

- (c) in the case of difference of opinion among the members, the opinion of the majority shall prevail;
- (d) each member of the Academic Council shall have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council or the member presiding over the meeting shall, in addition, have a casting vote;
- (e) every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and, in his absence, by a member selected by the members present at the meeting;
- (f) if any urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. The papers shall be placed at the next meeting of the Academic Council for confirmation.
- Constitution and function of the Finance Committee**
21. (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following members:—
- (a) the Chairman of the Finance Committee to be nominated by the General Council from amongst its members of the University;
- (b) the Vice-Chancellor;
- (c) the Finance Officer; and
- (d) three members shall be nominated by the Executive Council from amongst its members, out of whom at least one shall be from the Finance Department of the Government of Assam.
- (2) The members of the Finance Committee, other than the Vice-Chancellor and the Finance Officer shall hold office for a term of three years.
- (3) The functions and duties of the Finance Committee shall be as follows:—
- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendation to the Executive Council;

- (c) to consider the periodical statements of accounts and to review the finances of the University, from time to time, to consider reappropriation statement on audit reports and to make recommendations to the Executive Council;
 - (d) to give its views and to make recommendations to the Executive Council on any financial question affecting the University, either on its own initiative or on reference from the Executive Council or the Vice-chancellor.
- (4) The Finance Committee shall meet at least once every year. Three members of the Finance Committee shall form the quorum for a meeting of the Finance Committee.
- (5) The Chairman of the Finance Committee of the University shall preside over the meetings of the Finance Committee, and, in his absence, the Vice-Chancellor shall preside. In the case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.
- (6) The Finance Committee shall entrust duties and responsibilities to the Finance Officer as may deem suitable.

Planning Board 22. (1) The Planning Board shall be responsible for development plan of the University, both physical and academic, and it shall conduct academic audit of the Board, University Departments, institutions, colleges and recognised institutions. It shall also plan, monitor, guide and co-ordinate undergraduate and post-graduate academic programme and development of affiliated colleges.

(2) It shall consist of the following members, namely:-

- (a) the Vice-Chancellor-Chairperson;
- (b) one Dean of any Faculty nominated by the Academic Council;
- (c) one teacher, imparting post-graduate instruction having not less than sixteen years of teaching experience, nominated by the Vice-Chancellor;
- (d) one teacher, imparting undergraduate instruction having not less than sixteen years of teaching experience, nominated by the Executive Council;
- (e) one Principal of an affiliated college of Health Sciences, nominated by the Executive Council from amongst the Principals who are members of the Academic Council;
- (f) two experts, co-opted by the Board, from amongst the Heads of National and State level research institutions;
- (g) the Director of the Planning Board-Member-Secretary;

Provided that the members, nominated in clauses (c) to (h) of this sub-section, as far as practicable, shall be drawn from different faculties.

- (3) The Board shall actively establish collaboration with National and International Health Science Institutions.
- (4) The Board shall meet at least twice a year.

Powers and
duties of
Planning Board

23. The Board shall-

- (1) suggest measures to create links and develop specific schemes of Inter University, University and college interaction with industry, agriculture, banks, commerce, science and community;
- (2) prepare University and college development plans, both short-term and long-term keeping in view the objectives of the University as laid down in the Act and with due regard to the State and National Educational Policy;
- (3) recommend to the Executive Council the development and collaborative programmes for the departments, colleges and the University;
- (4) monitor and report the progress of all such approved development and collaborative programmes to the Executive Council once a year;
- (5) evaluate and assess the use of grants by University Department, post graduate centres and affiliated colleges in respect of development projects and submit the report to the Academic Council;
- (6) organise academic audit of development and collaborative programmes of University institutions or Departments, post-graduate centres and affiliated colleges, according to the provisions of the Statutes at least once in three years and make necessary recommendations to the University for implementation;
- (7) scrutinise the applications received for establishment of new colleges or institutions for affiliation to the University and process the same for forwarding to the State Government as provided by the Statutes.

Prior approval of
the Government
on certain
matters

24. (1) The name of the posts and the numbers thereof shall be as per Schedule appended to this Act:

Provided that any further creation of posts of officers or any other employees, the prior approval of the State Government shall be necessary if such creation of posts casts additional financial burden on the State exchequer.

- (2) Notwithstanding anything contained in this Act, the University shall obtain prior approval of the State Government for, -
 - (a) revision of pay, allowances, retirement benefits or any other benefit of its officers, teachers and other employees,
 - (b) granting any special pay, allowance or any other extra remuneration, including *ex-gratia* payment or any other benefit involving financial implications, to any of its officer, teacher or other employees.

- (c) incurring expenditure on any developmental work from the fund received from the Government or University Grants Commission or any person or body for any purpose other than that for which the fund has been received.

Statutes 25. Subject to the provisions of this Act, Statutes may provide for all or any of the following matters, namely:-

- (1) conferment of honorary degrees and holding convocation;
- (2) the establishment and maintenance of the University Departments, institutions, conducted Colleges, institutions of higher learning, research or specialized studies and hostels;
- (3) the powers and duties of the officers of the University;
- (4) the powers and duties of the authorities of the University;
- (5) the principles governing the seniority and service conditions of the employees of the University;
- (6) the provision for disqualifying members of the authorities, bodies or committees of the University;
- (7) abolition of University Departments or institutions and conducted colleges;
- (8) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, including periodic assessment of teachers, officers and other employees of the University and the affiliated colleges (except those colleges or institutions maintained by the State or Central Government or a local authority), the provisions of pension, gratuity and provident fund, the manner of termination of their services, as approved by the State Government;
- (9) the rules and procedures for holding elections to the General Council, the Executive Council and other authorities and bodies of the University;
- (10) application of funds of the University for furtherance of the objects of the University;
- (11) norms of affiliation of colleges or for withdrawing the affiliation of the colleges;
- (12) the norms for grant of autonomy to University Departments or institutions, affiliated colleges and recognized institutions, subject to the approval of the State Government;
- (13) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organizations;

- (14) provision of reservation of adequate number of posts of teachers, officers and other employees of the University, affiliated colleges and recognized institutions, for members of the Scheduled Castes and Scheduled Tribes and Other Backward Classes in accordance with the policy of the State Government;
- (15) number of working days, number of actual days of instructions, holidays other than Sundays, vacation and terms in academic year;
- (16) disciplinary action against defaulting teachers, officers and other employees of the University, affiliated colleges and recognized institutions other than colleges or institutions managed and maintained by the State Government or Central Government or Local Authorities;
- (17) the taking over or transferring, in the public interest, of the management of a college or institution by the University and the conditions for such taking over or transferring, subject to the approval of the State Government;
- (18) any matter which is to be prescribed or which is necessary to give effect to the provisions of this Act.

How to make the Statutes 26. (1) The Statutes may be made, amended or repealed by the General Council in the manner hereinafter provided:-

- (2) The General Council may take into consideration the draft of a Statute either of its own motion or on a proposal by the Executive Council in the case of a draft which is not proposed by the Executive Council, the General Council before considering the same, shall obtain in the opinion of the Executive Council:

Provided that, if the Executive Council fails to submit its opinion within three months from the date it receives the draft, the General Council may proceed to take the draft into consideration.

- (3) The General Council, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute which is before it for consideration:

Provided that where any such draft Statute pertains to academic matters, the General Council shall obtain the opinion of the Academic Council before considering the same.

- (4) Every Statute passed by the General Council shall be submitted to the Chancellor who may give or withhold his assent thereto, or send it back to the General Council for reconsideration.

- (5) No Statute passed by the General Council shall be valid or shall come into force until assented to, by the Chancellor,

- (6) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor, either *suo moto* or on the advice of the Government, may, direct the University to make provisions in Statutes in respect of any matter specified by him and if the General Council fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the General Council for its inability to comply with such direction, make or amend Statutes suitably.

Ordinances

27. Subject to the conditions laid down by or under this Act, the Executive Council may make Ordinance, to provide for all or any of the following matters, namely:-

- (i) the conditions under which students shall be admitted to courses of study for degree, diploma, certificate and other academic distinctions;
- (ii) the fees to be charged for enrolment of students for attending such courses in the University and the conducted colleges (including the tuition fees and hostel charges), which shall, as far as possible, be uniform for the colleges situated in the same local areas, for admission to the examinations leading to degrees, diplomas, certificate and other academic distinctions, and for registration of graduates;
- (iii) the conditions of residence, conduct and discipline of the students of the University, and action to be taken against them for breach of discipline or misconduct, including the following:-
 - (a) use of unfair means at an examination or abatement thereof,
 - (b) refusal to appear or give evidence in any authorized inquiry by an officer in charge of an examination, or by any officer or authority of the university, or
 - (c) disorderly or otherwise objectionable conduct, whether within or outside the University;
- (iv) the qualifications and classification of teachers in University Departments, colleges and recognized institutions;
- (v) the conditions governing the appointment and duties of examiners;
- (vi) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
- (vii) the recognition of teachers of the University and the conditions subject to which persons may be recognized as qualified to give instructions in the University Departments, colleges and recognized institutions;
- (viii) the inspection of colleges, recognized institutions, halls and hostels;

- (ix) the mode of execution of contracts or agreements for, by or on behalf of the University;
- (x) the rules to be observed and enforced by colleges and recognized institutions regarding transfer of students wherever necessary;
- (xi) the powers and functions of students' associations and other organization in colleges;
- (xii) all other matters which by or under this Act or Statutes, are to be or may be, provided for by Ordinance; and
- (xiii) generally, all matters for which provision is, in the opinion of the Executive Council, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Executive Council by or under this Act or Statutes.

How to make
Ordinances

28. (1) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

- (2) No Ordinance concerning the matters referred to in clauses (i) to (vii) of section 27 or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.
- (3) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (2), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Executive Council may suggest.
- (4) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinance, to suspend its operation and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Rules

29. (1) Subject to the conditions laid down by or under this Act, and the approval of the Executive Council, the Academic Council may make Rules in conformity with this Act, Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided for by Rules, and for all other matters solely concerning itself.

- (2) Any authority or body may, subject to the previous approval of the Executive Council, make Rules, in consistent with this Act, the Statutes, Ordinances and Rules, for

- (a) giving notice of the dates and hours of its meetings and of the business to be conducted thereat;
 - (b) regulating the procedure at its meeting and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;
 - (c) providing for all matters solely concerning such authority or body.
- (3) All Rules shall be submitted to the Executive Council which may amend or annul them in such manner as it thinks proper, after ascertaining and considering the views of the authority or body making them.

Board of studies 30. (1) There shall be a Board of Studies as may be made by the Statutes.

(2) The Board of Studies shall consist of-

(a) the Head of the University Department or institution in the relevant subject:

Provided that where there is no University Department in the subject, the Board shall, at its first meeting, co-opt the Head of the Department from an affiliated college having post-graduate degree in teaching in that subject; and

(b) six Heads of Departments in affiliated colleges, other than principals, having not less than ten years teaching experience, elected in the manner as may be prescribed by the Heads of Departments in affiliated colleges from amongst themselves.

(3) The Board, at its first meeting, shall co-opt --

(a) one post-graduate teacher having not less than ten years teaching experience, from amongst the teachers of affiliated colleges having post-graduate teaching in the subject;

(b) one teacher, having not less than ten years teaching experience from amongst affiliated college teachers in the subject, who is not Head of the Department in the University or affiliated college or principal;

(c) two eminent persons who are -

(i) either professors or readers in other universities, or

(ii) persons holding rank not lower than that of Assistant Director in National laboratories or institutions or recognised institutions; or

(iii) experts in related field having published -

(A) at least one book, or

(B) research paper in recognised National or International Journals.

(3) Subject to the specific and general directions of the Executive Council, the Vice-Chancellor shall

(4) The Chairperson shall be elected in the manner as may be prescribed by the members of the Board from amongst themselves.

**Powers and
functions of
Board of Studies**

31. The Board of Studies shall have the following powers and functions, namely:-

(3) The Vice-Chancellor who shall be a Professor of Modern System of Medicine and shall hold office for a term of five years.

(a) to recommend, upon reference to it by the Executive Council, or Academic Council or the faculty concerned or otherwise, the courses of study in the subject or group of subjects within its purview;

(4) The Vice-Chancellor shall

(b) to recommend books, including text books, supplementary reading, reference books and other material for such courses of study;

(5) The Vice-Chancellor shall have all such powers as are necessary for that purpose.

(c) to recommend to the Academic Council for its approval the preparation and publication of selections, or writing or work of authors and other matters as well as material consequent to curriculum development by the teachers of the University for its introduction in the syllabi of the courses of study under the purview of the Board in accordance with the Regulations made by the Academic Council in that behalf;

(6) The Vice-Chancellor shall have power of attorney and verify the pleadings or depositions or affidavits for the

(d) to advise the faculty or faculties regarding improvements in the courses of study;

(e) to recommend names of suitable persons for inclusion in the panels for appointment of paper-setters, examiners and moderators at the University examinations in the subject by the Board of Examinations;

(7) If in the opinion of the Vice-Chancellor any emergency has arisen, and such

(f) to recommend to the Board of Examinations, names of persons suitable for appointment of referees for evaluation of Thesis and Dissertations and for conduct of *viva voce* examinations, wherever prescribed, for awarding post-graduate, doctorate and higher degrees;

(8) The Registrar shall be appointed by the Executive Council and shall be a whole-time officer.

(g) to suggest organisation of orientation and refresher courses in the subject;

(9) The Registrar shall be appointed by the Executive Council and shall be a whole-time officer.

(h) to prepare requirements in respect of teaching of the subject at various levels in respect of teachers and their qualifications, library, laboratory and hospital equipment and consumables for the use for the Planning Board for formulating the norms and requirements for granting affiliation or extension or continuation of affiliation to colleges and for granting recognition or extension or continuation of recognition to institutions by the University.

**The Vice
Chancellor**

32. (1) The Vice-Chancellor of the University shall be appointed by the Executive Council in consultation with the Chancellor in accordance with the regulations made in that behalf.

Provided that the first Vice-Chancellor shall be appointed by the Government of Assam in consultation with the Chancellor.

- (2) Subject to the specific and general directions of the Executive Council, the Vice-Chancellor shall exercise all the powers of the Executive Council for management and administration of the University and shall also exercise all such powers as may be delegated to him by the Executive Council.
- (3) The Vice-Chancellor, who shall be a Professor of Modern System of Medicine, shall hold office for a term of five years, which shall be renewable for one more term only by a resolution to that effect by the Executive Council.
- (4) The Vice-Chancellor shall -
 - (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;
 - (b) convene the meetings of the General Council, the Executive Council and the Academic Council and shall perform such other acts as may be necessary to give effect to the provisions of this Act;
 - (c) represent the University in suits or proceedings by or against the University, sign power of attorney and verify the pleadings or depute representatives for the purpose;
 - (d) have all such powers as are necessary for proper maintenance of discipline in the University.
- (5) If, in the opinion of the Vice-Chancellor, any emergency has arisen, and such emergency requires that immediate action should be taken, he shall take such action as he deems necessary and shall report the same for ratification at the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

- The Registrar** **33. (1)** The Registrar shall be appointed by the Executive Council and shall be a whole-time officer of the University. The terms and conditions of service of the Registrar shall be such as may be prescribed by regulations.
- (2) The first Registrar shall be appointed by the Government. The Registrar shall be the *ex-officio* Secretary of the Executive Council, the Finance Committee and the Faculties, but shall not be deemed to be a member of any of these authorities.
 - (3) The Registrar shall -
 - (a) comply with all directions and orders of the Executive Council and the Vice-Chancellor;

- (b) be the custodian of the records, common seal and such other property of the University as the Executive Council may commit to his charge;
 - (c) issue notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the Faculties, and of any committee appointed by any authority of the University;
 - (d) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the Faculties, and any committee appointed by any authority of the University;
 - (e) conduct the official correspondence of the Executive Council and the Academic Council;
 - (f) supply the Chancellor the copies of the agenda of the meetings of the authorities of the University as soon as they are issued, and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;
 - (g) call a meeting of the Executive Council forthwith in an emergency, when neither the Vice-Chancellor nor the officer duly authorised is able to act and to take its directions for carrying on the work of the University;
 - (h) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions; and
 - (i) perform such other duties as may be assigned to him, from time to time, by the Executive Council or the Vice-Chancellor.
- (4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorise any officer in the service of the University to exercise such powers, and perform such functions and duties of the Registrar, as the Vice-Chancellor may deem fit.

Controller of
Examinations

34. (1) The Controller of Examinations shall be appointed by the Executive Council and shall be a whole-time officer of the University. The salary and allowances, terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by regulations. The first Controller of Examinations shall be appointed by the Government.
- (2) Subject to the general and specific directions of the Executive Council and Academic Council, the Controller of Examinations shall exercise all such powers for management and administration of the University, as may be delegated to him by the Executive Council and the Academic Council, and shall be in charge of the conduct of examinations in the University and matters related thereto.

(3) The Controller of Examinations shall ensure that all the specific directions of the Executive Council, the Academic Council or the Vice-Chancellor are complied with.

(4) The Controller of Examinations shall be a permanent invitee to the Executive Council but he shall have no right to vote.

Finance Officer 35. (1) The Finance Officer shall be appointed by the Executive Council and shall be a whole-time officer of the University. The terms and conditions of service of the Finance Officer shall be such as may be prescribed by regulations. The first Finance Officer shall be appointed by the Government.

(2) Subject to general and specific directions of the Executive Council and the Finance Committee, the Finance Officer shall be responsible for discharging and carrying out all such functions and jobs which are entrusted upon him by the Executive Council or the Finance Committee, and the Finance Officer shall ensure that all such directions and orders are complied with.

(3) The Finance Officer shall also be responsible for preparation of annual financial estimates, the annual statement of accounts and balance-sheets, and shall exercise general supervision over the funds of the University.

(4) The Finance Officer shall be a permanent invitee to the Executive Council but he shall have no right to vote.

Other officers or employees

36. (1) Subject to the regulations made in this behalf, every other officer or employee of the University shall be appointed under a written contract setting out the conditions of service as prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

(2) Any dispute arising out of the contract between the University and any of its officers or employees shall, at the request of the officer or the employee concerned, or at the instance of the University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council in such manner as may be prescribed by the regulations.

Provident fund, gratuity and pension

37. All permanent employees of the University shall be entitled to the benefit of the provident fund, gratuity and pension in accordance with such regulations as may be made in that behalf by the Executive Council.

Fund of the University

38. (1) There shall be a Fund for the University to be called the University Fund. The Fund shall include-

(a) any contribution or grant made by the State Government;

- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any contribution made by the Medical Council of India;
- (d) any contribution made by any State Medical Council;
- (e) any bequests, donations, endowments or other grants made by private individuals and trusts, public or private;
- (f) income received by the University from fees and charges; and
- (g) amounts received from any other source.

(2) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

(3) The said Fund may be employed for such purposes of the University, and in such manner, as may be prescribed by regulations.

Annual Accounts
and Audit

39. (1) The Annual Accounts of the University shall be prepared under the directions of the Executive Council.
- (2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council:

Provided that the State Government shall have the power to direct, whenever considered necessary, an audit of the accounts of the University, including the institutions managed by it, by such auditors as the State Government may specify.

(3) The accounts when audited shall be published by the Executive Council, and a copy of the accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the State Government.

(4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

- Budget** 40. (1) The Executive Council shall prepare, before such date as may be prescribed by regulations, the budget for the ensuing year and place the same before the General Council.
- (2) The Executive Council may, in the case where an expenditure in excess of the amount provided in the budget is to be incurred or in the case of urgency, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.
- Annual Report** 41. (1) The Executive Council shall prepare the Annual Report containing such particulars as the General Council may specify, covering each financial year, and submit it to the General Council on or before such date as may be prescribed by regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.
- (2) Copies of the Annual Report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at its next earliest session.
- Contracts** 42. All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and shall be executed by the Vice-Chancellor when the value of the contract is above twenty lakhs of rupees and by the Registrar when its value does not exceed twenty lakhs of rupees.
- Eligibility for admission of students** 43. No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by regulations.
- Discipline** 44. (1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Departments, hostels and institutions.
- (2) Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from an examination or rustication from the University or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:
- Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.
- Conditions for affiliation and recognition** 45. The Management applying for affiliation or recognition and management whose college or institution has been granted affiliation or recognition, shall give or comply with the following undertaking:—

- (a) that the provisions of this Act, and the regulations made thereunder and the standing orders and directions of the University, shall be observed;
- (b) that there shall be a separate local managing committee provided for an affiliated college as provided by section 49;
- (c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the University and the Government;
- (d) that there shall be suitable and adequate physical facilities such as building, laboratories, libraries, books, equipments required for teaching and research hostels, gymnasium, as may be prescribed by Statutes;
- (e) that the financial resources of the college or institutions shall be such as to make due provision for its continued maintenance and working;
- (f) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and recognised institutions and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as may be prescribed by the University and which shall be sufficient to make due provision for courses of study, teaching or training or research, efficiently;
- (g) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the University;
- (h) that the directions, and orders issued by the Chancellor, Vice-Chancellor and other officers of the University in exercise of the powers conferred on them under the provisions of this Act, Statutes, Ordinances, Rules and Regulations shall be complied with;
- (i) that there shall be no transfer of the management without previous permission of the University;
- (j) that the college or institution shall not be closed without previous permission of the University;
- (k) that in the event of disaffiliation or derecognition, under section 55, or closure of the college or institution under section 56, all the assets of the college or institution including building and equipment which have been constructed or created out of the amount paid as a grant-in-aid by the Government or the University Grants Commission shall vest in the Government.

Procedure for
permission for
opening a new
College or
institution

46. (1) The University shall prepare a perspective plan for educational development for the location of institutions of higher learning in a manner ensuring equitable distribution of facilities of Health Sciences Education having due regard, in particular, to the needs of unserved- and underdeveloped areas within the

jurisdiction of the University. Such plan shall be prepared by the Academic Council and shall be placed before the General Council through the Executive Council and shall be updated every five years.

- (2) No application for opening a new college or institution of higher learning which is not in conformity with such plan, shall be considered by the University.
- (3) The management seeking permission to open a new college or institution of higher learning shall apply in the prescribed form to the Registrar of the University before the last day of October of the year from which the permission is sought.
- (4) All such applications received within the aforesaid prescribed time-limit shall be scrutinised by the Planning Board and be forwarded to the Government with the approval of the Executive Council on or before the last day of December of the year, with such recommendations (duly supported by relevant reasons) as may deem appropriate by the Executive Council.
- (5) Out of the applications recommended by the University, the Government may grant permission to such institutions as it may consider right and proper in its absolute discretion, taking into account the Government's budgetary resources, the suitability of the managements seeking permission to open new institutions regarding learning of Health Sciences.

Provided that, in exceptional cases and for reasons to be recorded in writing, any application not recommended by the University may be approved by the State Government for starting a new college or institution regarding learning of Health Sciences.

- (6) No application shall be entertained directly by the Government for the grant of permission for opening a new college or institution or regarding learning of Health Sciences.

**Procedure for
affiliation**

47. (1) On receipt of the permission from the Government under section 46, the Academic Council of the University shall consider grant of first time affiliation to a new college or institution by following the prescribed procedure given in sub-section (2) and after taking into account whether, and the extent to which, the stipulated co-ordinations have been fulfilled by the college or institution. The decision of the Academic Council in this regard shall be final.
- (2) For the purpose of considering the application for the grant of affiliation, the Academic Council shall cause an inquiry by a committee constituted for the purpose by that Council.
- (3) The Academic Council shall decide -
 - (a) whether affiliation should be granted or rejected;
 - (b) whether affiliation should be granted in whole or in part;

- (c) subjects, courses of study, the number of students to be admitted;
- (d) conditions, if any, which may be stipulated, while granting, or for granting the affiliation.
- (4) The Registrar shall communicate the decision of the Academic Council to the applicant with a copy to the Secretary, Medical Education and Drugs Department, and the application for affiliation shall be granted along with intimation regarding
- (a) the subjects and the courses of study approved for affiliation;
- (b) the number of students to be admitted;
- (c) the conditions, if any, subject to the fulfillment of which the approval is granted.
- (5) The procedure referred to in section 46 shall apply, *mutatis mutandis*, for the permission to open new courses, additional faculties, new subjects and additional divisions.
- (6) No students shall be admitted by the college or institution unless the first time affiliation has been granted by the University to such college or institution.
- (7) The procedure referred to in section 50 shall apply, *mutatis mutandis*, for the consideration of continuation of affiliation, from time to time.
- Procedure for recognition of institution**
48. (1) The management of an institution, actively conducting research or specialised studies for a period not less than five years, and seeking recognition, shall apply to the Registrar of the University with full information regarding the following matters, namely:--
- (a) the constitution and number of personnel of the management;
- (b) the subjects and courses of study for which recognition is sought for;
- (c) the accommodation, equipment and the number of students for whom provision has been made;
- (d) the permanent, visiting and honorary staff of the institution, recognised for guiding research or recognizable for the purpose by the University; their experience, evidence of research work carried out at the institution, publications, reports, monographs, books published by the institution;
- (e) the fees levied, or proposed to be levied, and the provisions made for capital expenditure on building equipment and for the continued maintenance and efficient working of the institution.
- (2) Before considering such an application, the Planning Board may call for any further information which it deems fit.
- (3) If the Planning Board decides to consider the application, it may direct a local inquiry to be made by competent persons having specialised knowledge in the subject or field

concerned. After considering the report of such inquiry, and making such further inquiry, as it may think necessary, the Planning Board shall submit to the Academic Council the proposal to grant or reject the application, in part or in whole.

- (4) The Academic Council may, after considering the proposal submitted by the said Board, may, either grant or reject it. The decision of the Academic Council in the matter shall be final and binding.

Local Managing
or Advisory
Committee of
affiliated College.

49. (1) There shall be a separate local managing committee for every affiliated college or institution, consisting of the following members:-

- (a) president or chairman of the management of the affiliated institution - Chairperson;
- (b) secretary of the management of the affiliated institution or secretary's nominee;
- (c) three local members representing different fields of the area nominated by the management;
- (d) three teachers, elected in the manner as may be prescribed by the teachers of the college or institution;
- (e) one non-teaching employee, elected in the manner as may be prescribed by the non-teaching employees of the college or institution;
- (f) Principal-Member Secretary.

- (2) For every college or institution managed and maintained by the State Government or local authority, there shall be a local advisory committee which shall consist of the following members: -

- (i) three persons each, two nominated by the Director of Medical Education and Research, Assam, one by the Director of Health Services, Assam;
- (ii) three teachers, elected in the manner as may be prescribed by the teachers of the college or institution;
- (iii) one non-teaching employee, elected in the manner as may be prescribed by the non-teaching employees of the college or institution;
- (iv) Principal-Member Secretary.

- (3) The local managing committee, or the local advisory committee, as the case may be, shall meet at least twice a year.

- (4) The term of the office of the members, elected or nominated, shall, be five years.

- (5) The powers and duties of the local managing committee or the local advisory committee shall be to -

- (a) prepare the budget and financial statement of the college or institution;

- (b) recommend to the management the creation of the teaching and other posts;
- (c) determine the programme of instruction and internal evaluation and to discuss the progress of studies in the college;
- (d) make recommendations to the management for the improvement of the standard of teaching in the college or institution;
- (e) formulate proposals of new expenditure not provided for in the college budget;
- (f) advise the Principal regarding the intake capacity of various classes, preparation of time-tables, distribution of the available teaching workload and such other matters relating to the internal management of the college and discipline of the college students as may be referred to it by the Principal, from time to time;
- (g) consider and make recommendations on the inspection report, if any;
- (h) consider and make recommendations on the report of the local inquiry committee, if any;
- (i) prepare the annual report on the work done by the committee for the year ending on the thirtieth day of June and submit the same to the management, the Executive Council of the University and to the Director concerned;
- (j) perform such other duties, and exercise such other powers, as may be entrusted by the management and the University.

Continuation of affiliation 50. The affiliated college or recognised institution may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily for six months prior to the date of expiry of such affiliation or recognition. The University shall follow the procedure prescribed in the Statutes, so far as applicable, for grant of continuation.

Extension of affiliation or recognition 51. The affiliated college or recognised institution may apply for affiliation or recognition for additional courses of study. The University shall follow the procedure, in this behalf, as prescribed in section 45, section 47 and section 48, so far as may be applicable.

Permanent affiliation or recognition 52. The affiliated college or recognised institution with at least six years standing as an affiliated college or recognised institution may apply for permanent affiliation or recognition. The Planning Board shall consider and scrutinise the application and make recommendation to the Academic Council. If the Academic Council is satisfied that the affiliated college or recognised institution has satisfactorily fulfilled all the conditions necessary for affiliation or recognition and has attained high academic and administrative standards as prescribed by the University, from time to time, the Academic Council shall grant permanent affiliation or recognition to the college or institution, as the case may be.

Autonomous Department or institution or affiliated College or recognized institution 53. (1) A University Department or institution, or affiliated college or recognised institution may apply to the University for grant of autonomous status. The Executive Council on the recommendation of Academic Council may confer the autonomous status.

(2) The autonomous University Department or institution, or affiliated college or recognised institution may constitute its authorities or bodies and exercise such powers and perform such functions and carry out such administrative, academic, financial and other activities of the University, as may be prescribed.

(3) The autonomous University Department or institution, or affiliated college or recognised institution may prescribe its own courses of study, evolve its own teaching methods and hold examinations and tests for students receiving instruction in it and award degrees or certificates of its own. Such autonomous University Department or institution, or affiliated college or recognised institution shall function with the objectives of promoting academic freedom and scholarship on the part of teachers and students which are essential to the fostering and development of an intellectual climate conducive to the pursuit of scholarship and excellence.

Inspection of affiliated colleges and recognized institution and report 54. (1) Every affiliated college or recognised institution shall furnish such report, return and other particulars as the University may require for enabling it to judge the academic standards and standards of academic administration of such affiliated college or recognised institution.

(2) The Vice-Chancellor shall cause every University Department or institution, affiliated college or recognised institution to be inspected, at least once in every three years, by one or more committee or committees appointed by him in that behalf. Each committee shall consist of the following members, namely:—

(a) a Dean nominated by the Vice-Chancellor-Chairperson;

(b) one expert, not connected with the University, nominated by the Academic Council;

(c) one expert to be nominated by the Executive Council:

Provided that no member of such committee shall be connected with the management of the college or the institution concerned.

(3) The committee shall submit its report to the Vice-Chancellor for consideration and further action as may be necessary.

Withdrawal of affiliation or recognition 55. (1) If an affiliated college or recognised institution fails to comply with the conditions of affiliation or recognition as provided in section 45 or to allow the local managing committee or the local advisory committee as provided in section 49 to function properly or to take action as per directions issued under this Act or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the

University or the standards laid down by it, the Executive Council, on recommendation of the Planning Board, may issue a notice to the management to show cause as to why the privileges conferred on the affiliated college or recognised institution by affiliation or recognition should not be withdrawn in part or in whole or modified.

(2) The Executive Council shall mention in the notice, the grounds on which it proposes to take the action as proposed in sub-section (1) and shall send a copy of the notice to the Principal of the college, or head of recognised institution. It shall also specify in the notice, the period, being a period which shall not be less than thirty days, within which the management should file its written statement in reply to the notice.

(3) The Executive Council shall, having regard to the interest of students studying in the affiliated colleges or recognised institutions, recommend to the Vice-Chancellor the action to be taken in this behalf and the Vice-Chancellor shall, thereafter, proceed to implement the recommendations.

Closure of
affiliated
College or
recognized
institution

56. (1) No management of an affiliated college or recognised institution shall be allowed to close down such affiliated college or recognised institution without prior permission of the State Government.

(2) The management desirous of closing down such affiliated college or recognised institution shall apply to the Academic Council of the University on or before the first day of August of the preceding year, stating fully the grounds for closure, and pointing out the assets in the form of buildings and equipments, their original costs, the prevailing market value and the grants so far received by it either from the University Grants Commission and the Government or from public funding agencies.

(3) On receipt of such an application the Academic Council shall cause to make inquiries, as it may deem fit, to assess and determine whether the affiliated college or recognised institution be permitted to effect the closure. The Academic Council may examine whether the closure should be avoided by providing necessary assistance or by taking over of the college or institution by the University or by transferring it to another management.

(4) If the Academic Council decides to recommend the closure, it shall prepare and submit to the Executive Council, a report to the extent of damages or compensation to be recovered from the management and whether the assets created utilising the funds, provided by the University Grants Commission, the Government or other public funding agencies, be transferred to the University or other management and the payment of compensation to the teachers and the staff retrenched.

(5) The Academic Council shall, with prior concurrence of the Executive Council and approval of the Government, decide whether the affiliated college or recognised institution be permitted the closure or not.

- (6) If the University decides to take over the affiliated college or recognised institution or transfer the same to another management, the procedure to be followed shall be such as may be prescribed by Statutes.
- (7) The procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the affiliated college or recognised institution are not affected, and that the first year shall be closed first and no new admissions shall be effected. The procedure to phase out the closure shall be such as may be prescribed by Statutes.
- Post Graduate teaching and research** 57. All post-graduate instruction, teaching, training, and research shall normally be conducted within the University, affiliated colleges and the recognised institutions and in the manner as may be prescribed by Statutes.
- Enrolment of students** 58. A person to be enrolled as a student of the University shall possess such qualifications, and fulfill such conditions, as may be prescribed by Statutes.
- Disciplinary powers and discipline among students** 59. (1) All powers relating to discipline and disciplinary action in relation to the students of the University Departments and institutions and colleges, maintained by the University, shall vest in the Vice-Chancellor.
- (2) The Vice-Chancellor may, by order, delegate all or any of his powers under this Act as he deems fit, to such other officer as he may nominate in that behalf.
- (3) The Vice-Chancellor may, in the exercise of his powers, by order, direct that any student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in a collage, institution or Department of the University for a specified period, or be punished with fine, not exceeding three hundred rupees, or be debarred from taking an examination or examinations conducted by the Department, college or institution maintained by the University for a period not exceeding five years or that the result of the student or students concerned in the examination in which he or they have appeared be cancelled:
- Provided that the Vice-Chancellor shall give to the concerned student a reasonable opportunity of being heard if the expulsion is for a period exceeding one year.
- (4) Without prejudice to the foregoing powers of the Vice-Chancellor, the principals of conducted colleges, heads of the University Departments or institutions shall have the authority to exercise all such powers, over the students in their respective charges, as may be necessary for the maintenance of proper discipline.
- (5) The Vice-Chancellor shall, subject to the approval of the Executive Council, make rules of discipline and proper conduct for students of the University which shall also apply to the students of all its conducted colleges and University Departments or institutions and every student shall be supplied with a copy of such rules.
- (6) The principals of the colleges and heads of the institutions, maintained by the University, may make such supplementary rules of discipline and proper conduct, not

inconsistent with the rules made by the Vice-Chancellor, as they think necessary and every student shall be supplied with a copy of such supplementary rules.

- (7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities or bodies of the University and the authorities or bodies of the conducted colleges and institutions, and shall observe and abide by the rules made by the Vice-Chancellor in that behalf and in so far as they may apply, the supplementary rules made by the principals of conducted colleges and heads of the University institutions.
- (8) All powers relating to disciplinary action against students of an affiliated college or recognised institution, not maintained by the University, shall vest in the principal of the affiliated college or head of the recognised institution, and the provisions of the foregoing sub-sections including the rules, if any, made thereunder, shall apply, *mutatis mutandis*, to such colleges, institutions and students therein.

Degrees, diplomas,
certificates and
other academic
distinctions

60. The Executive Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic Council.

Honorary degree

61. (1) The Executive Council may consider and recommend to the General Council the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public service, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting of the General Council, being not less than one-half of its total membership:

Provided that the Executive Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the Chancellor.

- (2) The Executive Council may take a decision on the proposal of the General Council provided that the General Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained prior approval of the Chancellor.

Convocation

62. The Convocation of the University shall be held at least once during an academic year in the manner prescribed by Statutes for conferring degrees, postgraduate diplomas or for any other purpose.

Registered
graduates

63. (1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the University, namely:-

(a) who are graduates of the University:

(b) who are graduates holding a degree in Health Sciences of any existing University for which the University under this Act is established.

(2) A person who -

- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent;
- (c) is convicted for an offence involving moral turpitude;
- (d) is a registered graduate of any other University established by law in the State of Assam;

shall not be qualified to have his name entered in the register of graduates, or be a registered graduate, of the University.

(3) Every person who intends to be a registered graduate shall make an application to the Registrar in such form, and make payment of such fees, as may be prescribed by Statutes.

(4) The Vice-Chancellor shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate or not. If any question arises as to whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the Vice-Chancellor after making such inquiry as the Vice-Chancellor thinks fit and such decision shall be final.

Sponsored
Schemes

64. Notwithstanding anything contained in this Act or the regulations made thereunder, whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,

(a) the amount received shall be kept by the University separately for the University Fund and utilised only for the purpose of the scheme; and

(b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

Commission to
review the
function of the
University

65. (1) The Chancellor shall, at least once in every ten years, constitute a Commission to review the function of the University and to make recommendations in this behalf:

Provided that the first review Commission shall be constituted after three years from the date of establishment of the University.

(2) The Commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of appointment of the members of the Commission shall be such as the Chancellor may determine.

(4) The Commission shall, after making such enquiry as it deems fit, make its recommendation to the Chancellor.

(5) The Chancellor may take such action on the recommendations of the Commission as he may deem fit.

Action not
invalidated
merely on the
ground of defect
in constitution,
vacancy etc.

66. (1) Notwithstanding anything contained elsewhere in this Act, if the General Council or the Executive Council or the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time or there is a vacancy in the membership of such authority or body, no act or proceedings of such authority or body shall be deemed to be invalid on any such ground or grounds:

Provided that no order shall be made under this section after the expiration of a period of five years from the date of coming into force of this Act.

(2) No resolution of such authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

Removal of
difficulties at
commencement

67. 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 otherwise in first giving effect to the provisions of this Act or the regulations, the Chancellor or the Vice-Chancellor, if the Chancellor so decides, may, at any time, before all the authorities of the University have been constituted, by order make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be 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 or the regulations, as the case may be:

Provided that before making any such order, the Chancellor or the Vice-Chancellor, as the case may be, shall ascertain and consider the opinion of the Vice-Chancellor or the Chancellor, as the case may be, and of such appropriate authority of the University as may have been constituted:

Provided further that no order shall be made under this section after the expiration of a period of two years from the date on which this Act comes into force.

Authorities and
Officers of the
University

68. The authorities of the University and the compositions, powers, functions and other matters relating to them, the Officers of the University and their appointment, powers, functions and other matter relating to them, and all other matters relating to the finances, powers, teaching, administration, admission, conferment of degrees,

diplomas, and other academic distinctions, convocations and matters relating to affiliation, recognition, budget, contracts and management of affairs and review of the function of the University shall be such as may be provided by regulations.

Act to have
overriding effect

69. The provisions of this Act, and the regulations made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

First rules,
regulations and
statutes of the
university

70. The first rules, the first regulation and the first statutes of the University shall be prepared by the University in consultation with the Government within 60 days of its inception.

Schedule

| Name of posts | No. of Posts |
|-------------------------------------|--------------|
| 1) Vice Chancellor | 1 |
| 2) Registrar | 1 |
| 3) Controller of Examination | 1 |
| 4) Registrar (Academic) | 1 |
| 5) Deputy Registrar | 1 |
| 6) Deputy Controller of Examination | 1 |
| 7) Secretary to VC | 1 |
| 8) Secretary to Registrar | 1 |
| 9) Secretary to Controller | 1 |
| 10) Librarian | 1 |
| 11) Finance & Accounts Officer | 1 |
| 12) Deputy Librarian | 1 |
| 13) Confidential Assistant | 2 |
| 14) Accountant | 1 |
| 15) Cashier | 1 |
| 16) Stenographer | 5 |
| 17) Programmer | 1 |
| 18) Statistical Assistant | 2 |
| 19) Accounts Assistant | 4 |
| 20) Office Assistant | 9 |
| 21) Computer | 2 |

| | | |
|-----|----------------|----|
| 22) | Receptionist | 2 |
| 23) | Typist | 4 |
| 24) | Driver | 4 |
| 25) | Daftry | 2 |
| 26) | Grade-IV Staff | 10 |
| 27) | Sweeper | 4 |
| 28) | Chowkider | 4 |
| 29) | Gardener | 1 |

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