of the universities. Some of the more important changes indicated by the Commission are summarised below :—

STRIKES SHOULD BE BANNED AND STATUTORY AGENCIES CREATED FOR SOLVING DIS- PUTES AND IRONING OUT DIFFERENCES

1. Strikes in the university, whether by students, teachers or karamcharies or any other people should be banned by law (para 2.3).
2. The following institutions should be created for solving their legitimate grievances ;
 - (i) A Council of Students Affairs;
 - (ii) A Council of Teachers Affairs; and
 - (iii) A Council of Karamcharies Affairs.[Para 2.6 (a) & (b)]

These Council, constituted in the manner proposed, should consider all grievances in their respective spheres and advise the authorities

concerned in solving the legitimate grievances and rejecting the untenable ones.

- (iv) A counselling and welfare service consisting of experts should be established to attend to the problems of individuals and groups of students and organise necessary assistance to them. (Para 6.2).
- (v) One or more standing tribunals, depending upon the needs of the universities in Bihar, should be established to consider and give decisions in matters of dispute that arise from time to time between university authorities and/or government, on the one hand, and teachers, students, karmcharies and others, on the other, and to give quick decisions. The tribunal should consist of two or more judges of the rank of district and sessions judge obtained on deputation of two or three years through the good offices of the Chief Justice of the High Court of Judicature, Bihar, acting in consultation with the vice-chancellor or vice-chancellors of the universities concerned. The constitution and procedure of the functioning of the tribunals should be laid down in the statutes and ordinances of the university.

[Para 2.6 (b)]

A convention should be established that the findings of the tribunal would be binding on all concerned.

NO ELECTIONS

3. Elections, wherever they are provided by acts, statutes and practice, e.g. for membership of the senate, syndicate, academic council, faculties and membership and offices of the students union, should be eliminated.

[Para 4.1]

**TEACHERS :
MANNERS OF
THEIR REC-
RUITMENT
AND CONDI-
TION OF
SERVICE**

Alternative methods are indicated in the proposed acts and statutes for constitution of the various bodies instead of elections.

4. The first recruitment of a teacher as a lecturer in a college or university should be strictly in accordance with the merit determined by a competitive examination in each subject held every year for the purpose by the proposed Commission for Higher Education for Bihar. [Para 8.1]
5. Selection of scheduled caste and scheduled tribe candidates in the quotas reserved for them should also be made in accordance with inter se merit at the competitive examination subject to a certain minimum requirement prescribed by the Commission for Higher Education for Bihar.

Universities should organise remedial courses for the benefit of scheduled caste and scheduled tribe candidates wishing to compete for teaching posts in the universities and colleges. [Para 8.2]

6. Appointments to posts of professors and readers in the universities in Bihar should be made on the recommendation of the proposed Commission for Higher Education, Bihar on the advice of the specially constituted selection committees.

The Commission for Higher Education should also continue search for suitable names for the posts of professors and readers by various methods and maintain a list of persons found suitable for consideration when the occasion arrives. [Para 8.5]

7. Teachers should be statutorily debarred by necessary provision in the act and statutes from seeking elections to parliament, legislative assemblies and councils and civic bodies.

They should enjoy all freedom to hold and express their opinion on all matters, including

political, but they should not be allowed to remain on the staff of colleges and universities and at the same time participate in active politics and civic affairs. [Para 4.2]

8. The teachers should be accountable for minimum hours of work in the college or the university in accordance with the recommendations of the report of the Sen Committee of the University Grants Commission. [Para 5.3]
9. The work of the teachers should be properly assessed in accordance with the methods and norms which may be spelt out from time to time by the proposed Commission for Higher Education and that their promotion to higher grades and increments should be determined by the record of assessment of their work. [Para 5.2]
10. A centre of advanced learning should be established for studies in a specialised subject or subjects in universities most suitable for the purpose which, besides organising high quality of research and training, will—
 - (a) provide refresher courses to the staff of colleges periodically deputed for the purpose in order to acquaint them with the advancing frontiers of knowledge in the subject and new materials and methods of teaching necessary for raising the quality of teaching, research and examination;
 - (b) provide orientation courses and training in areas of education and modern methods of teaching to the fresh recruits as lecturers for colleges and universities during the period of their probation. [Para 1.6 & 8.6]; and
 - (c) provide courses of studies and test the competence of the staff in constituent colleges

whose competence has been tested by properly constituted selection committee.

It is suggested that all such teachers should establish their bonafide as teachers within a period of five years. [Para 1.6]

**RE-ORGANI-
SATION OF
STUDENT LIFE
AND
ACTIVITIES**

11. (a) The students unions in colleges and universities should be re-organised and instead of a single monolithic body, a wide range of activities suited to varying interests of the students should be encouraged to emerge and function through various societies and clubs for example
- (i) literary societies;
 - (ii) historical societies;
 - (iii) science clubs;
 - (iv) mountaineering clubs;
 - (v) sports clubs;
 - (vi) music clubs;
 - (vii) fine arts societies etc.

Membership of the students union or any other society or club should not be compulsory.

- (b) Each active group should prepare its constitution indicating the manner and methods of its working which must be approved by the vice-chancellor.
- (c) Each active group will be eligible for such financial aid as may be provided by the Vice-chancellor within the means available to him.
- (d) The university or college shall not collect subscriptions for any club society or organisation. Each group shall be voluntary and

should function according to its approved constitution. [Para 6.1]

APPOINTMENT OF VICE-CHANCELLOR & CONDITIONS OF THEIR SERVICE

- (a) Vice-chancellors should be appointed solely on consideration of merit and ability to provide leadership to the university by their academic worth, administrative competence and moral stature, Negatively, considerations of representation of major communal or caste groups or regions or political favour should not be allowed to influence selection for the high office.
- (b) Vice-chancellors should be selected by the chancellor from a panel of three names proposed by a committee consisting of—
- (1) the Chairman, U.G.C., or his nominee;
 - (2) the Chairman, Association of Indian universities or his nominee; and
 - (3) a nominee of the chancellor.
- (c) Vice-chancellors should not be transferred from one university to another by the chancellor.
- (d) No vice-chancellor should be removed from office unless he has completed his term of office or has been found guilty of offence involving moral turpitude after proper enquiry by a bench of the High Court of Judicature, Bihar, [Paras 7.2 & 7.3]

RE-ORGANISATION OF THE UNIVERSITY SYSTEM AND DIFFERENT PATTERN OF UNIVERSITIES

13. The universities and their various departments should confine themselves to the following :—
- (i) Single or double honours courses oriented to encourage specialisation; [Para 10.1]
 - (ii) Three-year course leading to a pass university degree providing study in three major subjects aiming to provide high quality of broad general

education; [Para 10.2 (ii)]

- (iii) Post-graduate course in Arts, Science and Commerce;
 - (iv) Bachelor's and Master's course in Education; Law and Engineering in respect of which the courses would need to be re-organised; and
 - (v) Research degrees. [Para 13.5]
14. (a) Constituent colleges should be transferred to the control of government or under council for colleges and each college should be treated as a unit; [Para 16]
- (b) Constituent and other affiliated colleges should be re-organised, each according to its potential needs of environment and opportunities locally available to it;
 - (c) The constituent and affiliated colleges should be re-examined thoroughly in order to ensure that they answer all requirements of the statutes relating to their admission to the privileges of the university. Only those colleges which satisfy statutory provisions should be allowed to continue to enjoy affiliation, and prepare students for the pass degree of the university; and
 - (d) Some of the constituent and affiliated colleges should be organised to provide a mixed general education and semi-vocational course which would help pupils to find gainful employment. To this end, it will be necessary to conceive imaginative innovative courses in the light of the individual and social needs leading to B.A., B.Sc., and B. Com. degrees. [Para 10.1 (iii)]

**DIFFERENT
KINDS OF
UNIVERSITIES**

15. Re-organisation of collegiate education should be undertaken by the proposed Commission for Higher Education.
16. There should be three different kinds of universities in Bihar;

- (i) Patna University, only one of its kind, should have no constituent or affiliated colleges and should move to a new site and it should be provided means to develop post-graduate and research work to maintain single and double honours three-years courses for arts, science and commerce degrees, to organise course for pass degrees of high quality for providing instruction on three major subjects and to provide education for re-organised B.Ed. and LL.B. courses. This university should develop centres of excellence in certain fields.

Six colleges which at present are constituent colleges should be given the status of autonomous colleges.

- (ii) In addition to what the Patna university does directly, the other universities of Bihar, i.e. Bihar, Magadh, Ranchi, Bhagalpur and L. N. Mithila and K. S. D. Sanskrit should undertake responsibility for organising Bachelor and other variety of courses suited to their constituent and affiliated colleges in their jurisdiction. [Para 10.1 (iii)]
- (iii) A new type of university, open university, very much on the basis of the open university in U.K. should be established. The object of the open university should be to assist and provide non-formal courses through correspondence, communication media, audio visual and other means to—

- (a) students who wish to appear at B.A., B. Sc., B. Com. and other examinations as private candidates;
- (b) those who are already employed and who wish to improve their qualifications by passing examinations for securing various university degrees; and
- (c) those who wish to enrich the quality of their life by educating themselves in different fields of studies, acquiring new skills e.g. learning new languages and learning fine arts, business management and so on.

It will be necessary to appoint a body of experts to design the functioning of the proposed open university. [Para 10.2, 10.3, 10.4, & 10.5]

**ADMISSION
SELECTIVE
AND ON THE
BASIS OF THE
COMPETITIVE
ENTRANCE
EXAMINATION**

17. (1) Admissions to the university in the honours course should be in accordance with the merit of candidates determined by a competitive entrance examination and admissions should be strictly limited to the physical and human limits of the universities. [Para 10.1 (i)]
- (2) Specially designed entrance examination held by universities concerned should also regulate admission to affiliated and constituent colleges. [Para 10.1 (ii)]
 - (3) Admissions to the post-graduate departments, B. Ed. and LL.B. courses should be regulated through competitive examinations on the State basis organised by the proposed Commission for Higher Education.
 - (4) There should be flexibility in matters of admission from one course or stream to another

depending purely on merit determined in accordance with the prescribed procedures and at suitable entry points. [Para 10.1 (iii) (3)]

- (5) Those who are left out can profit by the opportunities opened up by the open universities and no one should feel denied of the opportunities to receive higher education of the kind suited to his needs.

**AUTONOMY
OF THE
UNIVERSITY**

18. Considering the various strains experienced in autonomous functioning of the universities and the uses to which it is put by various kinds of pressures, constitution of a Commission for Higher Education for Bihar is proposed which, among other functions, will—

- (i) act as a vigilant body to ensure strict adherence to the objectives and provisions of the acts statutes by the university authorities and to provide necessary checks in time through the offices of the chancellor;
- (ii) perform functions necessary for co-ordination of teaching, research and examinations of the universities in Bihar; and
- (iii) perform some common functions centrally such as—
 - (a) recruitment of the teaching staff through competitive examinations and selection committees; and
 - (b) regulating admissions to post-graduate, B. Ed. and LL.B. courses through a common examination. [Para 11.1 to 11.6]

SEPARATION OF INTER-MEDIATE EDUCATION 19. The decision of Bihar government to separate intermediate education from the university education should be implemented forthwith by providing new campuses and physical needs necessary according to the needs of the situation.

The difficult problem of determining the staff for universities and colleges, on the one hand, and intermediate colleges on the other, should be regulated by merit determined in the course of examination organised by the Commission for Higher Education. [Para 13.1]

PART II AND III

PATNA UNIVERSITY ACT AND STATUTES

The second and third parts of the report, Patna university act and Patna university statutes, indicate the special functions proposed for the university and its structure and manner of its functioning in the light of the principles indicated in the first part "Need for Change".

2. Briefly stated, the proposed act and statutes for Patna university should enable :—
 - (i) the university to develop centres of excellence in various subjects and confine itself to—
 - (a) post-graduate and research work;
 - (b) teaching specialised honours course in one or two subjects; and high quality of courses for general education in two or three subjects leading to a three year pass degree; and
 - (c) develop centres of teaching and research leading to bachelor, post-graduate and higher degrees in education, law and engineering.
 - (ii) the university to decentralise its administration, among other measures, by—
 - (a) making each faculty to function as an autonomous unit under a dean, subject to the general policy laid down by the university and the latter's role as a coordinating agency;
 - (b) giving autonomous status to the six colleges affiliated at present to the university; and
 - (c) appointment of the deans by the vice-chancellor for a period of five years, inabling, if necessary, further appointment for a period of five years but no more;

- (iii) the vice-chancellor to discharge his statutory obligations and maintain discipline among teachers, students, karam-charis and others by vesting in him necessary authority and ensuring that he would enjoy reasonable support of university authorities and be able to delegate his powers to such officers and authorities as he deems necessary;
 - (iv) purposeful functioning of various university authorities by rationalising their constitution and methods of functioning;
 - (v) the university to unfold itself in accordance with new aims proposed which require the university—
 - (a) to inspire and encourage the spirit of learning and of enquiry leading to advancement of knowledge;
 - (b) to inculcate understanding of and respect for the cultural heritage of the country;
 - (c) to arouse spirit of enquiry into and refinement of human, moral, aesthetic and spiritual values which fashion individual and social life;
 - (d) to cultivate understanding of the fundamental principles underlying the constitution of our country and faith in its fundamental unity in the midst of diversity of religions, languages and ways of life of the people;
 - (e) to promote cultivation of sound character, adventurous spirit, strong healthy and efficient bodies, refined taste and polite and pleasing social behaviour;
 - (vi) the university to have more meaningful relationship with the chancellor and the state government and efficient coordination with other universities by establishment of a Commission for Higher Education for Bihar.
3. Preamble to the act highlights the urgency of shifting the university to a new campus and providing it with new buildings and other physical needs as well opportunities for further growth.

PART IV & V

BIHAR UNIVERSITIES ACT AND STATUTES.

The fourth and fifth parts of the report, Bihar universities act and Bihar universities statutes, provide a basis for model act and statutes for the following six universities of Bihar :—

1. Bihar University;
2. Ranchi University;
3. Bhagalpur University;
4. Magadh University;
5. L. N. Mithila University; and
6. K. S. D. Sanskrit University.

in the light of the general principles indicated in the first part of the report "Need for Change" and in consequence of the special role entrusted to them.

2. Provisions in the act and statutes are, generally speaking, the same as those proposed for the acts and statutes for Patna university except that the objectives of the university are more fully stated and statutory instruments are proposed to enable the universities to perform their additional responsibility towards constituent and affiliated colleges.
3. The preamble refers to the limited managerial competence of the universities in regard to discharge of their responsibility to the large number of constituent colleges in their care and proposes their transfer to the direct administrative control of government.
4. Preamble suggests, as essential, a review of the constituent colleges in order to ascertain their viability in strict terms of the statutory conditions for affiliation of colleges to the privileges of the university and in order to enable consequential action in respect of the colleges, members of the staff and other matters and re-organi-

nisation of collegiate education with a view to provide a different pattern of education suited to the needs of students and their environment and to the need of acquisition of linguistic skill, understanding of Indian history and culture in the context of inter-national life, broad-based education, at least, in three subjects and intensive vocational training aiming at their employment including self-employment.

5. The proposed act visualises creation of a separate university authority, "a Council of College Education" which, under the chairmanship of a pro-vice-chancellor, will attend to all problems of college education.
6. The direct academic functions of the university and its departments will be the same as is visualised for Patna university and the faculties will enjoy the same autonomy as is proposed for Patna university.

PART VI

COMMISSION FOR HIGHER EDUCATION ACT

Part VI of the report, the Commission for Higher Education Act, proposes constitution, functions and powers of the proposed Commission and states its objectives and works out its functions with due regard to the powers of the universities, the chancellor and the state government.

2. According to the proposed act, the Commission will consist of a chairman and four other members of whom two will be whole-time and the other two ex-officio members.
3. The chairman and the two whole-time members of the commission shall be eminent educationists of national repute with experience of educational and academic work.
4. The chairman shall be appointed by the chancellor from a panel of three or more names from outside the state recommended by a committee consisting of—
 - (1) a nominee of the chancellor of the universities of Bihar;
 - (2) Chairman of the University Grants Commission;
 - (3) President of the Association of Indian universities.
5. The two whole-time members will be appointed by the chancellor from a panel of five names recommended by a committee consisting of—
 - (a) Chairman of the Commission;
 - (b) a nominee of the chancellor of the universities of Bihar; and
 - (c) a nominee of the chairman, University Grants Commission.
6. The role of the commission shall be :—
 - (i) to advise the chancellor and the universities in all matters relating to the functioning and development of the universities in Bihar, appointment of teaching staff and inspection of the universities;

- (ii) the commission shall conduct annually competitive examination in various subjects for recruitment to the posts of lecturers of universities and colleges of Bihar and prepare subjectwise lists in order of merit of the successful candidates. The commission shall also assist the universities in assessment of academic and other work of the teachers of the universities and colleges and maintenance of the record of assessment.
- (iii) The commission will also monitor programmes of development in the universities and provide timely correctives, when necessary.
- (iv) Another important duty of the commission will be to assess every 10 years the work of each university and report on the credibility of its degrees and diplomas and also advise the chancellor when necessary on suspension of the university or any of its officers or authorities responsible for financial or administrative mismanagement or discipline or lapse of academic standards.
- (v) The commission shall present annual reports for consideration of government and state legislatures on higher education in Bihar and indicate major issues which require attention.

PART-VII

OPEN UNIVERSITY

Part VII of the Report gives *raison d'être* of open university, indicates its scope and functions and describes its non-formal approach to providing opportunities for higher education through correspondence courses, use of mass media and utilisation of means made available by modern technology and establishment of centres of studies at suitable places equipped with libraries and teaching aids as well as with professional guides.

The object of the open university is to help those who wish to get higher education through self-effort and who choose to earn for a living and to spend or use their spare-time for higher learning or who ~~for some~~ other reason, are unable to get admission to traditional universities ~~and colleges~~.

The degrees of the open university should be as exacting and ~~as~~ demanding as those in other universities and those who graduate from it should be entitled to be admitted to post-graduate departments of any university. However, the open university will be free to design its own courses and to introduce new programmes and innovative courses suited to the needs and interests of the candidates.

Pending establishment of the open university, two immediate steps are considered necessary :—

- (i) immediate annulment of statutes which require enrolment of pupils in a university department or a college and his compulsory attendance at lectures given in them as necessary condition for admission to B.A., B.Sc., and B. Com. examinations; and
- (ii) permitting candidates to appear at B.A., B. Sc., and B. Com. examinations as private candidates subject to their satisfying qualifying conditions and such rules for registration and procedures as are laid down by the universities in this respect.

Open university will answer the democratic concern for providing higher education to whoever wishes to have it and has the capacity of

receiving it through non-formal means. It will limit considerably the strain on the limited capacities of the traditional institutions, remedy the state of indiscipline prevailing in them and enable them to function efficiently. The open university in U.K. and the new one opened at Hyderabad would provide models worth considering.

Open university will require staff of very high calibre and commitment as well as high degree of managerial competence.

Organisational set up of the proposed university and its modus operandi should be worked out by a committee of experts appointed by the Chancellor in consultation with the University Grants Commission. This committee should prepare the draft Act and statutes necessary for the purpose.

The open university should be the direct responsibility of Government administration except the academic work of the university should be done on the advice of the Academic Board of the university presided over by a specially appointed Vice-Chancellor and consisting of other members including

- (1) Chairperson of the Commission for Higher Education;
- (2) All V.Cs of Bihar Universities;
- (3) Director of Higher Education, Bihar;
- (4) Two experienced and distinguished educationists nominated by the Chancellor; and
- (5) Two experts in the techniques of evaluation nominated by the Chancellor.

The open university should have a separate and independent registry and officers for office conducting examination and declaration of results.

NIEPA DC



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