

THE GAUHATI UNIVERSITY ACT, 1947*

(Assam Act XVI of 1947)

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**An Act to establish and constitute a teaching,
residential and affiliating University at Gauhati.**

Preamble.

Whereas it is expedient to establish and constitute a teaching, residential and affiliating University at Gauhati and to dissolve the Gauhati University Trust Board, registered under the Indian Trust Act, 1882, and to transfer and vest in the University all property and rights now vested in the said Trust Board:

It is hereby enacted as follows:

COMMENTS

This Act was amended from time to time, i.e., in the year of 1949, 1961, 1964, 1965, 1968, 1969, 1972, 1973, 1975, 1976 and 1978.

1. Short title and commencement.

- (1) This Act may be called the Gauhati University Act, 1947.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, direct.

(3) *Dissolution of the Gauhati University Trust Board.*

The Gauhati University Trust Board shall be dissolved and all properties and rights now vested in the said Trust Board shall be transferred to and vest in the said University on such date as this Act may come into force.

(4) *Calcutta University's jurisdiction to cease.* Form the date on which this Act comes into force, the Calcutta University as constituted under the Indian Universities Act of 1904 (Act VIII of 1904) and the Dacca Board of Intermediate and Secondary Education Act of 1921, shall cease to exercise their jurisdiction over the educational institutions recognized by the Government of Assam and the Statutes, Ordinances, Regulations and Rules of the Calcutta University and the Dacca Board of Intermediate and Secondary Education shall not be operative in so far as they relate to such institutions and the Gauhati University shall exercise authority and jurisdiction over all such educational institutions from the aforesaid date.

2. Definitions. In this Act and in the Statutes, unless there is anything repugnant in the subject or context –

- (a) “Board of Secondary Education” means the Board of Secondary Education, If any, established by Government.
- (aa) “College” means any College or institution maintained or admitted to privileges by the University.
- (b) “Council” means the University Council.
- (c) “Court” means the University Court.
- (cc) “Doctors of University” means persons awarded a Doctorate Degree by the University.
- (ccc) “Degree College” mean the college affiliated to the University in which instruction is given to the students of the College up to a standard leading to the award of any Bachelor’s degree of the University.
- (d) “Faculty” means a faculty of the University.
- (e) “Government” in this Act shall mean the Government of Assam unless where the Government of Manipur and the Government of Arunachal Pradesh are specifically mentioned in any section of this Act.

- (f) “Hall” means a unit of residence for the students of the University maintained or recognized by the University in accordance with the provisions of this Act.
- (ff) “Moderation Board” means a Board constituted in the manner as may be prescribed in the statutes for the purpose of scrutinising and moderating the question papers of various examinations held and conducted by the University from time to time.
- (g) “Patron of the University” means a person who has made a donation of not less than Rs. 1,00,000 to the funds of the University and has been declared by the Chancellor to be a patron of the University.
- (h) “Principal” mean the head of a college and of its teaching staff, and includes, where there is no principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, a Vice-Principal duly appointed as such.
- (hh) “Professional College” means a college imparting instructions in the professional subjects, namely, Law, Medicine, Engineering, Technology, Agriculture, Veterinary, Post Graduation teachers’ training and such other subjects as may be prescribed from time to time to as professional subject under the Statues.

- (i) “Registered Graduate” means a graduate registered under the provisions of this Act.
- (j) “Statutes, Ordinances and Regulations” means respectively, the Statutes, Ordinances and Regulations of the University made under this Act.
- (k) “Teacher” means a Professor, a Reader or a Lecturer of the University or a College whether constitute or affiliated, or any other person imparting instructions of guiding research and designated as teacher by the University and includes a person recognized as a teacher by the University.
- (l) “University” means the Gauhati University.
- (m) “University Professor” or “University Reader” means a Professor or Reader appointed or recognized as such by the University.
- (n) “Warden” means the head of a Hall.

COMMENTS

The Cls. (a) (cc), (ccc), (ff), (hh) and (mm) were inserted by Assam Act No. II of 1961 having received the assent of the Governor on the 6th January, 1961, to come into force on such date as the State Government may, by Notification in the official Gazette, appoint. The then existing Cl. (a) was re-

numbered as Cl. (as). In Cl. (h) the comma after the word “College” was deleted and the words and the comma, “and of its teaching staff,” was inserted between the words “College” and “and”, by the same amendment Act.

The definition of the word “teacher” in Cl. (k) was substituted by Assam Act IV of 1966, having received the assent of the Governor on the 20th January, 1966, to come into force at once and the substituted Cl. (k) read as under:

“ Teachers’ includes Professors, Readers, lecturers and other persons imparting instruction in the University or in any College or Hall.”

The Cl. (mm) inserted by Assam Act. II of 1961 was re-numbered as present Cl. (m) and the then existing Cl. (l) by the Amendment Act IV of 1966.

The Cl. (e) was substituted by Assam Act XXI of 1976 having received to assent of the Governor on the 20th October, 1976 to come into force at once and the substituted Cl. (e) read as follows:

“ ‘Government’ means the Government of Assam”.

3. Constitution, succession and purposes.

- (1) The first Chancellor, the first Vice-Chancellor of the University and the members of the Court, the

Executive Council and the Academic Council and all persons who may hereafter become such officers or members shall constitute the University.

(2) The University shall have perpetual succession and common seal and shall sue and be sued by the said name.

(3) The University shall be deemed to have been constituted for the purposes, among others, of making provisions for imparting education, for research and for the advancement and dissemination of knowledge in such subjects as the University may deem fit.

4. University open to all classes, castes and creeds.

The University shall be open to all persons irrespective of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose any test whatsoever of religious belief or professions in order to entitle a person to be admitted thereto as a Teacher or student, or to hold any office therein or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes or in respect of any particular benefaction accepted by the University or when such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

In this section, the word “irrespective” was inserted between the words “person” and “of” and the word “either” after the word “of” and the words “and whatever” occurring after the word “sex” were deleted vide Assam Act No. 11 of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

5. Powers of the University. The University shall have to following powers, namely:

- (a) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge,
- (b) to hold examination and to grant to, and confer Degrees and other academic distinctions on, persons who (i) have passed a course of study in or prescribed by the University, or (ii) are teachers in educational institutions under conditions laid down in the Ordinance and Regulations and have passed the examinations of the University under like conditions,
- (c) to confer honorary degrees or other distinctions, on approved person, in the manner laid down in Statutes.
- (d) to grant such diplomas to, and to provide such lectures and instructions for, persons not being

members of the University as the University may determine.

- (e) to withdraw or cancel Degrees, Diplomas, Certificates or other distinctions granted or conferred,
- (f) to co-operate with other Universities and authorities in such manner and for such purpose as the University may determine,
- (g) to institute any Professorship, Readership, Lectureship and any other teaching posts required by the University.
- (h) to appoint or recognize persons as Professors, Teachers, or Lecturers, or otherwise as teachers of the University,
- (i) to institute and award Fellowships, Scholarships, Exhibitions and Prizes, in accordance with the Statutes and Regulations,
- (j) to maintain Colleges and Halls to affiliate Degree Colleges and Halls not maintained by the University and to withdraw such affiliation,
- (k) to demand and receive payments of such fees and other charges as may be authorised by the Ordinances,

- (l) to supervise and control the residence and discipline of students of the University and to make arrangements for promoting their health and general welfare,
- (m) to receive grants from Government and donations for private individual or associations for specific or general purposes,
- (n) to make grants from the funds of the University for assistance to extramural teaching,
- (o) to take, receive, purchase or hold for the purpose of the University any property movable or immovable including any funds, which is or may become vested in the University or placed at its disposal and to grant, demise, alienate, transfer or otherwise dispose of or administer all or any such property or fund for any purpose of the University under this Act including construction of any building, roads, tanks, pipelines or any other structure and also to do all other acts, incidental or appertaining thereto.
- (p) to constitute for the benefit of its officers and employees such pensions and provident funds as it may deem fit in such manner and subject to such conditions as may be prescribed, and

- (q) to do all such other acts and things whether incidental to the powers aforesaid or not, as may be requisite in order to further the object of the University as the Teaching and Examining body, and to cultivate and promote Arts, Science and other branches of learning.

COMMENTS

In this section Cl. (o) was substituted by Assam Act No. H. of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

In Cl. (q) of this section the words “save and except such functions and powers as are vested in the Development Committee under this Act” were added vide Act VI of 1949 and the said words were omitted by the Assam Act II of 1961.

The Cl. (j) was substituted by Assam Act XIV of 1975 dated 23-10-1975 to come into force at once.

6. Teaching of the University.

- (1) All recognized teaching in connection with the University course shall be conducted under the control of the Academic Council by Teachers of the University, and shall include lecturing and laboratory work and

other teaching conducted in accordance with any syllabus prescribed by the Regulations.

- (2) The authorities responsible for organizing such teaching shall be prescribed by the Statutes.
- (3) The courses and curricula shall be prescribed by the Ordinance and subject thereto, by Regulations.

7. Authorities and officers of the University.

The following shall be the Authorities and Officers of the University;

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Rector,
- (iv) The Court,
- (v) The executive Council,
- (vi) The Academic Council,
- (vii) The Faculties,
- (viii) The Standing Finance Committee,

- (ix) The Construction Committee,
- (x) The Selection Committee,
- (xi) The Registrar,
- (xii) The Treasurer, and
- (xiii) such other Authorities and Officers as may be
- (xiv) provided for by the Statutes.

COMMENTS

In this section Cl. (viii) was inserted and subsequent clauses being renumbered by Assam act No. 11 of 1961.

This section was again substituted and re-numbered Assam vide Act IV of 1966 dated 20-1-1966, to come into force at once.

The earlier Cl. (ii) i.e., “the Pro-Chancellor:, was deleted and Cls. (i) to (xiii) being re-numbered as such by Assam Act XXI of 1976 dated 20-10-1976 to come into force at once.

8. The Chancellor.

- (1) The Governor of Assam shall be the Chancellor of the University.
- (2) The Chancellor by virtue of his office shall be the head of the University and the President of the Court and shall, when present, preside at any Convocation of the University.
- (3) Where power is conferred upon the Chancellor by this Act or by the Statutes to nominate persons to the authorities of the University or other bodies thereof, the Chancellor shall, to the authorities of the University or other bodies thereof, the Chancellor shall, to the extent necessary nominate persons to represent the interest of the minorities, Scheduled Tribes and Scheduled Castes and interest not otherwise represented.
- (4) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.
- (5) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, Laboratories and equipments and of every institution maintained by the University, and also of the examinations, teaching and other work conducted or

done by the University, and to cause an enquiry to be made in like manner in respect of any matter connected with the University.

- (6) The Chancellor shall, in every such case, give notice to the Executive Council of his intention to cause an inspection or enquiry to be made, and the Executive Council shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.
- (7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and enquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.
- (8) The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or enquiry.
- (9) When the Executive Council does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor, may, after considering any explanation furnished or representation made by the Executive Council issue such directions as he may

think fit and the Executive Council shall be bound to comply with such directions.

- (10) Expenses that may be incurred in connection with such inspection or enquiry and certified as such by the Chancellor, shall be a charge on the University.
- (11) The Chancellor shall have such other powers as may be conferred on him by or under the provisions of this Act.
- (12) The Chancellor as head of the University shall have the power to suspend the activities of the various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him.

8-A. The Vice-Chancellor.

- (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board constituted by the Chancellor for the purpose and consisting of three members of whom one member shall be elected by the Executive Council, one member shall be nominated by the State Government and one member shall be nominated by the Chancellor. The

Chancellor shall appoint one of them as Chairman of the Advisory Board.

- (2) The Advisory Board shall recommend a panel of these persons to the Chancellor who may appoint one of the persons recommended to be Vice-Chancellor. If the Chancellor does not approve any of the person recommended by the Advisory Board he may call for the fresh recommendation.
- (3) The Vice-Chancellor shall be a whole time officer of the University who shall hold office for a period of five years and shall be eligible for re-appointment.
- (4) The Vice-Chancellor shall on the date he attains the age of 65 years.
- (5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

Provided that the salary of the Vice-Chancellor shall not be less than Rs. 2,500 per mensem including all allowances.

- (6) Whenever there is any temporary vacancy in the office of the Vice-Chancellor by reasons of leave, illness or resignation or other causes the Chancellor shall make such other arrangements temporarily as he may think

fit for exercising the powers and performing the duties of the Vice-Chancellor for such period as deem necessary. The Chancellor shall determine the emoluments or allowances if any payable to such a person temporarily appointed to exercise the powers and duties of the Vice-Chancellor.

COMMENTS

This section was originally inserted by Assam Act No. 11 of 1961, dated 6-1-1961 to come into effect on such date as the State Government may, by Notification in the official Gazette, appoint. After then sub-S. (2) a new sub-section was inserted which is now numbered (after further substitution), as sub-S (6) by Assam Act XXIX of 1964, dated 25-12-1966 to come into effect at once. By Assam Act IV of 1966 dated 20-1-1966 to come into force at once this section was re-numbered as s. 8-AA. Further by this amendment Act, the then sub-Ss. (1) and (2) were substituted as sub-Ss. (1), (2), (3) and (4) and the earlier sub-S. (3) being re-numbered as sub-S. (5) [and presently numbered as sub-S. (6)].

By Assam Act XIV of 1975, dated 23rd day of October 1975 to come into force at once the earlier S. 8-A being inserted by Assam Act IV of 1966, dated 20-1-1966 to come into force at once was deleted and the S. 8-AA (being so re-numbered by Assam Act IV of

1966) was again numbered as present S. 8-A. The original S. 8-A reads as follows:

“8-A. Pro-Chancellor.

- (1) The Minister-in-charge of Education in the State shall be the Pro-Chancellor of the University.

- (2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the duties of the Chancellor.”

The sub-Ss. (1), (2) and (5) [now numbered as sub-S. (6)] were again substituted by Assam Act XIV of 1975, and the substituted sub-Ss. (1), (2) and (5) read as follows:

“A. Vice-Chancellor.

- (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board constituted by the Chancellor for the purpose and consisting of three members of whom one member shall be elected by Court, one member shall be elected by the Executive Council and one member shall be nominated by the Chancellor.

Provided that the members so elected or nominated shall not be from amongst person

holding an office of profit under the University or under any of its constituent or affiliated colleges.

- (2) The Advisory Board shall recommend a panel of names of three persons to the Chancellor who shall after taking into consideration the recommendation of the Advisory Board, appoint one to be the Vice-Chancellor.
- (3) When any temporary vacancy occurs in the office of the Vice-Chancellor by reason of leave, illness, or other cause, the Chancellor shall make such arrangements for carrying on the duties of the Vice-Chancellor, as he may deem fit.”

The sub-S. (5) has not been re-numbered as sub-S. (6) and sub-S. (4) being inserted by Assam Act XXI of 1976 dated 20-10-76 to come into force at once, and the earlier sub-S. (4) has been re-numbered as sub-S. (5).

As per existing provisions of the Act, both Manipur and Arunachal Pradesh require approval of the Government of Assam while setting up to a new College within their territorial jurisdiction. It was therefore, considered necessary to make provision for representation of Manipur and Arunachal

Pradesh in the Executive Council of the Gauhati University and do away with the present procedure regarding approval of the Government of Assam in setting up of a new College in Manipur and Arunachal Pradesh.

Under S. 16 (1) of the Assam Act IV of 1966, the Gauhati University (Amendment) act, 1956 dated 20-1-1966, to come into force at once, notwithstanding anything contained in the Amendment Act, the arrangements made by the Chancellor for carrying on the duties of the Vice-Chancellor under the provisions of the principal Act shall continue till a Vice-Chancellor is appointed under the provisions of the principal Act as amended.

8-B. Powers and duties of the Vice-Chancellor.

- (1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meeting of the Court and any convocation of the University. He shall be an ex-officio member and Chairman of the Executive Council, the Standing Finance Committee, the Construction Committee, and of the Academic Council and shall be entitled to be present and to speak at any meeting of any authority or other body of

the University. When present, he shall preside over all such meetings.

- (2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, the Ordinances and the Regulations are faithfully observed.
- (3) The Vice-Chancellor shall have power to convene meetings of the Court. The Executive Council, the Academic Council, the Finance Committee and the Construction Committee.
- (4) In any emergency which, in the opinion of the Vice-Chancellor requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report his action to the officer, authority or other body who or which in the ordinary course, would have dealt with the matter.
- (5) When any such action taken by the Vice-Chancellor affects any person in the service of the University, such persons shall be entitled to prefer an appeal to the Executive Council through the officer, authority or body of the University within thirty days from the date on which such action is communicated to him.

- (6) The Vice-Chancellor shall give effect to any order of the Executive Council regarding the appointment, dismissal or suspension of an officer or Teacher of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control in the University. He shall be responsible for the discipline of the University.
- (7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

COMMENTS

This section was inserted by Assam Act No. 1 of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by Notification in the official Gazette, appoint –

8-BA. Rector.

- (1) The Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and allowances as may be fixed by the Chancellor. He shall hold office for a term of 5 years and shall be eligible for re-appointment.
- (2) The Rector shall exercise such powers and perform such duties of the Vice-Chancellor as may, from time to time, be delegated to him by the Vice-Chancellor.

COMMENTS

This section was inserted by Assam Act IV of 1966-dated 20-1-1966 to come into force at once.

8-C. The Registrar.

- (1) The Registrar shall be a whole time salaried officer of the University, and shall be appointed by the Executive Council on such terms, conditions and remunerations as may be prescribed.
- (2) The term of office of the Register shall be for five years but he may be eligible for re-appointment.
- (3) The Registrar shall be the Secretary ex-officio of the Court, the Executive Council and of the Construction Committee:

Provided that, notwithstanding anything contained in this Act, the Executive Council may either for specific purpose or in general, appoint any other officer of the University a Secretary of any of the said authorities.

- (4) It shall be the duty of the Registrar -

- (i) to be the custodian of the records, common seal and such other property of the University as the Executive Council shall commit to his charge and to manage such properties;
- (ii) to sign and verify all contracts and agreements made on behalf of the University and to act as Secretary of such other Committees as may be prescribed by the Statutes;
- (iii) to conduct the official correspondence of the Court and the Executive Council;
- (iv) to issue all notices convening meetings of all such committees or Councils or Boards of which he is the Secretary;
- (v) to arrange for the superintend the examination of the University till such time when the University appoint other officers, if any, for this purpose; and
- (vi) to perform such other work as may, from time to time, be prescribed by the Executive Council.

COMMETNS

This section was inserted by Assam Act No. 11 of 1961, dated 10th January, 1961, to come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

In sub-S. (2) of this section, the words, for a second term only appearing at the end of this subsection were deleted by Assam Act XIX of 1968 dated 1-11-1968 to come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

8-d. The Treasurer.

- (1) The Treasurer shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council for a period of five years on such terms, conditions and remuneration as may be prescribed. He may be eligible for re-appointment.
- (2) The Treasurer shall exercise general supervision over the funds of the University and advice in regard to its financial policy.
- (3) Subject to the control of the Executive Council he shall manage the investments of the University and be responsible for the preparation and presentation of the

Annual Estimates and statements of accounts and for proper maintenance of the accounts.

- (4) Subject to the powers of the Executive Council, the Treasurer shall be responsible for ensuring that all money are expended for the purposes for which they are granted or allotted.
- (5) The Treasurer shall exercise such other powers as may be prescribed by the Statutes and the Ordinances:

Provided that the Chancellor may on the recommendation of the Executive Council in the case of any casual vacancy in the office of the Treasurer, direct that the Registrar shall act as Treasurer and perform all duties and exercise all the powers of the Treasurer, and when any such directions has been made all references top the Treasurer in this Act, the Statutes, the ordinances and the Regulations shall be deemed to be reference to the Register.

COMMENTS

This section was inserted by Assam Act No. II of 1961 dated 10-1-1961 to come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

In sub-S. (1) of this section the words “for second term only” , at the end of this sub-section, were deleted by Assam Act XXI of 1968.

The Act has come into force from 1st March, 1967 vide Notification No. ECL. 61/97/19, dated 27-2-1969 and published in the Assam Gazette, Part II-a, dated 2-7-1969, p. 1699.

9. The Court.

- (1) The Court shall consist of the following persons, namely:
 - (i) the Chancellor,
 - (ii) the Vice-Chancellor,
 - (iii) the Rector,
 - (iv) the Minister of Education of any other State, or States if any, to which the jurisdiction of the University may extend.
 - (v) the Registrar,
 - (vi) the Treasurer,

- (vii) the Secretary to the Government of Assam in the Education Department,
- (viii) the Director of Public Instruction, Assam,
- (ix) the Director of Public Instruction of any other State of States to which the jurisdiction of this University may extend,
- (x) the Additional Director of Public Instruction, Assam,
- (xi) the Director of Technical Education, Assam,
- (xii) the Director of Health Services, Assam,
- (xiii) the Director of Agriculture, Assam,
- (xiv) the Director of Animal Husbandry and Veterinary, Assam,
- (xv) the Principal of Cotton College, Dipu Government College, Assam Engineering College and the Government Medical College,
- (xvi) the Vice-Chancellor of Dibrugarh University and of any University in the State,

- (xvii) one-third of the Principals of Degree Colleges affiliated to the University by election from among themselves in the manner prescribed by the statutes. In case the number of Degree Colleges affiliated to the University being not divisible by three and found to be more than half, one more College may be included by if it is less than half, it may be ignored.
- (xviii) 10 persons from the Heads of Departments and Professors of the University being allotted Faculty-wise by rotation to be decided by the Executive Council.

OTHER MEMBERS

- (xix) person not exceeding ten in number, nominated by the Chancellor from amongst the donors, each of whom has contributed a sum of rupees five lakhs or more to the University,
- (xx) seven person elected by the members of the Assam Legislative Assembly from amongst themselves,
- (xxi) two members of the Board of Secondary Education, Assam elected by the aforesaid Board,

(xxii) ten persons of whom at least two shall be from the professional Degree Colleges to be elected by the teachers, other than the Heads of Departments and Professors of the Departments of the University and the Principals of the constituent and affiliated Degree Colleges from amongst themselves.

(xxiii) Two Registered Graduates elected by the Registered Graduates of the University who are not employees or students of the University or affiliated colleges,

(xxiv) Ten persons distinguished in Literature, Law, Medicine, Engineering, Technology, Industry, Commerce and Public life nominated by the Chancellor,

(xxv) (a) seven representatives to be elected by the post-graduate students of the University from amongst themselves :

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

Provided further that no student who has taken more than one year in

excess of the period prescribed for the course of which he is a student would be eligible for such election:

- (b) two representatives to be elected by the Law Students of the University from amongst themselves:

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

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

- (xxvi) two persons to be nominated by the Chancellor from amongst those whose interests are not otherwise represented.

- (2) Save as otherwise provided and except the ex-officio members and other members shall hold office for a period of three years from the date of their election or nomination, as the case may be:

Provided, however, that no person nominated or elected in his capacity as a member of a particular body or as a holder of a particular appointment shall be a member after he ceases to be a member of that body or holder of that appointment, as the case may be:

Provided further that any member elected or nominated under Cl. (xxvii) of sub-S. (1) shall hold office for a period of one year only from the date of his election or nomination, as the case may be. He shall cease to be a member of the court of his ceasing to be a student of the University.

- (3) When a person ceases to be a member of the Court he shall cease to be a member of any of the authorities or Committees of the University of which he may happen to be a member by virtue of his membership of the Court.
- (4) With the approval of the Court, the Vice-Chancellor may remove a member, elected under sub-Cl. (a) and of Cl. (xxvii) of Sub-S. (1), if he does not fulfill conditions laid down in the proviso therein.

COMMENTS

This section was amended vide Assam Act II of 1961, dated 10-1-1961 to come into force on such date

as the State Government may, by Notification appoint then the Assam Act IV of 1966 dated 20-1-1966 to come into force at once.

The Cl. (xxvii) was inserted and Cl (xxviii) being re-numbered s such by Assam Amendment Act of 1972 dated 1-5-1972 having come into force at once. The second proviso to sub-S. (2) and sub-S. (4) were also inserted by the same Amendment Act.

In sub-S. (1) of this section, by Assam Act XIV of 1975, dated 23-10-1975 to come into force at once the Cl.(ii) was deleted and subsequent clauses being re-numbered and clauses (as earlier numbered) (xvi), (xviii), (xx), (xxii) and (xxv) were substituted and in Cl. (xxvii), sub-Cls. (a) and (b) the words “seven” and “two” were substituted for the words “three” and “one”. The sub-Cl. (c) of Cl. (xxvii) was deleted. The Cl. (xxvii) of sub-Cl. (c) was again substituted by Assam Act XXI of 1976, dated 20-10-1976 to come into force at once. Under S. 169 of the Gauhati University (Amendment) Act, 1965 dated 20-1-1966, which came into force at once, until the constitution of the Court and the Executive Council respectively under S. 9 as amended by this amendment Act, the Court and the Executive Council constituted under the provisions of the principal Act and functioning immediately before the commencement of this Amendment Act, shall be deemed to be the Court and the Executive Council

under S. 9 (of the old Act) and as such continue to function :

Provided that the Government shall appoint a date not later than six months from the date of commencement of the Amendment Act for the constitution of the Court and the Executive Council under the provisions of the principal Act as amended.

10. (1) The Court shall meet at least twice a year on dates to be fixed by the Vice-Chancellor, whenever, he thinks fit, and shall, upon a requisition in writing signed by not less than one third of the members, of the Court, convene a special meeting of the Court.
- (2) The Vice-Chancellor, whenever, he thinks fit, and shall, upon a requisition in writing signed by not less than one third of the members, of the Court, convene a special meeting of the Court.

COMMENTS

The sub-S. (1) was substituted by Assam Act No. II of 1961 dated 0-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint and the substituted sub-S. (1) read as follows:

“The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the Annual Meeting of the Court.”

11. Powers and duties of the Court.

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

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

Provided that before making any modification to the Statutes submitted by the Executive Council, the Executive Council shall be given an opportunity to

consider the modification proposed by the Court and the Court shall consider the opinion expressed by the Executive Council on such modification.

COMMENTS

This section was substituted by Assam Act No. II of 1961 and then by Assam Act No. IV of 1966 dated 22-1-1966 to come into force at once.

12. The Executive Council.

- (1) The Executive Council shall be the Executive body of the University and shall consist of the following members:
 - (i) the Vice-Chancellor,
 - (ii) the Rector,
 - (iii) the Director of Public Instruction, Assam,
 - (iv) the Director of Technical Education, Assam,
 - (v) the Director of Health Services, Assam,
 - (vi) the Director of Public Instruction, Manipur,
 - (vii) the Director of Public Inspection, Arunachal

- (viii) Pradesh,
- (ix) the Chairman, Board of Secondary Education, Assam.

OTHER MEMBERS

- (x) Two Principals of non-Government affiliated Degree Colleges to be elected from amongst themselves,
- (xi) One Principal of Government affiliated Degree Colleges to be elected from amongst themselves,
- (xii) Two Heads of Department, other than Deans of Faculties, of the University who are Professors, to be chosen by the Vice-Chancellor by rotation according to seniority for a period of three years,
- (xiii) One Dean of Faculty to be chosen by the Vice-Chancellor from the Deans of Faculties of the University for a period of three years, by rotations according to seniority,
- (xiv) Three members to be elected by the Court from amongst its members at its Annual General Meeting other than employees and students of the University or the affiliated Colleges.

- (xv) Two Teachers other than a Dean of Faculty of the University and the Principals of the affiliated Colleges, to be elected by the Academic Council from amongst such Teachers who are its members,
 - (xvi) Three persons of whom at least one shall be a woman nominated by the Chancellor, and
 - (xvii) Three persons nominated by the Government.
- (2) Save as otherwise provided and except the ex-officio members all other members shall hold office for a period of three years from the date of their election or nomination, as the case may be:

Provided, however, that no person nominated or elected in his capacity as a member of a particular body or as a holder of a particular appointment shall be a member after he ceases to be a member or that body or holder of that appointment, as the case may be.

- (3) When a person ceases to be a member of the Executive Council he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Executive Council.

COMMENTS

This section was substituted by Assam Act No. II of 1961 and then by Assam Act IV of 1966 dated 20-1-1966 to come into force at once.

By Assam Act XXI of 1975, dated 23-10-1975 to come into force at once, in sub-S. (1) after the then Cl. (iv), Cls. (v) and (vi), were inserted and subsequent clauses being re-numbered and the then Cls. (v), (viii), (ix) and (x) were substituted – also after the then Cl. (v) a new Cl. (vi) was inserted and subsequent clauses being re-numbered.

By Assam Act XXI of 1976 dated 20-10-1976 to come into force at once, after the then Cl. (v), new Cls. (vi) and (vii) were inserted and subsequent clauses being re-numbered.

The Colleges situated in Manipur and Arunachal Pradesh are within the jurisdiction of the Gauhati University which necessitated the present amendment in the Act.

Under S. 16 (2) of Assam Act IV of 1966 to come into force on 20-1-1966 until the constitution of the Court and the Executive Council respectively under Ss. 9 and 12 of the Principal Act as amended by this

Act, the Court and the Executive Council constituted under the provisions of the principal Act and functioning immediately before the commencement of this Act, shall be deemed to be the Court and the Executive Council under these sections and shall continue to function as such:

Provided that the Government shall appoint a date not later than six months from the date of commencement of this Act for constitution of the Court and the Executive Council under the provisions of the Principal act as amended by this Act.

13. Powers and duties of the Executive Council. The Executive Council –

- (a) shall hold, control and administer the property and funds of the University and shall appoint a Finance Committee to advise it on matters of finance consisting of six members of whom the Vice-Chancellor shall be the Chairman, the Treasurer shall be the Secretary and the other four members shall be appointed as follows :
 - (i) two members to be elected to the Executive Council from amongst its members, and
 - (ii) two members to be nominated by the Government one from the Finance Department

and the other from the Education Department of this Government;

- (b) shall do all such acts appertaining or incidental to the construction of buildings, roads, tanks, pipelines and other structures of the University and for that purpose shall appoint a Construction Committee consisting of seven members of whom the Vice-Chancellor shall be the Chairman, the Register shall be the Secretary, the Treasurer a member and remaining four members shall all be appointed from among the members of the Executive Council with power to co-opt experts as members who shall have no power to vote:

Provided that at least one member of the Committee shall be appointed from amongst the members elected to the Executive Council by the Court,

- (c) shall determine the form and regulate the use of the common seal of the University,
- (d) shall lay before Government annually a full statement of the financial requirements of the University and the Colleges maintained by it,
- (e) shall administer any funds placed at the disposal of the University for any specific purpose including those

given for the purpose of buildings, roads, tanks, pipelines and other structure of the University;

- (f) shall appoint officers (other than the Chancellor, the Vice-Chancellor and the Rector), Teachers, Librarian, the Proctor, the clerical staff and other employees of the University and shall define their duties and conditions of service and shall provide for the filling up of service shall provide for the filling up of temporary vacancies;
- (g) shall have power to accept on behalf of the University bequests, endowments, donations or transfer any movable or immovable property;
- (h) shall have power, subject to the Statutes, to recognize or withdraw recognition from a College or Hall not maintained by the University;
- (i) shall arrange for the holding of, conducting and publishing the results of the University Examination;
- (j) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters under this Act concerning the University in accordance with this Act, the Statutes and the Ordinances:

Provided that no action shall be taken by the Executive Council in respect of the members, qualifications or emoluments of Teachers, otherwise than in consultation with the Academic Council; and

- (k) shall exercise all the powers of the University not otherwise provided for.

COMMENTS

This section was amended by Assam Act II of 1961 dated 10-1-1961 to come into force on such date as the State Government may by notification in the office Gazette, appoint, and by Assam Act IV of 1966 dated 20-1-1966 to come into force at once, the Cl. (f) was substituted.

In the case *Nripendranath Goswami v. Registrar, Gauhati University*, [AIR 1967 A & N 5], their Lordships after considering the provisions of Ss. 11 and 13 (a) held that it is Executive Council which has got the power to cancel the degree of a student or to take disciplinary action. But when the order of cancellation of the degree and punishment awarded to a student affect his further career in life, in such circumstances it is all the more incumbent on the authorities to give an opportunity to the student to explain his conduct and from the very nature of the circumstances under which such a power can be

exercised, it must be inferred that there is a duty cast upon the University to act judicially. It is well settled that in an enquiry resulting in penal consequences affecting the future career of a student, the principles of natural justice have to be observed [Naren Das v. The Gauhati University, ALR (1973) Gau 49].

14. The Academic Council .

- (1) The Academic Council shall be the academic body of the University and shall subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of and responsible for the maintenance of standards of instruction, education, and examination within the University.
- (2) (a) The Academic Council shall consist of the following members:

EX-OFFICIO MEMBERS

- (i) the Vice-Chancellor;
- (ii) the Director of Public Instruction, Assam;
- (iii) the Director of Technical Education, Assam;
- (iv) the Director of Health Service, Assam;

- (v) the Deans of the Faculties;
- (vi) the Professors of the University;
- (vii) the University Readers who are heads of Departments of teaching;
- (viii) the Librarian of the University;

OTHER MEMBERS

- (ix) five persons of whom at least one shall be a Principal of a Professional College, elected by the Principals of colleges from among themselves;
- (x) fifteen persons to be elected from amongst the teachers of the affiliated colleges and of the University of whom at least twelve shall be from the affiliated colleges;
- (xi) persons not exceeding three, other than teachers of the University appointed by the Chancellor being persons who by reasons of their possessing expert knowledge in subjects named for the purpose by the ex-officio members of the Academic Council are in the opinion of the Chancellor fitted to serve in the Council;

- (xii) two persons to be elected by the Court are not employees or students of the University or the affiliated colleges; and
 - (xiii) one Education Officer of the Board of Secondary Education, Assam, to be nominated by the Chairman of the aforesaid Board.
- (b) Save as otherwise provided and except the ex-officio members all other members shall hold office for a period of three years form the date of their election or nomination, as the case may be.
- (c) When a person ceases to be a member of the Academic Council he shall ceases to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Academic Council.

COMMENTS

This section was substituted by Assam Act No. II of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint and the substituted section read as follows:

“14. The Academic Council. The Academic Council shall be the academic body of the University and shall,

subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of and be responsible for the maintenance of standard of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred and imposed upon it by the Statutes. It shall have the right to advice the Executive Council on all academic matters. The constitution of the Academic Council and the terms of office of its members, other than ex-officio members shall be prescribed by the Statute.”

By Assam Act XIV of 1975, dated 23-10-1975 to come into force at once, after sub-Cl. (iii) of Cl. (a) of sub-S. (2) of this section, a new sub-Cl. (iv) was inserted and subsequent clauses being re-numbered and the then Cls. (ix) and (xii) being substituted.

14-A. Powers of the Academic Council. The Academic Council shall have the following powers namely:

- (i) to make proposals to the Executive Council for the Institution of Professorship, Readerships, Lecturerships or other teaching posts, and in regard to the duties and emoluments thereof;
- (ii) to submit to the Executive Council draft Regulations regarding method and manner of conducting

examinations including setting up of Moderation Boards and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, Medals and other rewards;

- (iii) to recommend examiners for appointments to be made by the Vice-Chancellor after report from the Faculties concerned;
- (iv) to control the University Library, to frame Regulations regarding its use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library;
- (v) to assign subjects to the Faculties;
- (vi) to assign teachers to the Faculties;
- (vii) to promote research with the University including the establishment of a Research Council and to require reports on such research from the persons employed therein;
- (viii) to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit report thereon to the Executive Council;
- (ix) to organize teaching in the University and to control the work of teachers, and

- (x) such other powers and duties as may be assigned to it under the Statutes.

COMMENTS

This section was inserted by Assam Act No. II of 1961, dated 10-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint.

15. The Faculties.

- (1) The University shall include Faculties of Arts, Science, Law, Medicine, Technology, Agriculture, Engineering, Commerce and Indian Fine Arts and such other Faculties as may be prescribed by the Statutes.
- (2) Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the course of study and the research work of such subjects as may be assigned to such Faculty by the Ordinances.
- (3) Each Faculty shall consist of -
 - (i) the Heads of the Departments comprised in the Faculty;

- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council;
- (iii) such teachers of subject not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on these subjects, as may be appointed to the Faculty by the Academic Council; and
- (iv) ten teachers of the affiliated colleges representing different subjects to be elected from amongst themselves:

Provided that a teacher so elected shall hold office for a period of two years from the date of his election;

- (v) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty:

Provided that the total number of members of each Faculty shall not exceed, in the case of the Faculties of Arts and Science, twenty-eight, and, in the case of any other Faculty, twelve, except with the sanction of the

Chancellor given on the request of the Academic Council.

(3-A) Subject to the provisions of this Act, each Faculty shall have the following powers, namely:

- (i) to constitute the Committee of Courses and Studies in the Departments assigned to it;
- (ii) to recommended to the Academic Council, the Courses of studies for the different examination, after consulting the Committees of Courses and Studies;
- (iii) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of the examiners in subjects assigned to the Faculty;
- (iv) to recommend to the Academic Council the conditions for the award of Degrees, Diplomas and other Distinctions;
- (v) subject to the control of the Academic Council, to organize research in the subject assigned to the Faculty; and
- (vi) to deal with any other matters referred to it by the Academic Council.

- (4) There shall be a Dean of each Faculty who shall be responsible for the due observance of Statutes, Ordinances and Regulations relating to the Faculty. He shall be Executive Officer of the Faculty and shall preside at its meeting, subject to the provisions of sub-S. (1) of S. 8-B.
- (5) Each Faculty shall comprise such Departments to Teaching as may be prescribed by the Ordinances. The Head of every such Departments shall be the Professor of the Department, or if there is no professor, the Reader. If there is more than one Professors, or more than one Readers of a Department, the Vice-Chancellor shall appoint to be the Head of the Department such one of the Professors or, if there is no Professor, such one of the Readers as he thinks fit. The head of the Department shall be responsible to the Dean for the organization of the teaching in the Department.
- (6) The Dean of Faculty shall be elected by the Faculty from among the Heads of the Departments of the Faculty and shall hold office of Dean for a period of three years.

COMMENTS

In this section the sub-S. (3) was substituted by Assam No. II of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by notification in the office Gazette, appoint. At the end of sub-S. (4) the words, “he shall S. 8-B”, were inserted and in sub-S. (6) from the words, “such terms as may be prescribed by the Statutes”, the words “a period of three years” were substituted by the same Amendment Act. By Assam Act XIV of 1975 dated 23-10-1975 to come into force at once, after Cl. (iii) of sub-S. (3) a new Cl. (iv) was inserted and the then Cl. (iv) was renumbered as Cl. (v) and in that clause the word “eighteen” was substituted by the words, “twenty-eight”.

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15-A. Selection Committee.

- (1) (a) There shall be a Selection Committee for making recommendations to the Executive Council for appointment of Professors, Readers, Lecturer, Registrar, Treasurer, Librarian and other officers of the University as may be provided for by the Statutes consisting of the following members:
 - (i) the Vice-Chancellor as Chairman of the Selection Committees ;

- (ii) three persons not holding any office of profit under the University of whom one nominated by the Chancellor, or to be nominated by the State Government and the other to be nominated by the Executive Council;
 - (iii) the Register shall be the member-Secretary of the Selection Committee except for the Selection for the Selection Committee for the appointment of Registrar in which case the Vice-Chairman shall nominate one person as member-Secretary in consultation with the Executive Council.
- (b) In making recommendations for the appointment of Professors of the University, the Selection Committee shall co-opt the Head of the Department concerned, if he is a Professor, one Professor of the Department to be nominated by the Executive Council out of the panel of not less than five names of person recommended by the Academic Council who have special knowledge of the subject for which the Professor is to be selected.
- (c) In making recommendations for the appointment of Readers or Lecturers and other teachers of the University the Selection Committee shall con-opt the Head of the Department concerned, one Professor of the Department to be nominated by the Vice-

Chancellor and two persons to be nominated by the Executive Council out of a panel of not less than five names of persons recommended by the Academic Council being persons not connected with the University, who have special knowledge of or interest in the subject for which the Reader or Lecturer is to be selected:

Provided that where the Executive Council proposes to make an appointment otherwise than in order of merit arranged by the Selection Committee in the post of Professors, Reader or Lecturers it shall record its reasons in writing and submit them to the Chancellor who may approve the proposal or return it to the Executive Council for reconsideration. After reconsideration. If the Executive Council desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision which shall be the final:

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

every member of the Selection Committee the reasons recorded as above.

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

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

Explanation. For the purpose of this section the co-opted members will be deemed to be members of the Selection Committee for the purpose for which they are co-opted.

(3) If the Executive Council does not accept any of the recommendations of the Selection Committee, it shall refer the matter to the Chancellor, stating clearly the reasons for not agreeing with the Selection Committee, and the decision given by the Chancellor thereon shall be final.

(4) The Executive Council shall constitute one or more Committees for making recommendations to the Executive

Council for appointment to other administrative posts and may prescribe by Ordinance the procedure and method to be followed in making such recommendations.

COMMENTS

This section was inserted by Assam Act IV of 1966 dated 20-1-1966 to come into force at once. This section was amended and substituted by Assam Act XIV of 1975 dated 23-10-1975 to come into force at once. By Assam XXI of 1976 dated 20-10-1976 to come force at once, after sub-S. (1), the sub-Ss. (2), (3) and (4) were inserted, (which were the original sub-sections while this section was inserted by Assam Act IV of 1966).

15-B. Students' Advisory Council.

- (1) There shall be a Students' Advisory Council which shall consist of the following members namely:
 - (i) One Chairman to be nominated by the Vice Chancellor from amongst the teachers of the University.
 - (ii) The Director of Students Welfare ex-officio Treasurer.
 - (iii) President, Vice-President and Secretary of the University Post Graduates Students' Union.

- (iv) President and Secretary of the University Law Students' Union.
- (v) 10 students from ten affiliated Degree Colleges to be selected by the Executive Council by rotation in the manner to be prescribed by the Statutes.
- (vi) One student from each teaching faculty of the University to be elected as prescribed by the Statutes.
- (vii) Five students one from each of the five activities mentioned below who have shown outstanding performances in the following activities to be nominated by the Vice-Chancellor, namely :
 - (1) Sports,
 - (2) National Service Schemes,
 - (3) National Cadet Corps,
 - (4) Cultural activities,
 - (5) National Discipline Scheme.
- (viii) Four lady students to be nominated by the Vice-Chancellor.
- (ix) The Director of Sports and Physical Education, if any.

- (x) The members of the Students' Advisory Council shall elect from amongst themselves the Secretary of the Council.
- (2) The term of office of the members of the Students' Advisory Council, other than ex-officio members shall be one year.
- (3) The quorum to constitute a meeting of the Students' Advisory Council, the rule of procedures and conduct of business to be followed at the meeting, the period within which a meeting shall be called and such other matters shall be prescribed by the Statutes:

Provided that no student shall be eligible to be or continue to be a member of the Students' Advisory Council unless he is enrolled as a student or after he attains the age of twenty-five years. A student member shall cease to be such member if he fails to pass at the next University Examination.

- (4) The function of the Students' Advisory Council shall be as follows, namely:
 - (i) To make recommendations to the Executive Council and the Academic Council in the matter effecting the Students corporate life of the University in so far as it concerns the students and the co-curricular and extra

–curricular activities in the University and the Degree Colleges affiliated to the University.

- (ii) Alls rules effecting discipline, welfare, Sports, Library, Management of Hotels, Students Home, extension work, social work, students health, National Service Scheme, N.C.C. etc., shall be placed before the Students' Advisory Council for its views before any decision is taken by the Executive Council.
- (iii) The Vice-Chancellor or any authority of the University may ask for the views of the Students' Advisory Council on any matter concerning the welfare of students.
- (iv) The Chairman of the Students' Advisory Council shall be the authority to decide whether a matter does or does not concern the students.
- (v) The Students' Advisory Council shall frame in own rules of business and shall submit the same to the Executive Council for consideration and approval.

COMMENTS

This section was inserted by Assam Act XIV of 1975,dated 23-10-1975 to come into force at once.

16. Other authorities of the University. The constitution, powers and duties of such other Authorities as may be declared by the Statutes shall be provided for in the manner prescribed by the Statutes.

17. The University Board.

(a) The University shall include a Residence, Health and Discipline Board and such other Boards as may be prescribed by the Statutes.

(b) The constitution, power and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinance.

18. Authority over High Schools. The University shall exercise no authority over the High Schools of the State or other Schools of the State except in so far as it may accept or not accept the State School Leaving Certificate or any other certificate as equivalent to the Matriculation in regard to the standard attained and to the subject presented:

Provided that the University shall have jurisdiction over the High Schools and High Madrassa in Assam till such time as all Schools in Assam are brought under a separate Board of Secondary Education.

19. Matriculation Examination. The University shall have the right to hold a Matriculation Examination for the admission

of the students to the University or to its affiliated colleges without regard to any School examinations held by the Government or any other Authority.

Provided that no student shall be required to appear in Matriculation Examination if he has passed the Final Examination conducted by the Board of Secondary Education.

COMMENTS

In this section the proviso was inserted by Assam Act No. II of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint.

20. Audit of Accounts.

- (1) The account of the University shall, once at least in every year and at the intervals of not more than fifteen months be audited by the Examiner, Local Accounts, Assam.
- (2) The accounts when audited shall be published in the official Gazette and a copy of the accounts together with the Report of the Examiner, Local Accounts shall be submitted to the Chancellor.

21. Statues. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

- (a) the conferment of Honorary Degrees;
- (b) the institution of Fellowships, Scholarships, Exhibitions and Prizes;
- (c) the terms of office, the method of appointment and the conditions of the services of the officers of the University;
- (d) the designation and the powers of the officers of the University;
- (e) the constitution, powers and duties of the Authorities of the University;
- (f) the institution of Colleges and Halls and their maintenance;
- (g) the conditions for affiliation by the Executive Council of Colleges and Halls not maintained by the University and for withdrawal of such affiliation with the Government :

Provided that no statue relating to the management of colleges and Halls and

conditions of services of employees shall apply to the Government Colleges and Government Aided colleges in respect of which the respective Government of Assam, Manipur and Arunachal Pradesh under whose territorial jurisdiction the colleges are situated, shall make necessary rules in consultation with the University. [No new pre-University or Degree College shall be given permission or affiliation by the University to introduce new subject or faculty without prior concurrence of the respective Government of Assam, Manipur or Arunachal Pradesh;

Provided further that the respective State Government of Assam, Manipur or Arunachal Pradesh may at any time vest the existing power of the Executive Council of the University of conducting Pre-University-Examination in the Board of Secondary Education, if any of the State with effect from such date as may be notified by the State Government concerned.]

- (h) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers, clerical staff and servants of the University;
- (i) the maintenances of a resister of registered graduates, and

- (j) all matters which by this Act are to be or may be prescribed the Statutes.

COMMENTS

The Cl. (g) to this section was substituted by Assam Act No. II of 1961 and vide Assam Act No. IV of 1966 the then Cl. (h) was deleted and other clauses being re-numbered. This clause was further amended by Assam Act XIV of 1975 and finally by Assam Act XXI of 1976 dated 20-10-1976 to come into force at once.

The first and second proviso of this section was amended by Assam Act XVII of 1978 having received the assent of the Government on the 20th December, 1978.

22. Statutes how made.

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

- (2) The draft Statutes of draft amendments to Statues may be approved or amended or rejected by the Court in the manner hereinafter provided:

Provided that no draft Statutes or draft amendments to Statutes with financial implications shall be amended without further reference to the Executive Council.

- (3) Every draft or Statutes proposed by the Executive Council shall be submitted to the Court for consideration. Such draft shall be considered by the Court at its next meeting. The Court may pass the Statutes or may amend it or may return the Statutes or may amend it or may return the Statute to the Executive Council for re-consideration.
- (4) Any draft of a Statute proposed by the Executive Council and rejected by the Court shall be submitted to the Chancellor who may refer it back to the Court for re-consideration.
- (5) Every Statute passed by the Court shall be submitted to the Chancellor who may give or withhold his consent or refer it back to the Court for re-consideration.
- (6) A Statute passed by the Court shall have no validity until it has been assented to by the Chancellor.

- (7) Any member of the Court may propose to the Executive Council the draft of any Statute and the Executive Council shall submit such proposed draft to the Court with its comments.

COMMENTS

The then sub-S. (1) and the first Statute as set out in the Schedule with all modification there were deleted by Assam Act No. II of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint. And the present sub-S. (1) was inserted by Assam Act IV of 1966 dated 20-1-1966 to come into force at once. In sub-S. (2) the words “or amended” were added after the words “may be approved” and the proviso to it was added by Assam Act No. II of 1961.

In sub-S. (3) the words, “or may amend it” were added after the words, “pass the Statute” by the same amendment Act.

The proviso to sub-S. (6) was omitted and sub-S (7) was substituted by the same Amendment Act.

22. Ordinances. Subject to the provisions of this Act, and the Statutes, the Executive Council may frame Ordinances to provide for all or any of the following matters, namely:

- (a) the admission of students in the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees and diplomas of the University;
- (c) the conditions under which students shall be admitted to the degree and diploma courses and the examinations of the University and shall be eligible for the degrees and diplomas;
- (d) the conditions of residence of the students of the University;
- (e) the affiliations of Colleges and recognition of the hostels;
- (f) the qualifying attendance required in the various courses;
- (g) the extension of University teaching in any suitable centre within the State by means of University extension Lectures or others;
- (h) the emoluments and conditions of service of teachers of the University;

- (i) the fees to be charged for courses of study in the University and form admission to the Examinations, degrees and diplomas of the University;
- (j) the formation of the Departments of Teaching in the University;
- (k) the constitutions, powers and duties of the boards of the University;
- (l) the conduct of examinations; and
- (m) all matters which by this Act or the Statues are to be or may be provided by the Ordinances.

24. Ordinances how made.

- (1) Save as otherwise provided Ordinances shall be framed by the Executive Council:

Provided that –

- (i) no Ordinance shall be made affecting the condition of residence of students, except after consultation with the Residence Health and Discipline Board; and
- (ii) no Ordinance shall be made –

- (a) affecting the admission or enrolment of student or prescribing examination to be recognized as equivalent to the University examination or prescribing the further qualification mentioned in sub-S. (2) of S. 28 for admission in the degree courses of the University; or
 - (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examination or any course of study, unless a draft of such Ordinance has been proposed by the Academic Council.
- (2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-S. (1) but may reject it or return it to the Academic Council for reconsideration either in whole or in part, together with any amendment which the Executive Council may suggest.
- (3) Such of the draft Ordinance proposed by the Academic Council as are rejected by the Executive Council under sub-S. (2) shall be placed by the Executive council with its comments before the Chancellor whose decisions shall be final.

COMMENTS

The then sub-S. (4) of this section was substituted by Assam Act No. II of 1961 dated 10-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint.

The then sub-S. (4) was deleted and the then existing sub-S. (4) was renumbered as sub-S. (3) by Assam Act IV of 1966 dated 20-1-1966 to come into force at once.

25. Regulations.

- (1) The authorities of the University may make regulations consistent with this Act, the Statutes and the Ordinances –
 - (a) laying down the procedure to be observed at their meetings and the member required to form a quorum.
 - (b) Providing for all the matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations, and
 - (c) Providing for all other matters solely concerning such authorities and not provided for by this Act, the Statutes and the Ordinances.

- (2) Every authority of the University shall make regulations providing for the giving of notice to the members of such authority, of the dates of meetings, and for the keeping of a record of the business to be considered at the meetings, and for the keeping of a record of the proceedings of the meetings.
- (3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation under this section or the annulment of any Regulations made under sub-S (1).

COMMENTS

The proviso to sub-S. (3) was deleted by Assam Act No. 11 of 1961 dated 10-1-1961 to come into force on such date as the State Government may by notification in the official Gazette, appoint and the deleted proviso read as follows:

“Provided that any authority of the University which is dissatisfied with any such direction may appeal to the Chancellor, whose decision in that matter shall be final.”

26. Colleges.

- (1) The Colleges shall be such as may be named in the Statutes.

- (2) The conditions of residence in the colleges shall be prescribed by the Ordinance, and every college shall be subject to inspection by any member of the Residence, Health and Discipline Board authorised in this behalf by the Board and by any officer of the University authorised in this behalf by the Board and by any officer of the University authorised in this behalf by the Executive Council.
- (3) the conditions of residence in the Halls shall be prescribed by the Ordinances and every Hall shall be subject to inspection by any member of the Residence, Health and Discipline Board authorised in this behalf by the Board and by any officer of the University authorised in this behalf by the Executive Council.
- (4) The Executive Council shall have power to suspend or withdraw the recognition of any Hall which is not conducted in accordance with the conditions prescribed by the Ordinances.

28. Admission in University Courses.

- (1) Admission of students to the University shall be made by an Admission Committee (including at least one Principal appointed for that purpose by the Academic Council).

- (2) Students shall not be eligible for admission to a course of study for degree unless they have passed the Intermediate examination of an Indian University incorporated or constituted by any law for the time being in force, or an examination recognized in accordance with the provisions of this section as equivalent to such examination and possess such further qualification, if any, as may be prescribed by the Ordinances. Any such qualifications may be tested by examinations:

Provided that, during a period of five years from the commencement of this Act and such further period as the Chancellor may direct, any student who have passed the Matriculation examination of any such University or any examination recognized in accordance with the provisions of this section as equivalent thereto and possess such further qualifications as may be deemed eligible for admission to the University. Any such qualification may be tested by examinations.

29. Examinations.

- (1) Subject to the provisions of this act and of the Statutes, all arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be prescribed by this Act and the Ordinance.

- (2) If, during the course of an examination, any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy and shall report the appointment to the Faculty concerned and Academic Council.
- (3) At least one examiner who is not a teacher or other person in the service of the University or a college, shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a University Degree.
- (4) The Academic Council shall appoint Examination Committee consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examinations and to report such result to the Executive Council through the Academic Council for publication.

COMMENTS

In this section, in sub-S. (2), for the words “Executive Council”, the words, “Faculty concerned and Academic Council” were substituted by Assam Act No. II of 1961 dated 10-1-1961.

30. Annual Account.

- (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Chancellor for the purpose of Audit.

- (2) The account when audited shall be published by the Executive Council in the Assam Gazette, and copies thereof shall together with copies of the audit report, if any, be submitted to the court and to the Chancellor. The Executive Council shall also submit to the Court on or before such date as may be prescribed by the Statutes, a statement of the financial estimates for the ensuing year.

- (3) The annual accounts and the final estimates shall be considered by Court at its annual meeting and the court may pass resolutions whereon and communicate the same to the Executive council.

32. Removal of Members of the Court and Executive Council for continued absence.

- (1) If a member of the court or the Executive Council of the University remains absent without sufficient reason from the two successive meeting of the Court or from five successive meetings of the Executive Council,

as the case may be, the Chancellor may call upon that member to offer within a reasonable time such explanations as he may desire to offer.

- (2) If a member of the Court or the Executive Council when called upon by the Chancellor to offer explanation fails to offer any explanation or given an explanation which, in the opinion of the Chancellor is unsatisfactory, the Chancellor may remove such member from office.

COMMENTS

This section was earlier numbered as S. 32-A being inserted by Assam Act VI of 1949 and the earlier S. 32 was deleted by Assam Act II of 1961 dated 10-1-1961 and the then S. 32-A being renumbered as S. 32.

- 33. Dispute as to constitution of University Authorities and Bodies.** If any question arises whether any person has been duly elected or 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.
- 34. Proceedings not invalidated by vacancies.** No act or proceeding of any authority or other body of the University shall be invalidated by reason of the existence of a vacancy or vacancies among its members.

35. Arbitration. An appeal in respect of a dispute arising out of a contract between the University and any officer or teacher of the University shall be preferred in the case of a dispute between an officer or a teacher and an authority of the University other than the Executive Council, to the Executive Council, and in respect of a dispute between an officer or a teacher and the Executive Council, to the Chancellor. The Executive Council or the Chancellor, as the case may be, may either dispose of the appeal or may refer it to a Board of Arbitration. The constitution of terms of reference to the Board of Arbitration shall be such as may be prescribed by the Statute. The decision of the Board of arbitration shall be final and no suit shall lie to any Civil Court in respect of the matters decided by the Board.

COMMENTS

This section was substituted by Assam Act No. II of 1961, dated 6-1-1966 to come into force on such date as the State Government may, by notification in the official Gazette, appoint and the substituted S. 35 read as follows:

“35. Tribunal of Arbitration. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the

officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any v=civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940 (Act X of 1940), and all the provisions of this Act, with the exceptions of S. 2 thereof, shall apply accordingly”.

36. Pension and Provident Fund.

- (1) The University shall constitute, for the benefit of all its employees, in such manner and subject to such conditions as may be prescribed by the Statutes such pension, insurance and provident funds as it may deem fit.
- (2) Where such a Provident Fund has been so constituted, the Government may act notwithstanding anything contained in the Provident Fund Act, 1925 (Act XIX of 1925) by notification in the official Gazette, declare that the provisions of the Contributory Provident Fund Rules (Assam 1936 shall apply to such provident fund of the University, as if it were a Government.

COMMENTS

In this section for the words “officers, teachers, clerical staff and servants”, the words “all its employees” were substituted by Assam Act No. II of 1961 dated 6-1-1961.

- 37. Annual contribution from Government.** The Government shall, for the purpose of this Act, contribute annually to the University a sum of not less than forty lakhs of rupees to meet the recurring charges of the University. All contributions made under this section shall be charged to the revenues of the State.

COMMENTS

In this section the word “forty” occurring between the words “than” and “lakhs” had undergone several changes. It was “five” before and increased to “ten” by Assam Act No. II of 1961, further increased to “twenty” by Assam Act VIII of 1969 and finally to “forty” by Assam Act VIII of 1974 dated 14-3-1974 to come into force on such date as the State Government may, by notification in the official Gazette, appoint.

- 38. Removal of difficulties.** If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or in connection with holding of the first examinations of the University and publishing results

thereof or otherwise in first giving effect to the provisions of this Act, the State Government may, at any time before all the authorities of the University have been constituted, by order make any appointment or to do anything consistent so far as may be with the provisions of this Act and the Statutes which appears to it necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act.

- 39. Development Committee and its duties** [Deleted by Assam Act II of 1961].
- 40. Powers of the Development Committee.** [Deleted by Assam Act II of 1961].
- 41. The Estimate and Audit of Account of the Development Committee.** [Deleted by Assam Act No. II of 1961].

COMMENTS

Sections 39, 40 and 41 were deleted by Assam Act No. II of 1961, dated 6-1-1961, to come into force on such date as the State Government may by notification in the official Gazette appoint. Section 39 dealt with the appointment of a Development Committee and its duties; Section 40 prescribed the powers of the Development Committee and S. 41 dealt with the estimate and audit of accounts thereof.

42. Power of State Government for inspection.

- (1) (a) The State Government shall have, for reasons to be recorded in writing, the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, press establishment, workshops, and equipments and of any institution maintained by the University, and of all activities other than purely academic activities of the University and to cause an enquiry to be made into the income, expenditure assets and liabilities of the University.

(b) The State Government shall in every case give notice to the University of its intention to cause such inspection or enquiry to be made.
- (2) The State Government shall communicate to the Executive Council its views with reference to the results of such inspection or enquiry and may after ascertaining the opinion of the Court and the Executive Council thereon, advise the University upon the action to be taken.
- (3) The Executive Council shall report to the State Government the action, if any, which is proposed to be taken or has been taken to give effect to the advice of

the State Government. Such report shall be submitted with the opinion of the Court thereon and within such time as the State Government may direct.

- (4) The State Government may, after considering the report referred to in sub-S. (3) advise the University to take such further action, if any, as in the opinion of the State Government is necessary, and the Executive Council and the Court shall take or cause such action to be taken within the time specified in such advice in that behalf.

COMMENTS

This section was substituted by Assam Act No. II of 1961 dated 6-1-1961 to come into force on such date as the State Government may, by notification in the official Gazette, appoint, and the substituted S. 42 read as follows:

“42. The State Government’s power of supervision.

- (1) If, at any time the Government of Assam are of opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects and purpose of the University or in accordance with this act and the Statutes and Regulations, or in furtherance of objects for which any grant or donation is specifically made by Government,

public bodies or individuals, the Government of Assam may indicate to the Executive Council such matter in regard to which the Government of Assam desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer any proposal which it may desire to make.

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

“42-A. Suspension of the powers of the University by the State Government.

- (1) if at any time it appears to be necessary and expedient in the opinion of the State Government, the State Government may with the prior consultation with the Chancellor, by a notification published in the official Gazette, suspend all or any of the powers of the University as prescribed in S. 5 of the Gauhati University Act and other powers as may be ancillary to such powers of management,

functions of such authorities or officers including holding, conduct and superintendence of an arrangement and appointment of any powers or authority in connection with any or more examinations or publication of the result of any such examination or examinations or to any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period, in such manner and through if and when necessary during such period, in such manner and through such officers or authority as may be considered fit.

- (2) The provisions of the Statutes, Ordinances and Regulations framed under this Act relating to any one or ore preceding sub-sections as may be amended for any of the purposes mentioned therein in such manner as may be decided by the State Government with the prior consultation with the Chancellor and shall take effect accordingly for the purposes of exercising the powers under the preceding sub-section
- (3) The State Government may constitute an Advisory Committee consisting of at least 3 persons who, in the opinion of the State Government are eminent educationists for advising the State Government in the matter of

discharging the powers, duties, functions and responsibilities in respect of which such powers are taken over by the State Government under sub-S. (1) of this section.

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

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

42-B. Notwithstanding anything contained in this Act any decision given, order made, anything done any action taken or any proceedings commenced under any of the provisions of the Act or Rules, Statutes, Regulations in force immediately before the commencement of this Act, shall in so far as they are not inconsistent with the provision of this Act, continue in force and shall be

deemed to have been given, made done or taken, commenced under the provisions of this Act.

42-C. Interpretation. If any dispute arises as to the interpretation of any of the provisions of this Act, the interpretation given by the State Government shall be final and binding on all concerned.

COMMENTS

Section 42-A, 42-B and 42-C were inserted by Assam Act XIV of 1975 dated 23-10-1975 to come into force at once.

43. Saving. Notwithstanding anything contained in this Act –

- (1) The Vice-Chancellor appointed under the provisions of the principal Act and exercising any powers and functions immediately before the commencement of this Act shall continue to hold office as such and exercise such powers and functions, not inconsistent with the provisions of this Act, till the expiration of the term of Vice-Chancellor under the provisions of the principal Act.
- (2) All committees except the Development Committee, Boards and other Bodies constituted, and all acts done or purported to have been done in exercise of the powers given by and under the provision of the

Statutes set out to the Schedule with all modifications thereof to the principal Act shall be deemed to have been constituted or done, as the case may be, under Statutes made by the appropriate authority of the University.

- (3) The Court, the Executive Council and the Academic Council constituted under the provisions of the principal Act and exercising any functions immediately before the commencement of this Act shall continue to exercise such functions until the corresponding court, the Executive Council and the Academic Council are constituted in accordance with the provisions of the principal Act as amended by this Act:
- (4) The Development Committee constituted and exercising any functions under the provisions of the principal Act immediately before the commencement of this Act shall continue to exercise such functions until the Construction Committee is constituted under the provisions of the principal Act as amended by this act and until it takes over charge to the Executive Council for the time being functioning under the provisions of the principal Act or amended by this Act.
- (5) All debts and obligations incurred, all contracts entered into, all matters and things engaged to be done by, with or for the Development Committee in exercise of its duties and powers before the

commencement of the Gauhati University (Amendment) Act, 1960 shall upon such commencement be deemed to have been incurred, entered into or engaged to be done by, with or for the University: and all suits or other legal proceedings instituted or which might but for the dissolution of the Development Committee have been instituted by or against the Development Committee, may be continued or instituted by or against the University.

COMMENTS

This section was inserted by Assam Act II of 1961, dated 6-1-1961.

The Schedule and the first Statutes of the University framed under S. 22 (1) of the Act were deleted by Assam Act No. II of 1961, dated 6-1-1961.