

# **THE DIBRUGARH UNIVERSITY ACT, 1965**

## **(Assam Act VII of 1965)**

### **CONTENTS**

#### **Preamble**

#### **Section**

1. Short title and commencement
2. Definitions.
3. The University
4. Powers of the University
5. Jurisdiction.
6. University open to all classes, castes and creeds.
7. Officers of the University.
8. The Chancellor.
9. Powers and duties of the Chancellor.
10. The Vice-Chancellor.
- 10-A. The Rector
- 10-B. Powers and duties of the Rector.
11. Powers and duties of the Vice - Chancellor.

12. The Registrar
13. Powers and duties of the Registrar
14. Authorities of the University.
15. The Court.
16. Powers and duties of the Court.
17. The Executive Council.
18. Powers and duties of the Executive Council.
19. Academic Council.
20. Powers and duties of the Academic Council.
21. Post-Graduate Board.
22. Powers and duties of the Post Graduate Board.
23. Under-Graduate Board.
24. Powers and duties of the under Graduate Board.
25. Board of Studies
26. Powers and duties of the Board of Studies
27. Finance Committee.
28. Powers and duties of the Finance Committee.
29. Selection Committee.
- 29-A. Students' Advisory Council.
30. University funds.
31. Accounts and Audit.

32. Statutes.
33. Ordinances
34. Regulations.
35. Act or proceedings not to be invalid by reason of certain irregularities.
36. Chancellor's decision to be final in certain matters.
37. Period of membership of the Authorities
38. Affiliation.
39. Delegation.
40. Transitory provisions.
41. First appointment of officers and teachers of University
42. The State Government's powers of supervision.
- 42-A. Emergency power of the State Government.
- 42-B. Savings.
- 42-C. Interpretation
43. Removal of difficulties.

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[Received *the assent of the Governor on the 3<sup>rd</sup> June, 1965*]

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

**Preamble.**

Whereas it is expedient to established and constitute a teaching, residential and affiliating University at Dibrugarh;

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:

**1. Short title and commencement.**

- (1) This Act may be called the Dibrugarh University Act, 1965.
- (2) It shall be deemed to have come in to force with effect from the 25<sup>th</sup> March, 1971.

**COMMENTS**

Sub- section (2) of S. 1 was substituted vide Assam Act No XI of 1972. It took effect from 26<sup>th</sup> April, 1972.

## **2. Definitions.**

In this Act, unless there is anything repugnant to the subject or context-

- (1) “Affiliated College” means a college other than a constituent or recognised college, affiliated to the University and includes a college deemed to be affiliated under S. 5;
- (2) “Affiliated Institution” means an institution other than a constituent college or a recognized institution, affiliated to the University and includes an institution deemed to be affiliated under S.5;
- (3) “Board of studies” means a Board of Studies constituted under S. 28;
- (4) “Constituent College” means a college established, maintained or managed by the University;
- (5) “Constituent Institution” means an institution, other than a college established, maintained or managed by the University;
- (6) “Court” means the Court constituted under S. 18;

- (7) “Department” means a department of the University and designated as such by it, with reference to subject or group of subject of study in the University;
- (8) “Executive Council” and “ Academic Council” means the Executive Council and Academic Council constituted under Ss. 20 and 22 respectively;
- (9) “Finance Committee” means the Finance Committee constituted under S. 30;
- (10) “Government College” means a college maintained and managed by the State or Union Government;
- (11) “Hall” means a unit of residence of the students maintained or recognized by the University at which provision is made for imparting tutorial and other supplementary instructions;
- (12) “Head of Department” means Teacher-in charge of a department and designated as such by the University and includes any other person designated as such by the University;
- (13) “Hostel” means a unit of residence of students maintained or recognized by the University, other than a hall;

- (14) “Post-graduate Board” and “Under-graduate Board” mean the Post-graduate and the Under-graduate Boards constituted under Ss. 24 and 26 respectively;
- (15) “Principal” means the Head of teaching staff of a constituent affiliated or recognized college;
- (16) “Recognized College” means a college other than a constituent college or affiliated college recognized by the University and includes a college deemed to be recognized under S. 5;
- (17) “Recognized Institution” means an institution other than a constituent or affiliated institution recognized by the University and includes an institution deemed to be recognised under S. 5;
- (18) “Selection Committee” means the Selection Committee constituted under S. 32;
- (19) “State Government” means the Government of Assam;
- (20) “Statutes”, “Ordinances” and “Regulations” means, respectively the Statutes, Ordinances and Regulations of the University made under this Act;

- (21) “Teacher” means a professor, a reader or a lecturer of the University or college whether constituent or affiliated, or any other person imparting instructions or guiding research and designated as a teacher by the University; and includes a person recognized as a teacher by the University; and
- (22) “University” means the Dibrugarh University as constituted under this Act.

### **3. The University.**

- (1) The Chancellor, the Vice- Chancellor, the Rector and the members of the Court, the Executive Council, and the Academic Council, so long as they continue to hold such office or membership shall constitute a body corporate by the name of “The Dibrugarh University”
- (2) The University shall have perpetual succession and common seal, and shall sue and be sued by that name.

### **COMMENTS**

In sub-s. (1) of this section, the words “the Pro-Chancellor” and “ Rector” were Omitted by Assam Act VII of 1971 and by Assam Act XVI of 1975 the word “Rector” was again added in the original place.



2. Powers of the University. The University shall have the following powers, namely:
  - (i) to provided for instruction (including correspondence courses) and research in the humanities, science and technology, education, medicine and other professional subjects and in other spheres of learning and knowledge of a standard and thoroughness required and expected of a University of the highest standing, and to secure the advancement, diffusion and extension of knowledge in all spheres of learning;
  - (ii) to establish within the University area or outside that area such field stations and specialized laboratories and such other units for research and instruction as are necessary for the furtherance of its subject;
  - (iii) to organized and to undertaken extramural teaching and extension services;
  - (iv) to hold examinations and grant to, and confer degrees, diplomas, certificates or other academic distinctions and to deprive persons of any degrees, diplomas, certificates, or distinctions granted to or conferred upon them by the University for good and sufficient cause;

- (v) to create such teaching, administrative and other posts as the University may deem necessary from time to time and to make appointment thereto;
- (vi) to appoint or recognize person as Professors, Readers, or Lecturers or otherwise Teachers of the University;
- (vii) to institute and award fellowships, scholarships, exhibitions and prizes;
- (viii) to established and maintain colleges and halls, to recognise and supervise colleges and halls not maintained by the University and other accommodation for students and to withdrawn any such recognition;
- (ix) to regulate and enforce discipline among students and employees of the university and to take such disciplinary measures in this regard as may be deemed necessary;
- (x) to made arrangement for promoting health and general welfare or student of the University;
- (xi) to determine and provide for examination for admission in to University.
- (xii) to affiliate with it to or to admit to any of its privileged or to recognize for any purpose either in whole or in part, any college or institution or members or students

thereof, on such terms and conditions as may from time to time, be prescribed, and to withdraw such affiliation, privileges and recognition;

- (xiii) to co-operate with any university authority, other authority or association or any other public or private body having view of the promotion of purposes and objects similar to those of the University or appoint one or more representatives of the University to act upon any such body, authority or associations for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;
- (xiv) to enter into any agreement for the incorporation in the University or any other institution and for taking over its rights, properties and liabilities and for any other purposes not repugnant to this Act;
- (xv) to demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (xvi) to acquire, hold, manage and dispose of any property movable or immovable including trust or endowed property within or outside the University area, for the purposes of objects of the University, and to invest any funds representing such property in such manner as the University thinks fit;

- (xvii) to borrow with the approval of the State Government, on the security of the University property, money for the purposes of the University; and
- (xviii) to do all such other acts things, whether incidental to the powers aforesaid or not, as may be required in order to further the subjects of the University.

**5. Jurisdiction.**

- (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall extend to the district of Lakhimpur and Sibsagar and to such other areas and colleges, institutions and other bodies beyond this territorial limit to which any or all the powers of the University may be extended by it, with the previous approval of the State Government.
- (2) From the date on which this Act comes into force the Gauhati University shall come to exercise its jurisdiction over al the colleges and institutions affiliated to or recognized by it and lying within the district of lakhimpur and Sibsagar, and the Dibrugarh University shall exercise authority and jurisdiction over then from the aforesaid date, and they were affiliated to, or recognized by Dibrugarh University from the aforesaid said date.

**6. University open to all classes, castes and creeds.**

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

**7. Officers of the University. The following shall be officers of the University:**

- (i) the Chancellor;
- (ii) the Vice- Chancellor;
- (iii) Rector;
- (iv) the Register; and
- (v) Such other persons in the service of the University as may be declared by the statutes to be the officers of the University.

## **COMMENTS**

In this section, Cls. (ii) and (iv) were deleted by Assam Act VII of 1971 and the clauses in the said section were renumbered accordingly from (i) to (iv), Again by Assam XVI of 1975. Cl. (iv) originally was again added and the clauses were re-numbered accordingly from (i) to (v) .See para 3 of the Status framed under the Act.

### **8. The Chancellor.**

- (1) The Governor of Assam shall be the Chancellor of the University.
- (2) The Chancellor, when present, shall preside at any meeting of the Chancellor and any convocation of the University.

### **9. Powers and duties of the Chancellor.**

- (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct of the affairs and properties of the University, of the colleges, institutions and bodies maintained by the University and also of the examination, teaching other works conducted or done by the University, its officers and authorities, and to cause an enquiry to be made in the like manner in

respect of all or any of the matters aforesaid and of any other matter connected with the University.

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

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

- (6) Expenses that may be issued in connection with such inspections or enquiries and certified as such by the Chancellor, shall be charge on the University.
- (7) The Chancellor as head of the University shall have the power to suspend the activities of the various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to control the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him.

### **COMMENTS**

Sub-section (7) of this section has been inserted by Assam Act XV of 1975..

#### **10. The Vice-Chancellor.**

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



one member to be elected by the Executive Council. The Chancellor shall also appoint one of them as Chairman of such Advisory Board.

- (2) The Advisory Board shall recommended a panel of names of three persons to the Chancellor who may appoint one of the persons recommendation to be the Vice- Chancellor. If the V does not approved any of the persons recommended by the Advisory Board, he may call for a fresh recommendation.
- (3) The Vice-Chancellor shall be a whole time officer of the University who shall hold office for a period of five years and shall be eligible for re-appointment.

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

- (4) The vice-Chancellor shall retire on the date he attains the age of 65 years.
- (5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

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

- (6) Whenever there is any temporary vacancy in the office of the vice-Chancellor by reasons of leave, illness or other cause, the Chancellor shall make such other arrangements as he may think fit for exercising the powers and performing duties of the Vice-Chancellor during the absence. The Chancellor shall determine the emoluments or allowances payable to a person temporarily appointed to exercise the powers and duties of the Vice-Chancellor.

#### **COMMENTS**

Clause (4) was inserted *vide* Assam Act XIX of 1976 having received the assent of the Governor on the 20<sup>th</sup> October, 1976, and subsequent clauses re-numbered as Cls. (5) and (6).

This section has been re-numbered as S. 10 by Assam Act VII of 1971, which was originally S. 11, and the original S. 10 reads as follows:

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

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

Sub-sections (1) and (2) of the present S. 10 (original S. 11) have been substituted by Assam Act XVI of 1975 and the original sub-Ss. (1) and (2) read as follows:

“(1) The Vice-Chancellor, for the first two terms, shall be appointed by the Chancellor. For the subsequent appointed to the post of the Vice-Chancellor, an Advisory Board consisting of the member elected by the Court, one member elected by the Executive Council and one member nominated by the Chancellor shall be constituted:

Provided that the persons so elected or nominated shall not be from amongst persons holding any office of profit under the University or under any of its constituent or affiliated Colleges.

- (2) The Advisory Board shall recommend to the Chancellor the names of not less than 3 person from among whom the Chancellor after taking into consideration the recommendations of the Advisory Board.”

**10-A. The Rector.** The Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and allowances as may be fixed by the Executive Council. He shall hold office for a term of two years and shall be eligible for re-appointment.

**10-B. Powers and duties of the Rector.** The Rector shall exercise and perform such powers and duties of the Vice-Chancellor as may be delegated to him by the Vice-Chancellor.

### **COMMENTS**

Sections 10-A and 10-B have been inserted by Assam Act XVI of 1975.

### **11. Powers and duties of the Vice-Chancellor.**

“(1) The Vice-Chancellor shall be the principal executive and academic officer of the University. He shall be the *ex-officio* Chairman of the Executive Council, the Academic Council, the Post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee and shall, in the absence of the Chancellor preside at all meetings of the Court and

over the convocation to confer degrees. He shall be entitled to be present at and to address any meeting of any authority or committee of the University.

- (2) The Vice-Chancellor shall see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all powers for that purpose.
- (3) The Vice-Chancellor shall have the powers of convening the meetings of the Court, the Executive Council, the Post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee whenever he finds it necessary and may for that purpose direct the Registrar to convene such a meeting at the time and place to be determined by the Vice-Chancellor and the Registrar shall be bound to comply with that direction.
- (4) If in the opinion of the Vice-Chancellor an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same to the authority or Committee which in the ordinary course would have dealt with the matter:

Provided that where any such action taken by the Vice-Chancellor affects the service or emoluments of any person in the service of the University, such

person shall be entitled to prefer within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council, whose decision shall be final.

- (5) The Vice-Chancellor shall exercise general control and supervision over the affairs of the University and shall give effect to the decisions of the Authorities of the University.
- (6) All powers relating to the proper maintenance of discipline in the University shall stand vested in the Vice-Chancellor.
- (7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Ordinances and shall perform such other acts as may be necessary to Carry out or further the provisions of this Act, the Statues or the Ordinances.

### **COMMENTS**

this section was originally numbered as S. 12 and is being re-numbered as S. 11 after deletion of S. 10 in the original Act, by Assam ACT VII of 1978 and by the same Amendment Act, the words “and the Pro-Chancellor” in sub-S. (1) thereof have been deleted.

## **12. The Registrar.**

- (1) The Registrar shall be a whole-time salaried officer of the University. The terms and conditions of the service of the Registrar shall be such as may be prescribed by the Ordinances.
- (2) The Registrar shall be the Secretary of the Court, the Executive Council, the Academic Council, the post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee but shall not be deemed to be a member to be a member of any of these authorities except that of the Court.

### **COMMENTS**

This section was originally numbered as S. 15 and is being renumbered as S. 12, after deletion of Ss. 10, 13 and 14 in the original Act, by Assam Act VII of 1971 and the original Ss. 13 and 14 read as follows:

“13. The Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and allowances as may be fixed by the Executive Council. He shall hold office for a term of 5 years and shall be eligible for re-appointment.

14. The Rector shall exercise and perform such powers and duties of the Vice-Chancellor as may be deleted to him by the Vice-Chancellor.”

**13. Powers and duties of the Registrar.**

The powers and duties of the Registrar shall be the following, namely:

- (a) to be the custodian of the records, the common seal of the University and such other properties of the University as the Executive Council shall commit to his charge;
- (b) to conduct the official correspondence of the Court, the Executive Council, the Academic Council, the Post-Graduate Board, the Under-Graduate Board, the Finance Committee and the Selection Committee;
- (c) to issue all notices convening meetings of all authorities and committees of which he is the Secretary, to keep minutes of meetings of all such Authorities and Committees;
- (d) to arrange or superintend and conduct all examinations held by the University, as directed by the Examination Board;



- (e) to sign and to verify all contracts and agreements made on behalf of the University;
- (f) to exercise general supervision over the funds of the University and to advise the Executive Council and the Finance Committee in regard to the financial policy of the University;
- (g) to manage, subject to the control of the Executive Council, the property and the investments of the University;
- (h) to prepare and to present to the Executive Council the annual report of the working of the University, the annual statement of accounts and the budgets of the University for the next financial year, and to maintain properly the action of the University;
- (i) to receive payments of all fees and charges payable to the University;
- (j) to perform such other work as may from time to time be assigned to him by the Executive Council or the Vice-Chancellor; and
- (k) to make appointments to ministerial and Grade IV posts of the University.

#### **COMMENTS**

This section has been re-numbered as S. 13. Originally this section was numbered as S. 16.

**14. Authorities of the University.**

The following shall be the authorities of the University:

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

**COMMENTS**

This section was originally numbered as S. 17 and is being renumbered as S.14 after deletion of Ss. 10, 13 and 14 as contained in the original Act.

**15. The Court.**

- (1) The Court shall consist of the following persons, namely:

*A-Ex-Officio Members*

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Rector;
- (iv) the Registrar;
- (v) the Secretary to the Government of Assam in Education Department;
- (vi) the Director of Public Instructions, Assam;
- (vii) the Additional Director of Public Instructions, Assam;
- (viii) the Director of Technical Education Assam;

- (ix) the Secretary, Education of any other State which jurisdiction of the University may extend;
- (x) the Director for Public Instructions of any other State or States, to which the jurisdiction of the University may extend;
- (xi) the Principals of Jorhat Engineering College and Assam Medical College;
- (xii) the Vice-Chancellor of the Gauhati University and of any other University in the State;
- (xiii) the Principal of the Degree Colleges affiliated to the University;
- (xiv) the Principals of the Constituent Colleges;
- (xv) the Heads of Departments and Professors of the University;

*B- Other Members*

- (xvi) persons not exceeding ten in number, nominated by the Chancellor from among the donors, each of whom has contributed a sum of rupees five lakhs or more to the University.

- (xvii) seven persons elected by the members of the Assam Legislative Assembly from among themselves;
- (xviii) two members of the Board of Secondary Education, Assam elected by the aforesaid Board;
- (xix) ten persons to be elected by the teachers, other than the Heads of Departments and Professors of the Departments of the University and the principals of the constituent and affiliated Degree colleges from among themselves;
- (xx) ten persons distinguished in Literature, Law, Medicine, Engineering, Technology, Industry, Commerce and public life nominated by the Chancellor;
- (xxi) two persons to be nominated by the Chancellor from amongst those whose interests are not otherwise represented;
- (xxii) (a) seven representatives to be elected by the Post-Graduate students from amongst themselves :

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

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

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

Provided that a student to be so elected must have been a student of the University for at least one year in excess of the period prescribed for the course of which he is a student would be eligible for such election :

- (xxiii) two registered graduates to be elected by the Registered Graduates of the University who are not employees of the University or the affiliated colleges.

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

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

### **COMMENTS**

This section was originally numbered as S. 18.

Clauses (i) to (xxiii) were re-numbered by Assam Act VII of 1971 as Cls. (i) to (xx) after deletion of Cls. (ii), (iv) and (v). The said clauses were re-numbered and amended by virtue of Assam Act XVI of 1975.

Sub-section (2) has been substituted by Assam Act VII of 1971. The old sub-S. (2) read as follows:

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

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

- (a) to review, from time to time, the period broad policies and programmes of the University, and to suggest

measures for the improvement and development of such policies, programmes, work and other affairs;

- (b) to consider the annual report, the annual statement of accounts, the audit report and the budget of the University for the next financial year, to approve the budget, with modifications, if any, to express its views on the annual report, the statement of accounts and the audit report and to suggest such measures as it may deem proper on the matters covered by them;
- (c) to approve, with or without modifications the Statutes submitted by the Executive Council:

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

### **COMMENTS**

This section was originally numbered as S. 19 and is being re-numbered by virtue of Assam Act VII of 1971. In Cl (b), the words “such comments” in between the words “with” and “if any” have been substituted by the word “modification”.



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

- (i) the Vice-Chancellor,
- (ii) the Rector,
- (iii) the Director of Public Instructions, Assam,
- (iv) the Director of Health Services, Assam,
- (v) the Chairman, Board of Secondary Education, Assam,
- (vi) one principal of Government Degree Colleges to be elected from amongst themselves,
- (vii) the Director of Technical Education, Assam,
- (viii) two Heads of Departments of the University who are Professors to be chosen by the Vice-Chancellor by rotation for a period of three years according to seniority,
- (ix) two Principals of non-Government affiliated Degree Colleges to be elected from amongst themselves,
- (x) four members of the Court, other than the employees of the University or affiliated or recognised Degree

Colleges or institutions elected by the Court at its Annual General Meeting.

- (xi) Two persons, of whom at least one shall be woman, nominated by the Chancellor,
- (xii) Two persons nominated by the State Government of Assam,
- (xiii) One Dean of Faculty to be chosen by the Vice-Chancellor from the Deans of Faculties of the University for a period of three years, by rotation according to seniority.

### **COMMENTS**

By Assam Act VII of 1971 this section has been re-numbered as such. Originally this section was numbered as S. 20 and in this section Cl. (ii) was deleted and the clauses therein were re-numbered as Cls. (i) to (iv). By Assam Act XXXVI of 1975, Cl. (ii) has been again put in the original place. After Cl. (iii), Cls. (iv) and (v) have been inserted by Assam Act XXVI of 1975 and other clauses have been re-numbered and the present Cl. (Xiii) has been inserted by the same Amendment Act. Clauses (iv) to (ix) have been re-numbered presently as Cls. (vii) to (xii) after insertion of new Cls. (iv), (v) and (vi). See para 33 of First Statue framed under this Act.

**18. Powers and duties of the Executive Council.**

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

- (a) to institute and confer degrees, titled, diplomas, certificates and other distinctions to be conferred on the basis of examinations and to withdraw any such degree, title, diploma, certificate or other academic distinctions previously conferred, after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be,
- (b) to institute and confer honorary degrees or other academic distinctions and to withdraw such degrees or academic distinctions previously conferred after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be,
- (c) to institute fellowships, scholarships, prizes or other awards and to withdraw any such fellowship, prize or other awards previously awarded, after taking into consideration the recommendations of the Post-Graduate Board, and the Under-Graduate Board, as the case may be,

- (d) to institute professorship, readership, lectureship and other posts of teachers required by the University and to recognize persons as teachers of the University, after taking into consideration the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be,
- (e) to create administrative, ministerial and other posts, a may be necessary,
- (f) to appoint, from time to time, the officer and teachers of the University, the Principal and Teachers of constituent colleges; the Librarian of the University, after considering the recommendations of the Selection Committee and other Committees,
- (g) to make provision for the emoluments, duties and terms and conditions of service of the teachers of the University and the employees of the constitution Colleges, after taking into consideration the recommendations of the Post-Graduate Board in this regard, as the case may be,
- (h) to establish, maintain and manage college, institutions, departments, laboratories, museums, halls and hostels,

- (i) to affiliate colleges and institutions not established, maintained or managed by the University and withdraw such affiliations,
- (j) to constitute an Examination Committee and to arrange for holding of, conducting and publishing the results of university Examinations. The constitution, powers and duties of the Examination Committee will be determined by an Ordinance,
- (k) to recognise libraries, laboratories, museums, halls and hostels, not established, maintained or managed by the University and to withdraw such recognition,
- (l) to determine the form and to regulate the use of the common seal of the University,
- (m) to take, receive, purchase, or hold property movable and immovable, and to grant demise, alienate, transfer or otherwise dispose of or administer or manage any such property for the purpose of the University under this Act,
- (n) to place before the Court, the annual report of the working of the University, the annual statement of account, the budget of the University for the next financial year, the audit report on the annual statement of account together with the views of Executive Council upon them, for consideration and necessary action :

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

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

### **COMMENTS**

This section being originally numbered as S. 21 has been renumbered as S. 18 by Assam Amendment Act VII of 1971.

This section deals with the powers and duties fo the Executive Council which shall, however, be subject to the provisions as contained in this Act and the Statutes framed thereunder.

- 19. Academic Council.** The Academic Council shall consists of the following members, namely:

- (1) the Vice-Chancellor,
- (2) the Rector,
- (3) all Professors and Heads of Departments of the University departments and Principals of the constituent colleges.
- (4) ten teachers of the affiliated Degree Colleges representing different subjects to be elected from amongst themselves :

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

- (5) the Principals of the Engineering, Medical, Veterinary and Agricultural College to be specified by the Statutes,
- (6) six Professors nominated by the Vice-Chancellor from the Professional Colleges to be specified by the Statutes,
- (7) six persons, who may or may not be teachers, nominated by the Vice-Chancellor,
- (8) the Director of Public Instructions, Assam,

- (9) the Director of Health Services, Assam,
- (10) one Education Officer of the Board of Secondary Education, Assam to be nominated by the Chairman of the aforesaid Board,
- (11) the Additional Director of Public Instructions, Assam, and
- (12) the Director of Technical Education, Assam.

### **COMMENTS**

This section was originally numbered as s. 22 and is being presently numbered as S. 19 after the Assam Amendment of 1971, whereby the item No. 2 *viz*, the “Rector” was omitted and items 1 to 10 were renumbered accordingly. By virtue of Assam Act XXVI of 195 the said item No. 2 was again inserted in its original place.

Item (3) of the original Act and item (4) presently have been substituted by Assam Act XXVI of 1975 and the old item (4) read as follows:

“4. Principals of the Engineering Affiliated Degree Colleges by rotation to be chosen by the Vice-Chancellor, for a period of 3 years.”



Item (9) and (10) presently have been inserted by Assam Act XXVI of 1975 and the original item Nos. (9) and (10) have been re-numbered as items (11) and (12) respectively.

**20. Powers and duties of the Academic Council.**

The Academic Council shall have the following powers and duties, namely:

- (a) to determine and specify from time to time the branches of study in which provisions for instructions, research and for advancement and dissemination of knowledge are to be made,
- (b) to approve, and when necessary revise, with or without modifications, the pattern of course and the examination to be held, after considering the recommendations of the Examination Committee, the Post-Graduate Board and the Under-Graduate Board, as the case may be,
- (c) to approve the conditions for admission of students to Post-Graduate and Under-Graduate courses, with or without modifications, after considering the recommendations of the Post-Graduate Board and the Under-Graduate Board, as the case may be,
- (d) to supervise the University library.

- (e) to give such direction and to suggest such measures, as it may think fit, to the Post-Graduate Board, Under-Graduate Board and the Board of Studies, on any matter affecting the academic work of the University , to consider the view expressed by the said Boards on the measures suggested and to take such decisions as it may think fit,
  
- (f) To receive the proceedings of the meetings of the Post-Graduate Board, the Under-Graduate Board and the Examination Committee and to make such recommendations to the Board or committee concerned thereon, as it may think fit.

### **COMMENTS**

This section was originally numbered as S. 23 and is now being re-numbered as S. 21 by Assam Act VII of 1971.

**21. Post-Graduate Board.** The Post-Graduate Board shall be the following members, namely:

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

- (3) six persons from amongst the Professors and Heads of Departments of Post-Graduate, Departments of the University and the Heads of Departments of the Constituent colleges, elected by the Academic Council.
- (4) two members of the Academic Council, who are not Professors or Heads of Departments of the University or of Constituent College, elected by the academic Council.
- (5) four persons who may or may not be professors of the University, to be nominated by the Vice-Chancellor, and
- (6) one member of the Examination Committee to be nominated by the Vice-Chancellor.

### **COMMENTS**

This section was originally numbered as S. 24 and is being re-numbered as S. 21 by Assam Act VII of 1971. by the same Act, the Item No. 2 *viz.*, “the Rector” was deleted and Item Nos. 1 to 6 were re-numbered accordingly. But by Assam Act XVI of 1975, the Item No. 2 was again inserted in its original place.

## **22. Powers and duties of the Post-Graduate Board.**

Subject to the provisions of this Act, the Statutes and

the Ordinance, the Post-Graduate Board shall have the following powers and duties namely:

- (a) to recommend to the Academic Council, the pattern of Post-graduate course, the examinations to be held for such course, and for their revision;
- (b) to approve the curricula and syllabi for the Post-graduate course and to modify them when necessary, after considering the recommendations of the Board of Studies;
- (c) to recommend the Executive Council for the institution and awarded of fellowships, scholarships, prizes, honorary degrees and other awards or other academic distinctions, and fro the institution and conferring of degrees, diplomas, titles, certificates and other academic distinctions in the Pot-Graduate course on the basis of examinations and for the withdrawal thereof;
- (d) to make recommendations to the Executive Council for the institution of professorships, lectureships, readerships or other posts of teachers required for the Post-graduate course and for the recognition of persons as teachers of the University for such course, and regarding their emoluments, duties and terms and conditions of their services;

- (e) to recommend to the Academic Council the condition for the admission of students to Post-graduate courses, and to make regulations for their attendance and progress;
- (f) to make regulations regarded to the residence, discipline of students in the departments and the constituent colleges, and institutions imparting Post-graduate courses and for the promotions of their health and welfare;
- (g) to make recommendations to the Executive Council regarding the allocation of funds to the Post-graduate Departments and constituent colleges and institutions engaged in instruction in Post-graduate courses or research, and to the libraries, laboratories, museums established by the University;
- (h) to review the works of the Post-graduate Departments and colleges and institutions engaged in instruction in Post-graduate course and research and to call for report thereon and to take all steps necessary for the improvement of standard of research and teaching and other affairs therein;
- (i) to consider the measures suggested by academic Council on any matter affecting the academic work of the University and to express its views on them, to consider any matter referred to it by the Executive

Council on the Academic Council and to submit reports thereon to the Executive Council, or the Academic Council as the case may be ;

- (j) to approve the panels of the examiners for Post-graduate examination, with or without modifications, after considering the recommendations of the Board of Studies concerned;
- (k) to promote research within the University and to make regulations governing research degrees; and
- (l) to appoint Committee, and to fix their terms fo the reference, in regard to any matter within the jurisdiction of the Post-graduate Board.

### **COMMENTS**

This section was originally numbered as S. 25 and is being re-numbered as S.22 by Assam Act Vii of 1971. This section deals with the powers and duties of the Post-Graduate Board. See para 35 of the First Statute framed under this Act.

**23. Under-Graduate Board.** The Under-graduate Board shall consist of the following members, namely:

- (1) the Vice-Chancellor,
- (2) the Rector,
- (3) three persons from among the professors and the heads of Departments of the University and of the Constituent Colleges, elected by the Academic Council,
- (4) six Principals, including at least three from professional colleges, elected by the Academic Council from amongst its own members,
- (5) three persons who may or may not be members of the academic Council, nominated by the Vice-Chancellor,
- (6) ten members to be elected from amongst the teachers of the affiliated colleges, and
- (7) one member of the Examination Committee to be nominated by the Vice-Chancellor.

### **COMMENTS**

This section was originally numbered as S. 26 and is being re-numbered as S.23 by Assam Act VII of 1971. by the same Amendment act, Item No. (2) was deleted which however is again being inserted in its original place by Assam act XVI of 1975. by Assam Act XVI of 1975, the

present Cl. (6) has been substituted and the original Cl.s (6) read as follows:

“(6) Chairman of the Board of Secondary Education, Assam.”

**24. Powers and duties of the Under-Graduate Board.**

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

- (a) to recommend to the academic Council the pattern of courses and examinations for the Under-Graduate courses and the revision thereof,
- (b) to make recommendations to the Executive Council for the institutions of professorships, readership, lectureships, or other posts of teachers required of the Under-graduate courses, in the University and the constituent colleges and for the recognition of persons as teachers of the University for such courses and regarding their emoluments, duties and terms and conditions of services.
- (c) to make recommendations to the Executive Council for the award of scholarships, prizes and other awards and for the conferment of degrees, diplomas, title,



certificates and other academic distinctions the Under-graduate courses,

- (d) to approve the curricula and syllabi for the Under-graduate courses and to modify when necessary, after considering the recommendations of the Boards of Studies concerned,
- (e) to make recommendations to the Executive Council regarding the allocation of funds to the constituent colleges and institutions and to the departments imparting instructions in Under-graduate courses,
- (f) to review the work of the Under-graduate departments and colleges and institutions imparting instructions in Under-graduate courses, to call for reports thereon and to take steps necessary for improvements of the standard of teaching and other affairs thereon,
- (g) to recommend to the Academic Council the conditions for the admission of the Under-graduate courses and to make regulations for their attendance and progress,
- (h) to approve the panels of examiners for Under-graduate examinations with or without modifications, after considering the recommendations to the Board of Studies and to modify the same at any time after constitution with the Board of Studies,

- (i) to make Regulations in regard to the residence, health and discipline of the students in Under-graduate courses,
- (j) to consider the measures suggested by the academic Council on any matter affecting the academic work of the University and to express its view on them, to consider any matter referred to it by the Executive Council and to submit report thereon the Executive Council or the Academic Council, as the case may be, and
- (k) to appoint Committee, and to fix their terms of reference, in regard to any matter within the jurisdiction of the Under-graduate Board.

### **COMMENTS**

This section was originally numbered as S. 27 and is being re-numbered as S. 24 by Assam Act VII of 1971 and this section deals with the powers and duties of the Under-Graduate Board.

#### **25. Board of Studies.**

- (1) There shall be a Board of Studies in each main branch of study. These branches shall be specified, and when necessary modified by the Academic Council.
- (2) Each Board of Studies shall consist of the following members, namely:
  - (i) *Chairman.* A Professor of head of Department of the University, in the branch concerned, nominated by the Vice-Chancellor;
  - (ii) three persons with qualifications in the branch of study, elected by the Academic Council;
  - (iii) one expert consultant, not connected with the University nominated by the Chairman with the approval of the Vice-Chancellor.

#### **COMMENTS**

This section was originally numbered as S. 28 and is being re-numbered as S. 25 by Assam Act VII of 1971.

**26. Powers and duties of the Board of Studies.** Subject to the provisions of this Act the Statues and the Ordinances each Board of Studies shall have the following powers and duties, namely:

- (a) to make recommendations to the Post-Graduate or the Under-Graduate Board, as the case may be, about the pattern of courses, curricula and syllabi to be laid down for different courses and the examinations to be held for such courses and to make recommendations for revision of courses, syllabi, curricula and examinations in so far as they relate to the field of the particular branch of study;
- (b) to prepare, and when necessary revise, the panels of examinations for the different examinations, for submission to the Examination Committee; and
- (c) to consider any other matter referred to it by Post-Graduate or Under-Graduate Board, the Academic Council or the Executive Council, as the case may be, and to submit a report to the authority concerned upon the matter so referred.

### **COMMENTS**

This section was originally numbered as S. 29 and is being re-numbered as S. 26 by Assam Act VII of 1971.

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

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

#### **COMMENTS**

This Section was originally numbered as S. 30 and is being re-numbered as S. 27 by Assam Act VII of 1971.

**28. Powers and duties of the Finance Committee.** The Finance Committee shall have the following powers and duties, namely:

- (a) to examine the annual budget estimates and to give advice and suggestions to the Executive Council thereon;
- (b) to make recommendations to the Executive Council relating to the Finance of the University;

- (c) to examine every proposal for new expenditure involving a sum of money exceeding rupees ten thousand and to advise the Executive Council thereon;
- (d) to review the financial position of the University periodically;
- (e) to suggest in general the means for the improvement of the financial position of the University;
- (f) to consider and recommend revision of grades of pay and the grades of pay of new posts to the Executive Committee; and
- (g) to deal with such to the matters relating to the financial matter of the University, as may be prescribed by the Statutes and the Ordinances.

### **COMMENTS**

This section was originally numbered as S. 31 and is being re-numbered as S. 28 by Assam Act VII of 1971 and deals with the powers and duties of the Finance Committee.

### **29. Selection Committee.**

- (1) (a) There shall be a Selection Committee for making recommendations to the Executive Council for appointment of Professors, Readers, Lecturers, Registrar, Treasurer, Librarian and other officers of the University as may be provided by the Statutes consisting of the following members, namely:
  - (i) the Vice-Chancellor as Chairman of the Selection Committee;
  - (ii) three persons not holding any office of profit under the University – one to be nominated by the Chancellor, one to be nominated by the State Government and other to be nominated by the Executive Council;
  - (iii) The Registrar shall be the Member-Secretary of the Selection Committee except for the appointment of Registrar in which case the Vice-Chancellor shall nominate one person as Member-Secretary in consultation with the Executive Council.
- (b) In making recommendations for the appointment of Professors of the University the

Selection committee shall co-opt the Head of Department to be nominated by the Vice-Chancellor and three persons not in the service of the University to be nominated by the Executive Council out of a panel of not less than five names of persons recommended by the Academic Council, who have special knowledge of the subject for which the Professor is to be selected.

- (c) In making recommendations for the appointment of Readers or Lecturers and other teachers of the University the Selection Committee shall co-opt the Head of the Department concerned, one Professor of the Department to be nominated by the Vice-Chancellor and two persons to be nominated by the Executive Council out of a panel of not less than five names of persons recommended by the Academic Council, who have special knowledge or interest in the subject for which the Reader or lecturer is to be selected:

Provided that, where the Executive Council proposes to make an appointment otherwise than in order of merit arranged by the Selection committee in the posts of Professors, Readers or Lecturers, it shall record its reasons in writing and submit them to the Chancellor



who may approve the proposal or return it to the Executive Council for reconsideration. After reconsideration, if the Executive Council desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision which shall be final;

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

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

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

*Explanation.* For the purpose of this section, the co-opted members shall be deemed to be members of the Selection committee for the purpose for which they are co-opted.

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

### **COMMENTS**

This section has been substituted by Assam Act XVI of 1975.  
The old section read as follows:

“29. *Selection Committee.*

- (1) (a) There shall be a Selection Committee for making recommendations to the Executive Council for

the appointment of the officers and teachers of the University, the Principals and Teachers of constituent colleges, and the Librarian of the University Library consisting of the following members:

- (i) the Vice-Chancellor as Chairman of the Selection Committee:
  - (ii) two persons, not holding any post of profit under the University, one nominated by the Chancellor and the other nominated by the Executive Council.
- (b) In making recommendations for the appointments of professors of the University, the Selection Committee shall co-opt two persons not holding any post of profit under the University and having special knowledge of the subject which the professor will teach, nominated by the Executive Council in consultation with the Post-Graduate Board.
- (c) In making recommendations for the appointments of Readers or Lecturers and other teachers of the University, the Selection Committee shall co-opt the Head of Department concerned of the University and a person having special knowledge of the subject concerned and

nominated by the Executive Council in consultation with the Post-Graduate Board. If the Head of the Department concerned is himself a candidate for the post, another person having special knowledge in the subject shall be nominated by the Executive Council in consultation with the Post-Graduate Board.

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

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

- (3) If the Executive Council does not accept any of the recommendations of the Selection Committee, it shall refer the matter to the Chancellor, stating clearly the reasons for not agreeing with the Selection Committee, and the decision given by the Chancellor thereon shall be final.
- (4) The Executive Council shall constitute one or more Committees for making recommendations to the Executive Council for appointment to other

administrative posts and may prescribe by ordinances the procedure and methods to be followed in making such recommendations”.

**29-A. Students’ Advisory Council.**

- (1) There shall be a Students’ Advisory Council, which shall consist of the following members, namely:
  - (i) one Chairman to be nominated by the Vice-Chancellor from amongst the teachers of the University;
  - (ii) the Director of Students’ Welfare *ex-officio* Treasurer;
  - (iii) President, Vice-President and Secretary of the University Post-Graduate Students’ Union;
  - (iv) President and Secretary of the University Law Students’ Union;
  - (v) 10 students from ten affiliated Degree Colleges to be selected by the Executive Council by rotation in the manner to be prescribed by the Statutes;

- (vi) one student from each teaching faculty of the University to be elected as prescribed by the Statutes;
  
- (vii) five students one from each of the five activities mentioned below who have shown outstanding performance in the following activities to be nominated by the Vice-Chancellor, namely:
  - (1) Sports;
  
  - (2) National Service Schemes;
  
  - (3) National Cadet Corps;
  
  - (4) Cultural activities;
  
  - (5) National Discipline Scheme;
  
- (viii) Four students to be nominated by the Vice-Chancellor;
  
- (ix) The Director of Sports and Physical Education, if any;
  
- (x) The student members of the Students' Advisory Council shall elect from amongst themselves the Secretary to the Council.

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

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

- (4) The functions of the Student's Advisory Council shall be as follows, namely:
  - (i) to make recommendations to the Executive Council and the Academic Council in the matter effecting the students corporate life of the University in so far as it concerns the students and the co-curricular and extra-curricular activities in the University and the Degree Colleges affiliated to the University;

- (ii) all rules affecting study, welfare, sports, literacy, management of Hostels, Students' home, extension work, social work, students' health, National Service Scheme, N.C.C., etc. shall be placed before the Students' Advisory Council for its views before any decision is taken by the Executive Council;
- (iii) the Vice-chancellor or any authority of the University may ask for the view of the Students' Advisory Council on any matter concerning the welfare of students;
- (iv) the Chairman of the Student's Advisory Council shall be the authority to decide whether a matter does or does not concern the student;
- (v) the Students' Advisory Council shall frame its own rules of business and shall submit the same to the Executive Council for consideration and approval.

### **COMMENTS**

This section has been inserted by Assam Act XVI of 1975.

### **30. University Funds.**



- (1) The University shall have a fund to be known as “The Dibrugarh University Fund” on which shall be credited all its income, fees, fines, contributions, donation, loans and advances from any other sources. The University may also create by Ordinance made in this behalf, one or more separate special funds for the administrative of endowments, trusts or other grant for specific purposes.
- (2) The State Government shall, for the purposes of this Act, contribute annually to the University Fund a sum not less than rupees forty lakhs to meet the recurring charges of the University.

### **COMMENTS**

This section was originally numbered as S. 33 and is being re-numbered as S.30.

In this section the word “Twenty” occurring in between the words “rupees” and “lakhs” was substituted by the word “forty” *vide* Assam Act No. VII of 1974.

### **31. Accounts and audits.**

- (1) The statements of Accounts of every completed financial year shall be placed for consideration of the Court together with the Audited report in the next

year. For this purpose, the Accounts shall be audited by a firm of Chartered Accountants subject to overall audit and scrutiny by the Accountant General.

- (2) Such annual statement of accounts shall, together with copies of the audit report thereon, be submitted, through the Executive Council, to the Court and to the State Government and thereupon the State Government may publish the same in the official Gazette.
- (3) The Finance Committee of the University shall conduct quarterly internal audit and the report of such audit shall be submitted to the State Government regularly.
- (4) Notwithstanding anything contained hereinbefore, the State Government shall have power when deemed necessary to order an audit of the accounts of the University including those of the institutions managed by it by such auditors as it may direct.
- (5) The Annual Budget Estimate, referred to in S. 16 (b) shall after these are finalised by the Executive Council be circulated to the State Government, Chancellor and all members of the Court at least 15 days before they are submitted to the Court.

#### **COMMENTS**

This section was originally numbered as S. 34 and is being re-numbered as S. 31 by Assam Act VII of 1971.

Sub-section (1) of S. 31 has been substituted by Assam Act VII of 1971 and the old sub-S. (1) read as follows:

“The annual statement of Accounts of the University prepared by the Registrar shall be subjected to such audit as the State Government may direct.”

After sub-S. (4), a new sub-S. (5) was inserted by Assam Act VII of 1971, which has been again substituted by Assam Act XVI of 1975. The old section read as follows:

“The Annual Budget estimates of the University shall be published in the Assam Gazette immediately after these are finalised by the Executive Council and before submitting to the Court of the University.

## **32. Statutes.**

- (1) Subject to the provisions of this Act and with the approval of the Court, the Executive Council may make statutes for the purpose of carrying out the

provisions of this Act, and in respect of all matters which are required to be or may be provided for by Statutes.

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

- (a) declaration of persons in the service of the University to be officers of the University;
- (b) appointment, powers, duties and terms and conditions of service of the officers other than the Chancellor and of the holders of the other posts of the University in so far as there have been not been specifically provided for in this Act;
- (c) establishment and declaration of Authorities of the University;
- (d) constitution, powers and duties of the Authorities and committees of the University and of the members thereof, in so far as these have not been specifically provided for in this Act;
- (e) terms and conditions for the institution and award of fellowships, scholarships, prizes,

degrees, honorary degrees, titles, diplomas, certificates, other academic distinctions and award and for their withdrawals;

- (f) the terms and conditions of affiliating colleges and recognising institutions, not established, maintained or managed by the University, and the terms and conditions for recognising libraries, laboratories, museums, halls and hostels, not established or maintained by the University and the conditions for the withdrawal of such affiliations and recognition and matters relating to the privileges to be enjoyed by such colleges and institutions and other bodies, whether affiliated or recognised:

Provided that no statutes relating to the Management of the Degree Colleges and Halls and the conditions of the service of the employees shall apply to the Government Colleges and the Government Aided Colleges in respect of which the State Government shall make necessary rules in consultation with the University . No new Pre-Degree college shall be given permission or affiliation or no such colleges shall be given permission or affiliation to introduce new subject or faculty by the University without prior concurrence of the State Government;

Provided further that the State Government may at any time vest the existing powers of the Executive Council of the University of conducting Pre-Degree Examination in the Board of Secondary Education with effect from such date as may be notified by the State Government;

- (g) the procedure to be followed in inspections or investigations or caused to be made by the Executive Council into the affairs of colleges, institutions and other bodies, whether constituent, recognised or affiliated and the manner in which the Executive Council is to exercise its general control and supervision over them.
- (3) Any member of the Court may propose to the Court the draft of any Statute and the Court may refer any such draft to the Executive Council and the Executive Council shall consider the same and submit the draft with its recommendation.
- (4) Notwithstanding anything contained in this section, the Executive Council shall not submit the draft of any Statute effecting the powers, duties and constitution of any Authority of the University unless such of the matters and unless the Chancellor has given his

approval to the Executive Council to submit the draft to the Court.

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

### **COMMENTS**

This section was originally numbered as S. 35 and is now being re-numbered as S.32 by Assam Act VII of 1971 and by the same Amendment Act in Cl. (b) of sub-S. (2), the words “and Pro-Chancellor” have been deleted, and also the words “may either reject the same or submit the draft to the Court with such modifications as it may suggest” have been substituted by the words “shall consider the same and submit the draft with its recommendations.”

In Cl. (f), the two provisos have been inserted by Assam Act XVI of 1975.

The first and second provisos were amended by Assam Act No. SVII, of 1978, having received the assent of the Government dated the 20<sup>th</sup> December, 1978.

### **33. Ordinance.**

- (1) Subject to the provisions of this Act and the Statutes, the Executive Council may make Ordinance for the purposes of carrying out the provisions of this Act by the Statutes are required to be or may be provided by Ordinances.
  
- (2) Without prejudice to the generality of the preceding sub-section, such Ordinance may provide for all or any of the following matters, namely:
  - (a) admission of students to the departments, colleges, institutions and other bodies whether constituted, affiliated or recognised and courses of study for all Degree and Degree and Diplomas;
  
  - (b) the rules and procedures for holding elections to the Court, the Executive Council, Academic Council and other authorities and bodies of the University and for determining the sonority of persons for the purpose of choosing of members by rotation to different authorities of the University;
  
  - (c) fees to be charged for different courses of study in the departments and for the admission of students to the examination conducted by the University;



- (d) creation of Provident Fund or other funds fro the benefit of the employees of the University;
  - (e) exercising academic control and supervision over, colleges, institutions and other bodies whether constituent, affiliated or recognised; and
  - (f) investigations or enquires to be made by the Executive Council under this Act.
- (3) Notwithstanding anything contained in the preceding sub-section, no Ordinance shall be made affecting the conditions of the mode of appointment and the duties of examiners, or of any course of study unless a draft of such ordinances has been considered by the Academic Council on being referred to it by the Executive Council and unless the Executive Council has considered the opinion of the Academic Council.

#### **COMMENTS**

This sections was originally numbered as S. 36 and is being re-numbered as S. 33 by Assam Act VII of 1971.

#### **34. Regulations.**

- (1) Subject to the provisions of this Act, Statutes and Ordinances, each of the Authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances, for the purpose of carrying out the duties and for exercising the powers assigned to the Authorities concerned under this Act, the Statutes and the Ordinances.
  
- (2) Without prejudice to the generality of the preceding sub-section, such Regulations may provide for all or any of the following matters, namely;
  - (a) the procedure to be observed at the meeting of the authority concerned and the number of members required to form a quorum;
  
  - (b) all matters which are required to be prescribed by the regulations under this Act, Statutes or the Ordinances;
  
  - (c) all matters solely concerning the authorities concerned and not otherwise provided for by or under this Act, the Statutes or Ordinances.
  
- (3) Notwithstanding anything contained in the preceding sub-sections the Executive Council may direct any authority concerned, except the Court, to make such amendments and annulments of any Regulations

framed by the Authority in such manner as it may specify:

Provided that any Authority which is dissatisfied with such directions of the Executive Council may appeal to the Chancellor and the decisions of the Chancellor given in the appeal shall be final;

Provided further that any member elected or nominated under Cl. (xxi) of sub-S. (1) of S. 15 shall hold office for a period of one year only from the date of his election or nomination, as the case may be. He shall cease to be a member of the Court on his ceasing to be a student of the University.

- (4) With the appeal of the Court the Vice-Chancellor may remove a member, elected under sub-Cls. (a) and (b) of Cl. (xxi) of sub-S. (1) of S. 15, if he does not fulfill the conditions laid down in the proviso therein.

### **COMMENTS**

This section was originally numbered as S. 37 and is now being re-numbered as S. 34 by Assam Act VII of 1971.

By Assam Act XIV of 1972, the second proviso to sub-S. (3) has been inserted and by the same Act sub-S. (4) has also been newly inserted.

By Assam Act VII of 1971, in sub-S. (5), after the words “any authority concerned” the words “except the Court” shall be inserted.

- 35. Acts of proceedings not to be invalid by reason of certain irregularities.** No act or proceeding of the University or of any Authority or Committee of the University shall be invalid merely by reason of the invalidity of the election, nomination, appointment of any of its members or by reason of any irregularity in the manner of choosing a member.

#### **COMMENTS**

This section was originally numbered as S. 38 and is now being re-numbered as S.35 by Assam Act VII of 1971.

- 36. Chancellor’s decision to be final in certain matter.**

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

## COMMENTS

This section was originally numbered as S. 39 and is now being re-numbered as S. 36.

### **37. Period of membership of the Authorities.**

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

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

Any member elected, nominated appointed or chosen to fill a casual vacancy shall hold office for the

unexpired portion of the term of office of the member in whose seat he is so elected, nominated, appointed or chosen.

### **COMMENTS**

This section was originally numbered as S. 40 and is now being re-numbered as S. 37 by Assam Act VII of 1971.

**38. Affiliation.** At the commencement of this Act, any college or institution applying for affiliation to the University shall satisfy the Executive Council –

- (a) that the college shall be under the management of a duly constituted Governing Body which shall include at least two representatives of the University and at least three representatives of the teaching staff of the college or institution, as the case may be, including the Principal,
- (b) that the land and buildings of the college or institution, as the case may be, and the equipments for teaching therein are adequate and suitable,
- (c) that the strength and qualifications of the teaching staff are sufficient for the courses of instruction to be imparted in the college or institution and that the tenure of office of the teaching staff is reasonable,

- (d) the adequate arrangements will be made for the welfare, discipline and supervision of its students,
- (e) that the financial resources of the college or institution are adequate to make provisions for its continued maintenance and efficient working, and
- (f) that the affiliation of the colleges or institutions having regard to the educational facilities provided by the other colleges or institutions in the same neighbourhood, will not be injurious to the interest of education.

### **COMMENTS**

This section was originally numbered as S. 41 and is now being re-numbered as S. 38 by Assam Act VII of 1971.

### **39. Delegation.**

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

- (2) Subject to the provisions of this Act:
- (a) the Court may delegate any of its powers and duties conferred or imposed by this Act, to -
    - (i) the Vice-Chancellor,
    - (ii) the Executive Council, or
    - (iii) a committee constituted from among its own members.
  - (b) The Executive Council may delegate any of its powers or duties conferred or imposed by or under this Act, to-
    - (i) the Vice-Chancellor,
    - (ii) the Rector,
    - (iii) the Registrar,
    - (iv) a committee constituted from among its two members,
    - (v) the Post-Graduate Board, or
    - (vi) the Finance Committee.



- (c) The Academic Council may delegate any of its powers or duties conferred or imposed by or under this Act, to -
- (i) the Vice-Chancellor,
  - (ii) the Rector,
  - (iii) a committee constituted from among its own members,
  - (iv) the Post-Graduate Board or the Under-Graduate Board, or
  - (v) any of the Boards of Studies.
- (d) The Finance Committee may delegate any of its powers and duties conferred or imposed by or under this Act, to the Vice-Chancellor.

### **COMMENTS**

This section was originally numbered as S. 42 and is now being re-numbered as S. 39 by Assam Act VII of 1971 and by the same Act the words “the Rector” occurring in sub-S. (1) were omitted and the same words have been again inserted by Assam Act XVI of 1975. In Cl. (b) of sub-S. (2), Item No. 2 was deleted by

Assam Act XVI of 1975 and have again been inserted in its original place by Assam Act XVI of 1971. In Cl. (c) of sub-S. (2), Item No. 2 was deleted by Assam Act VII of 1971 and have again been inserted in its original place by Assam Act XVI of 1975.

**40. Transitory provisions.**

- (1) The Chancellor shall, within three months from the date of the commencement of this Act, appoint, on such terms and conditions as he thinks fit, a person as the Vice-Chancellor.
- (2) The First Vice-Chancellor shall within a period of three months from the date of his appointment within such longer period not exceeding six months from the date of his appointment as the Chancellor may, by notification, direct and with the assistance of a committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances, and the first Regulations of the University to be framed or made and published with the approval of the Chancellor and the first Statutes, the first Ordinances and the first Regulations so framed shall come into force with effect from the date for such publication as if they were framed or made under the provisions of this Act relating to them.

- (3) The First Vice-Chancellor shall within three months or within such a longer period not exceeding six months, as the State Government by notification direct from the date of coming into force of the first Statutes, the first Ordinances and the first Regulations cause arrangements to be made for constituting the first Executive Council, the first Academic Council, the first Post-Graduate Board and the first Under-Graduate Board in accordance with the first Regulations.
- (4) The State Government shall, by notification in the official Gazette, appoint the date, and on and from such date the Authorities of the University constituted under sub-S. (3) shall commence to exercise the powers and duties conferred upon them by or under this Act, the first Statutes, the first Ordinances and the first Regulations.
- (5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.
- (6) The first Vice-Chancellor may, subject to the sanction of the Chancellor, appoint such administrative, ministerial and other staff as he deems necessary for giving effect to the provisions of the sanction.

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

### **COMMENTS**

This section was originally numbered as S. 43 and is now being re-numbered as S. 40 by Assam Act VII of 1971.

#### **41. First appointment of officers and teachers of University.**

- (1) Notwithstanding anything contained in this Act, the first Rector and the first Registrar shall be appointed by the Chancellor on such terms and conditions as he may deem fit.
- (2) At any time after the commencement of this Act, any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor.
- (3) The teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-

Chancellor and such other person or persons as the Chancellor thinks fit to associate with himself.

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

### **COMMENTS**

This section was originally numbered as s. 44 and is again being re-numbered as S.41 by Assam Act VII of 1971.

#### **42. The State Government's powers of supervision.**

- (1) If, at any time, the State Government are of opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, or in furtherance of objects for which and grant or donation is specially made by Government, Public bodies or any individual University funds are misappropriated or misplaced the State Government may indicate to the Executive Council such matter in regard to which the State

Government desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer, with any proposal which it may desire to make.

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

### **COMMENTS**

This section was originally numbered as S. 45 and is now being re-numbered as S. 42 by Assam Act VII of 1971 and by the same Act in sub-S. (1) after the words "Public Bodies or individuals" the words "University funds are misappropriated or misplaced" have been inserted.

#### **42-A. Emergency power of the State Government.**

- (1) If at any time it appears to be necessary and expedient in the opinion of the State Government, the State Government may with the prior consultation with the Chancellor, by a notification published in the official

Gazette, suspends all or any of the powers of the University as prescribed in s. 4 of the Dibrugarh University Act and other powers as may be ancillary to such powers and take over all or any of the powers of management, functions of such authorities or officers including holding, conduct and superintendence of and arrangement and appointment of any person or authority in connection with any more examinations or to any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period in such manner and through such officers or authority as may be considered fit by the State Government.

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

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

- (4) All actions taken under the preceding sub-sections and all examinations held and all results of any such examinations published and all other actions taken under this section shall be deemed to have been taken, held or published in accordance with the provisions of this Act and shall take effect accordingly.
- (5) If for exercising the powers under the preceding sub-section any difficulty arises in giving effect to any one or more of this act or of the Statutes, Ordinances and Regulations framed thereunder the State Government may in consultation with the Chancellor by order remove such difficulty as may appear to be necessary for the purpose of exercising these powers.

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



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

#### **COMMENTS**

Sections 42-A, 42-B and 42-C have been inserted by Assam Act XVI of 1975.

**43. Removal of difficulties.** If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the State Government may by order do anything which appears to them necessary for the purpose of removing the difficulty.

#### **COMMENTS**

This section was originally numbered as S. 46 and is now being re-numbered as S. 43 by Assam Act VII of 1971.