

ASSAM ACT XVI OF 1947

THE GAUHATI UNIVERSITY ACT, 1947.

[Passed by the Assembly]

[Received the assent of the Governor on the 15th October, 1947.]

[Published in the Assam Gazette of the 22nd October, 1947.]

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 to and vest in the said University all property and rights now vested in the said Trust Board ;

It is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Gauhati University Act, 1947.
(2) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, direct.

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

Calcutta University's jurisdiction to cease. (4) From the date on which this Act comes into force, the Calcutta University as constituted under the Indian Universities Act of 1904, and the Dacca Board of Intermediate and Secondary Education as appointed by the Government of Bengal in their Resolution No. 1011-Education of 1921, shall cease to exercise their jurisdiction over the educational institutions recognised 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. Act VIII of 1904.

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

- (a) "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.
- (d) "Faculty" means a Faculty of the University.
- (e) "Government" means the Government of Assam.
- (f) "Hall" means a unit of residence for the students of the University maintained or recognised by the University in accordance with the provisions of this Act.
- (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.

[Price annas 6 or 7d.]

- (h) "Principal" means the head of a College, 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.
- (i) "Registered Graduate" means a graduate registered under the provisions of this Act.
- (j) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act.
- (k) "Teachers" includes Professors, Readers, Lecturers and other persons imparting instruction in the University or in any College or Hall.
- (l) "Teachers of the University" means persons appointed or recognised by the University under the provisions of this Act for the purpose of imparting instruction in the University or any College.
- (m) "University" means the Gauhati University.
- (n) "Warden" means the head of a Hall.

Constitution,
succession
and pur-
poses.

3. (1) The first Chancellor, the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(2) The University shall have perpetual succession and a 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.

University
open to all
classes,
castes and
creeds.

4. The University shall be open to all persons of either sex and whatever race, creed or class, and it shall not be lawful for the University to adopt or impose any test whatsoever of religious belief or profession 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.

Powers of
the Uni-
versity.

5. The University shall have the 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 examinations 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 Ordinances and Regulations and have passed the examinations of the University under like conditions,
- (c)* to confer honorary degrees or other distinctions, on approved persons in the manner laid down in the 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 purposes as the University may determine,
- (g)* to institute any Professorship, Readership, Lecturership and any other teaching posts required by the University,
- (h)* to appoint or recognise persons as Professors, Readers, 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 recognise Colleges and Halls not maintained by the University, and to withdraw such recognition,
- (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 from private individuals or associations, for specific or general purposes,
- (n)* to make grants from the funds of the University for assistance to extra-mural teaching,
- (o)* to take, purchase and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition, or otherwise, and to grant, demise, alienate or otherwise dispose of all or any of the property, movable or immovable belonging to the University, 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

San and ex-officio
vide Act VI/49
(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 objects of the University as a Teaching and Examining body, and to cultivate and promote Arts, Sciences and other branches of learning.

Teaching of the University. 6. (1) All recognised teaching in connection with the University courses 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 organising such teaching shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Ordinances and, subject thereto, by the Regulations.

Authorities and Officers of the University. 7. The following shall be the Authorities and Officers of the University:—

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Court,
- (iv) the Executive Council,
- (v) the Academic Council,
- (vi) the Faculties,
- (vii) the Standing Finance Committee,
- (viii) the Treasurer,
- (ix) the Registrar, and
- (x) such other authorities and officers as may be provided for by the Statutes.

Powers and duties of Officers, terms of office and filling up of casual vacancies. 8. Subject to the provisions of this Act, the powers and duties of the Officers of the University; the term for which they shall hold office and the filling up of casual vacancies in such offices shall be provided for by the Statutes.

The Court 9. (1) The Court shall consist of the following persons, namely:—

Class I—Ex-officio Members

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Minister for Education, Assam,
- (iv) the Treasurer,
- (v) the Registrar,
- (vi) the Director of Public Instruction, Assam,
- (vii) the Principals,
- (viii) the Deans of Faculties,
- (ix) the Professors and Readers of the University, and
- (x) such other *ex-officio* members as may be prescribed by the Statutes.

Class II—Life Members

- (xi) The Patrons of the University and persons (if any) appointed by the Chancellor on the recommendation of the Executive Council to be life members on the ground that they have rendered great services to education or have made substantial donations to the University.

Class III—Other Members

- (xii) Doctors of the University who have kept their names on the Register of Doctors of the University,
- (xiii) graduates of the University elected by the registered graduates from among their own body,
- (xiv) persons elected from among their own body by Teachers who are not Professors or Readers of the University,
- (xv) persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendations of the Executive Council,
- (xvi) persons elected by the members of the Legislative Assembly from among their own numbers,
- (xvii) persons appointed by the Chancellor, and
- (xviii) a representative of the Governing Body of each College elected or nominated by that Body.

(2) The number of members to be elected or appointed under clauses (xiii), (xiv), (xv), (xvi) and (xvii) and the tenure of office of members to be elected or appointed under each clause of Class III shall be prescribed by the Statutes and the mode of election of members to be elected under clauses (xiii) and (xiv) shall be prescribed by the Ordinances.

The meetings of the Court.

10. (1) 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.

(2) The Vice-Chancellor may, 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.

Powers of the Court.

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

- (a) of approving or rejecting the draft Statutes or draft amendments to Statutes placed before it by the Executive Council,
- (b) of considering and cancelling Ordinances, and
- (c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates, for appropriate action,

and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

The Executive Council. 12. (1) The Executive Council shall be the executive body of the University and shall consist of the following members:—

Class I—Ex-officio Members

- (i) the Vice-Chancellor,
- (ii) the Director of Public Instruction, Assam,
- (iii) three Deans of Faculties elected from among their own body by the Deans of Faculties of the University,
- (iv) two Principals of recognised Colleges elected from among their own body by the Principals of such Colleges,
- (v) the Treasurer,
- (vi) the Registrar,

Class II—Other Members

- (vii) one member of the Court elected by the Court at its Annual Meeting,
- (viii) one member of the Academic Council other than the Deans of Faculties elected by the Academic Council,
- (ix) one member to be appointed by the Professors of the University (salaried or honorary) from their own numbers, ~~and~~
- (x) two persons nominated by the Chancellor, of whom at least one shall be a woman,
- (xi) ~~Two persons to be nominated by the Chancellor~~ ^{21/49}
- (2) The terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

Powers and duties of the Executive Council.

13. The Executive Council—

- (a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint a Finance Committee to advise it on matters of finance. The Treasurer shall be the Chairman of the Committee and the remaining members shall be appointed from among the members of the Executive Council:

Provided that at least one member of the Committee shall be a member elected to the Executive Council by the Court;

- (b) shall determine the form, provide for the custody and regulate the use of the Common Seal of the University;
- (c) shall lay before Government annually a full statement of the financial requirements of the University and the Colleges;
- (d) shall administer any funds placed at the disposal of the University for specific purposes;
- (e) subject to the provisions of this Act and the Statutes, shall appoint the officers (other than the Chancellor, the Vice-Chancellor, and the Treasurer), Teachers, the clerical staff and servants of the University and shall define their duties and conditions of service and shall provide for the filling up of temporary vacancies;

vide Act 11/49

- (f) shall have power to accept, on behalf of the University, bequests, endowments, donations or transfer any movable or immovable property ;
- (g) shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University ;
- (h) shall arrange for the holding of, and publish the results of the University examinations ;
- (i) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters 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 appointment or emoluments of examiners, or the numbers, qualifications or emoluments of Teachers, otherwise than on a recommendation of the Academic Council ; and

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

The Academic Council.

14. 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 standards 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 advise 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 Statutes.

The Faculties.

15. (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 courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinances.

(3) The constitution and powers of the Faculties shall be prescribed by the Statutes.

(4) There shall be a Dean of each Faculty who shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(5) Each Faculty shall comprise such Departments of Teaching as may be prescribed by the Ordinances. The Head of every such Department shall be the Professor of the Department or, if there is no Professor, the Reader. If there is more than one Professor, or more than one Reader 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 organisation of the teaching in the Department.

(6) The Dean of a Faculty shall be elected by the Faculty from among the Heads of the Departments of the Faculty and shall hold office of Dean for such term as may be prescribed by the Statutes.

accept the same
vide Act 19/49

Other Authorities of the University. 16. 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.

The University Boards. 17. (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, powers and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinances.

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

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

Matriculation Examination. 19. 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.

Audit of Accounts. 20. (1) The accounts 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.

Statutes. 21. 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 service 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 condition for the recognition by the Executive Council of Colleges and Halls not maintained by the University and for the withdrawal of such recognition and the management of such Colleges and Halls ;
- (h) the mode of appointment and recognition of Teachers of the University ;
- (i) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers, clerical staff and servants of the University ;
- (j) the maintenance of a register of registered graduates, and

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

Statutes how
made.

22. (1) The first Statutes shall be those set out in the Schedule and they shall have effect as if duly enacted under the provisions of this Act.

(2) The draft Statutes or draft amendments to Statutes may be approved or rejected by the Court in the manner hereinafter provided.

(3) Every draft of 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 Statute or may return the Statute to the Executive Council for reconsideration.

(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 reconsideration.

(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 reconsideration.

(6) A Statute passed by the Court shall have no validity until it has been assented to by the Chancellor:

Provided that the Executive Council shall not propose the draft of any Statute affecting the Statutes or the powers and constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing upon the proposal and until the Chancellor on consideration of the draft proposal and the opinion has given his personal sanction.

(7) Any member of the Court may propose to the Court the draft of any Statute and the Court may refer such draft to the Executive Council for consideration, and the Executive Council may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve: and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

Ordinances

23 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 to 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 to 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 Province 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 for admission to the examinations, degrees and diplomas of the University ;
- (j) the formation of Departments of Teaching in the Faculties ;
- (k) the constitution, powers and duties of the Boards of the University ;
- (l) the conduct of examinations ; and
- (m) all matters which by this Act or the Statutes are to be or may be provided by the Ordinances.

Ordinance
how made.

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

Provided that—

- (i) no Ordinance shall be made affecting the conditions 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 students or prescribing examinations to be recognised as equivalent to the University examinations or prescribing the further qualifications mentioned in sub-section (2) of section 28 for admission to the degree courses of the University, or
 - (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations 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 provision of sub-section (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) All the Ordinances made by the Executive Council shall be presented, as soon as may be, to the Chancellor and the Court, and shall be considered by the Court at its next meeting. The Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, be void.

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Chancellor who may, if he approves the draft, make the Ordinance. An Ordinance made under this sub-section shall cease to have effect on the expiry of six months from the making thereof.

Regulations.

25. (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 number 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 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 Regulation made under sub-section (1):

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.

Colleges.

26. (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 Ordinances, 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 Executive Council.

Halls.

27. (1) The Halls shall be such as may be maintained by the University or approved and recognised by the Executive Council on such grounds and conditions as may be prescribed by the Ordinances.

(2) The Wardens and the superintending staff of the Halls shall be appointed in the manner prescribed by the Statutes.

(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.

Admission
to University
Courses.

28. (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 recognised in accordance with the provisions of this section as equivalent to such examination, and possess such further qualifications, 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 has passed the Matriculation Examination of any such University, or any examination recognised in accordance with the provisions of this section as equivalent thereto, and possess such further qualifications as may be prescribed by the Ordinances, may be deemed eligible for admission to the University. Any such qualifications may be tested by examinations.

Examina-
tions.

29. (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 Ordinances.

(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 Executive 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 Committees consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to moderate and prepare the results of the examinations and to report such results to the Executive Council through the Academic Council for publication.

Annual
Report.

30. The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council.

Annual
Accounts.

31. (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 accounts 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 financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council.

Removal
of names of
Registered
Graduates.

32. The Chancellor shall, with the concurrence of not less than two-thirds of the members of the Court, have power to remove the name of any person from the register of registered graduates.

32A - vide Act XI/49.

Disputes as
to Consti-
tution of
University,
Authorities
and Bodies.

33. 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.

Proceed-
ings not
invalidated
by vacancies.

34. No act or proceeding of any Authority or other Body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

Tribunal of Arbitration.

35. 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 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, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly. Act X of 1940.

Pension and Provident Fund.

36. (1) The University shall constitute, for the benefit of its officers, teachers, clerical staff and servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pensions, insurance and provident funds as it may deem fit.

(2) Where such a Provident Fund has been so constituted, the Government may, notwithstanding anything contained in the Provident Funds Act, 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 Provident Fund. Act XIX of 1925.

Annual Contribution from Government.

37. The Government shall, for the purposes of this Act, contribute annually to the University a sum of not less than five 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 Province.

Removal of difficulties.

38. 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 the 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 Provincial Government 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 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. vide Act VII of 1949

THE SCHEDULE

40.

41.

The Statutes of the University.

42

[See Section 22(1)]

Definitions.

1. In these Statutes, unless there is anything repugnant in the subject or context,

(a) "the Act" means the Gauhati University Act, 1947 and "section", "sub-section" and "clause" mean, respectively, a section, sub-section and clause of the Act; and

(b) "officers", "authorities", "Professors", "Readers", "Lecturers", "Clerical staff", and "Servants" mean, respectively, officers, authorities, Professors, Readers, Lecturers, Clerical staff and servants of the University.

Constitution of the Court. Section 9(1)(x). 2. (1) In addition to the persons mentioned in sub-section (1) of section 9, the following persons shall be *ex-officio* members of the Court, namely :—

- (i) the Inspector General of Civil Hospitals ;
- (ii) the Director of Agriculture ;
- (iii) the Conservator of Forests ;
- (iv) the Chief Engineer ;
- (v) the Director of Industries ;
- (vi) the Director of Public Health ; and
- (vii) the Wardens.

Section 9(2). (2) The number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be seven.

(3) The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be three.

(4) The number of persons to be elected as members of the Court by associations or other bodies approved in these behalf by the Chancellor shall not exceed four.

(5) The number of persons to be elected by the members of the Assam Legislative Assembly from among their own numbers shall be five.

(6) The number of persons to be appointed by the Chancellor shall not be more than nine, and the purpose of the appointment shall be to secure the representation of interests not otherwise in his opinion adequately represented and to secure the advice of distinguished educationists of other provinces.

(7) Save as otherwise provided, members of the Court other than *ex-officio* members shall hold office for a period of three years :

Provided, however, that a member nominated or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall hold office so long only within the said period as he continues to be a member of that body or the holder of that appointment, as the case may be.

Academic Council. Section 14. 3. (1) The members of the Academic Council, in addition to the Vice-Chancellor shall be :

Class I—*Ex-officio* Members—

- (i) the Deans of the Faculties ;
- (ii) the Principals
- (iii) the Professors and Readers ; and
- (iv) the Librarian of the University.

Class II—*Other* Members—

- (v) persons, if any, not exceeding three in number and not being teachers of the University, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be selected by the *ex-officio* members of the Academic Council ;
- (vi) one person appointed by the Chancellor who is capable of advising the Academic Council on subjects connected with Islamic learning and culture ; and
- (vii) two persons elected by the Court.

(2) The Academic Council as constituted under sub-paragraph (1) shall co-opt as members, teachers of the University not exceeding one-tenth of its numbers as so constituted.

(3) Members other than *ex-officio* members shall hold office for a period of three years :

Provided that Teachers of the University co-opted as such shall hold office so long within the said period as they continue to be Teachers of the University.

Powers of
the Academic
Council.
Section 14.

4. The Academic Council shall have the following powers, namely :—

- (a) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lecturerships or other teaching posts, and in regard to the duties and emoluments thereof ;
- (b) to make Regulations for, and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, medals and other rewards ;
- (c) to recommend examiners for appointments after report from the Faculties concerned ;
- (d) 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 ;
- (e) to assign subjects to the Faculties ;
- (f) to assign teachers to the Faculties ;
- (g) to promote research within the University, including the establishment of a research Council and to require reports on such research from the persons employed thereon ;
- (h) to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit reports thereon to the Executive Council ; and
- (i) to organise the teaching of the University and to control the work of teachers and Colleges.

The Facul-
ties.
Section
15(3).

5. (1) 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 subjects not assigned to the Faculty, but having, in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council ; and
- (iv) 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.

(2) The total number of members of each Faculty shall not exceed, in the case of the Faculties of Arts and Science, eighteen, and, in the case of any other Faculty, twelve, except with the sanction of the Chancellor given on the request of the Academic Council.

Powers of
the Facul-
ties.
Section
15(3).

6. Subject to the provisions of the Act each Faculty shall have the following powers, namely :—

- (a) to constitute Committees of Courses and Studies ;
- (b) to recommend to the Academic Council the Courses of Studies for the different examinations, after consulting the Committees of Courses and Studies ;
- (c) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty ;
- (d) to recommend to the Academic Council the conditions for the award of Degrees, Diplomas and other distinctions ;
- (e) subject to the control of the Academic Council, to organise research in the subjects assigned to the Faculty ; and
- (f) to deal with any matter referred to it by the Academic Council.

Board of Co-
ordination.
Section
17(a).

7. There shall be a Board of Co-ordination composed of the Vice-Chancellor, who shall be the Chairman thereof, the Deans of Faculties and the Registrar, to co-ordinate the teaching of the University, and in particular to co-ordinate the work and time-tables of the various faculties, and to assign lecture-rooms, laboratories and other rooms to the Faculties.

• The Dean.
Section
15(6).

8. The Dean of each Faculty shall—

- (a) hold office for three years ;
- (b) be the executive officer of the Faculty and shall preside at its meetings ;
- (c) issue the lecture lists of the University in the Departments comprised in the Faculty, and be responsible for the conduct of teaching therein ; and
- (d) have the right to be present and to speak at any meeting of any Committee of the Faculty, but not to vote unless he is a member of the Committee.

The
Wardens.
Section
27(2).

9. The appointment of a Warden shall, in the case of a Hall maintained by the University, be made by the Executive Council, and in other cases, be subject to the approval of the Executive Council.

Attach-
ment of
Colleges
and Halls,

10. Every student not residing in a College or Hall shall be attached to a College or Hall for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances :

Provided that special exemption from the provisions of this Statute may be given to women students under conditions to be prescribed by the Ordinances.

Withdra-
wal of
degrees
and Dip-
lomas.
Section 11.

11. The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University.

Honorary
degrees.
Section 5(c).

12. (1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation :

Provided that, in cases of urgency, the Chancellor may act on the recommendation of the Executive Council only.

(2) Any honorary degree conferred by the University may, with the previous approval of two-thirds of the members present at any meeting of the Court and the sanction of the Chancellor, be withdrawn by the Executive Council.

Registered
graduates.

13. All graduates of any University of three years' standing and upwards shall, on payment of such fees as may be prescribed by the Statutes, be entitled to have their names enrolled in the Register of Registered Graduates.

Officers.
Section 7(x).

14. There shall be the following officers, namely:—

- (i) two proctors to assist the Vice-Chancellor in the maintenance of discipline in the University, and
- (ii) a Librarian for the University Library.

Committee
of Selection.

15. (1) No person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose.

(2) The Committee of Selection shall consist of the following persons, namely:—

- (i) the Vice-Chancellor,
- (ii) a person elected by the Academic Council, who need not be a member of the Academic Council but shall be a person unconnected with any of the Colleges,
- (iii) a person nominated by the Chancellor ;
and where the appointment or recognition of a professor or a reader is in question,
- (iv) a person not connected with the University or any College, with expert knowledge of the subject concerned, appointed by the Executive Council, and
- (v) the head of the Department concerned ;
and where the appointment or recognition of a teacher other than a professor or reader is concerned,
- (vi) a person not connected with the University or any College, appointed by the Executive Council, and
- (vii) the head of the Department concerned :

Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection.

(3) The Committee of Selection shall report to the Executive Council which shall, if it accepts the recommendations of the Committee, make the appointment or confirm the recognition as the case may be. If the Executive Council does not accept the recommendation of the Committee, it shall refer the case to the Chancellor who shall appoint or recognise such persons as he thinks fit:

Provided that before referring the case to the Chancellor, the Executive Council shall inform the College concerned of its decision and the ground therefor, and the College shall be entitled to make representation thereon. The representation of the College, if any, together with the decision of the Executive Council and the grounds therefor shall be laid before the Chancellor.

(4) Nothing in this Statute shall be construed as prohibiting the University from accepting a gift for the establishment of a Professorship, Lecturership or other post, subject to a condition that the person appointed to the post shall be selected in such manner as shall have been agreed between the donor and the University.

Recognition
of
teachers.

16. (1) The qualifications of recognised teachers of the University shall be such as may be determined by the Ordinances.

(2) All applications for the recognition of teachers of the University shall be made in such manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(3) The period of recognition of a teacher of the University as Professor, Reader or Lecturer shall be determined by the Ordinances made in that behalf.

(4) A person in the service of a College, recognised as a teacher of the University other than as a Professor, Reader or Lecturer, shall continue to be recognised so long as he is in the service of the College.

(5) The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher:

Provided that the teacher of the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor whose decision shall be final.

University
teachers.

17. (1) The teachers of the University shall be:—

- (i) appointed teachers of the University; and
- (ii) recognised teachers of the University.

(2) Appointed teachers of the University shall be either—

- (a) servants of the University paid by the University and appointed by the Executive Council as Professors, Readers or Lecturers or otherwise as teachers of the University, or
- (b) persons appointed by the Executive Council as honorary Professors, Readers or Lecturers or otherwise as teachers of the University.

(3) Recognised teachers of the University shall be members of the staff of a recognised College of the University, recognised by the Executive Council as Professors, Readers or Lecturers or otherwise as teachers of the University, whose teaching in their own College, in subjects for which they are recognised, shall be regarded as recognised teaching in courses of study pursued in the University.

Registration
of gradu-
ates.
Section
21(j).

18. (1) Application for enrolment in the Register of Registered Graduates shall be made in the applicant's own hand-writing to the Registrar in the form prescribed for the purpose by Regulations.

(2) No graduate shall be entitled to have his name enrolled, and retained in the Register of Registered Graduates except on the payment of the following fees, namely:—

- (a) an initial fees of rupees fifteen, and
- (b) an annual fee of rupees ten for ten years or a compounded fee of rupees seventy-five.

(3) On the Registrar being satisfied that the application is in order, and after receipt of the prescribed fees, he shall cause the name of the applicant to be enrolled in the register.

(4) The annual fee shall be payable in advance by the last day of April every year. If any registered graduate fails to pay the fee by that date, the Registrar shall cause his name to be removed from the register.

(5) A registered graduate whose name has been so removed may by payment of all arrears to the University, have his name re-enrolled in the Register of Registered Graduates.

(6) No graduate shall be enrolled or re-enrolled during a period of thirty days immediately preceding an election of graduates for membership of the Court.

The Chancellor.

19. The Governor of Assam shall be the Chancellor.

Powers of the Chancellor. Section 8.

20. (1) 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 meetings of the Court and at any Convocation of the University.

(2) Where power is conferred upon him by the Act or by the Statutes to nominate persons to the authorities of the University or other body thereof, the Chancellor shall, to the extent necessary and without prejudice to such powers, nominate persons to represent minorities and interests including Tribal people of the hills and plains and scheduled castes not otherwise represented.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall have such other powers as may be conferred on him by the Act or the Statutes.

The Vice-Chancellor. Section 8.

21. (1) The Vice-Chancellor shall be appointed by the Chancellor, after consideration of the recommendations of the Court and shall hold office for three years.

(2) The Vice-Chancellor shall hold office subject to such conditions and remuneration, if any, as may be prescribed by the Statutes.

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

22. (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 meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council 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 but shall not be entitled to vote thereat unless he is a member of the authority or body concerned.

(2) It shall be the duty of the Vice-Chancellor to see that the 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 and the Academic Council.

(4) (a) 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.

(b) When any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Executive Council through the officer, authority or other body within fifteen days from the date on which such action is communicated to him.

(5) 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.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

The Registrar.
Section 8.

23. (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 remuneration as may be prescribed :

Provided that the first Registrar shall be appointed for a period of three years by the Chancellor with the advice of the Provincial Government.

(2) The term of office of the Registrar shall be for five years but he shall be eligible for re-appointment.

(3) The Registrar shall be *ex-officio* Secretary of the Court and the Executive Council.

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

(a) 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 ;

(b) to act as Secretary to the Court and the Executive Council, and to attend, as far as possible, all meetings of the Court, the Executive Council, the Faculties and any Committees appointed by the Court, the Executive Council or the Faculties and to keep minutes thereof ;

(c) to conduct the official correspondence of the Court and the Executive Council ;

(d) to issue all notices convening meetings of the Court, the Executive Council, the Faculties, the Academic Council, the Board of Examiners and of any Committees appointed by the Court, the Executive Council, the Faculties, the Academic Council or any of the Boards ;

(e) to arrange for and superintend the examinations of the University ; and

(f) to perform such other work as may, from time to time, be prescribed by the Executive Council.

The Treasurer.
Section 8.

24. (1) The Treasurer shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council on such terms, conditions and remuneration as may be prescribed :

Provided that the first Treasurer shall be appointed for the first term by the Chancellor with the advice of the Provincial Government.

(2) The term of office of the Treasurer shall be five years, but he shall be eligible for re-appointment.

(3) The Treasurer shall exercise general supervision over the funds of the University and shall advise it as regards its financial policy.

(4) Subject to the control of the Executive Council, he shall manage the property and investments of the University and be responsible for the preparation and presentation of the annual estimates and statements of accounts.

(5) Subject to the powers of the Executive Council, the Treasurer shall be responsible for seeing that all moneys are expended for the purposes for which they are granted or allotted.

(6) The Treasurer shall sign all contracts made on behalf of the University.

(7) 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 vacancy in the office of the Treasurer, whether permanent or otherwise, direct that the Registrar shall act as Treasurer and perform all the duties and exercise all the powers of the Treasurer, and when any such direction has been made all references to the Treasurer in the Act, the Statutes, the Ordinances and the Regulations shall be deemed to be references to the Registrar.

Meetings of
the Court.

25. (1) As soon as may be after the commencement of the Act, the first Court shall assemble at such place and time as the Chancellor may direct, in order to make the necessary appointments and elections for the purpose of the Act and Statutes.

(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by resolutions at a previous general meeting, on such day and at such hour as shall be appointed by the Executive Council.

(3) Special general meetings of the Court may be convened by the Vice-Chancellor at any time as provided in sub-section (2) of section 10. One-fourth of the members of the Court shall form a quorum.

(4) Where by the Statutes or the Regulations no provision is made for a President or Chairman to preside over the meeting of any authority, board or committee or when the President or Chairman so provided is absent, the members present shall elect one of their numbers to preside at the meeting.

Eligibility
for re-ap-
pointment.

26. Every officer of the University and every member of any University authority whose terms of membership has expired shall be eligible for re-appointment or re-election as the case may be.

Resignation:

27. Any member of the Court, the Executive Council, Academic Council or any other University Authority may resign by letter addressed to the Secretary.

Removal.

28. A member of the Court or the Executive Council may be removed from office by the Chancellor on conviction by a Court of law of what, in the opinion of the Court or the Executive Council, as the case may be, is a serious offence involving moral delinquency.