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The 20th January 1966

No. L.J.L. 27/65/9.—The following Act of the Assam Legislative Assembly which received the assent of the Governor, is hereby published for general information.

ASSAM ACT IV OF 1966

(Received the assent of the Governor on the 20th January, 1966)

THE GAUHATI UNIVERSITY (AMENDMENT) ACT, 1965

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An
Act

further to amend the Gauhati University Act, 1947.

Preamble

WHEREAS it is expedient further to amend the Assam Act
Gauhati University Act, 1947, hereinafter called the XVI of
principal Act, in the manner hereinafter appearing ; 1947.

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

Short title and commencement. 1.(1) This Act may be called the Gauhati University (Amendment) Act, 1965.

(2) It shall come into force at once.

Amendment of Section 2 of Assam Act XVI of 1947. 2. In section 2 of the principal Act,—

(1) for clause (k), the following shall be substituted, namely :—

“(k) ‘Teacher’ means a Professor, a Reader or a Lecturer of the University or a college whether constituent or affiliated, or any other person imparting instructions or guiding research and designated as teacher by the University and includes a person recognised as a teacher by the University ;”

(2) Clause (l) shall be deleted and the existing clauses (m) and (mm) shall be renumbered as clauses (l) and (m) respectively.

Substitution of Section 7 of Assam Act XVI of 1947. 3. For section 7 of the principal Act, the following shall be substituted, namely :—

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

- (i) the Chancellor,
- (ii) the Pro-Chancellor,
- (iii) the Vice-Chancellor,
- (iv) the Rector,
- (v) the Court,
- (vi) the Executive Council,
- (vii) the Academic Council,

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

Amendment
of Section
8 of Assam
Act XVI of
1947.

4. In section 8 of the principal Act, after sub-section (4) the following shall be inserted as sub-sections (5), (6), (7), (8), (9) and (10) and the existing sub-section (5) shall be renumbered as sub-section (11), namely:—

"(5) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of every institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an enquiry to be made in like manner in respect of any matter connected with the University.

(6) The Chancellor shall, in every such case, give notice to the Executive Council of his intention to cause an inspection or enquiry to be made, and the Executive Council shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and enquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or enquiry.

(9) When the Executive Council does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering

any explanation furnished or representation made by the Executive Council issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

(10) Expenses that may be incurred in connection with such inspection or enquiry and certified as such by the Chancellor, shall be a charge on the University."

Insertion of Section 8A in Assam Act XVI of 1947.

5. After section 8 of the principal Act, the following shall be inserted as section 8A and the existing section 8A shall be renumbered as section 8AA, namely :—

"Pro-Chancellor.

8A(1) The Minister-in-charge of Education in the State shall be the Pro-Chancellor of the University.

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

Amendment of Section 8AA of Assam Act XVI of 1947.

6. In section 8AA of the principal Act, as so renumbered, for sub-sections (1) and (2), the following shall be substituted as sub-sections (1), (2), (3) and (4) and the existing sub-section (3) shall be renumbered as sub-section (5), namely :—

"Vice-Chancellor.

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

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

(2) The Advisory Board shall recommend a panel of names of three persons to the Chancellor who shall after taking into consideration the recommendation of the Advisory Board, appoint one to be the Vice-Chancellor.

(3) The Vice-Chancellor shall be a whole time officer of the University who shall hold office for a period of five years and shall be eligible for re-appointment.

(4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be determined by the Chancellor :

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

Insertion of Section 8BA in Assam Act XVI of 1947. 7. After section 8B of the principal Act, the following shall be inserted as section 8BA, namely :—

"Rector 8BA. (1) The Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor on such emoluments and allowances as may be fixed by the Chancellor. He shall hold office for a term of five years and shall be eligible for re-appointment.

(2) The Rector shall exercise such powers and perform such duties of the Vice-Chancellor as may, from time to time, be delegated to him by the Vice-Chancellor."

Amendment of Section 9 of Assam Act XVI of 1947. 8. (1) In sub-section (1) of section 9 of the principal Act, for the clauses under the heads "*Ex-Officio Members*", "*Life Members*" and "*Other Members*" the following shall be substituted, namely :—

"Ex-officio Members

- (i) the Chancellor,
- (ii) the Pro-Chancellor,
- (iii) the Vice-Chancellor,
- (iv) the Rector,
- (v) the Minister of Education of any other State or States, if any, to which the jurisdiction of the University may extend,
- (vi) the Registrar,
- (vii) the Treasurer,
- (viii) the Secretary to the Government of Assam in the Education Department,
- (ix) the Director of Public Instruction, Assam,

- (x) the Director of Public Instruction of any other State or States, to which the jurisdiction of this University may extend,
- (xi) the Additional Director of Public Instruction, Assam,
- (xii) the Director of Technical Education, Assam,
- (xiii) the Director of Health Services, Assam,
- (xiv) the Director of Agriculture, Assam,
- (xv) the Director of Animal Husbandry and Veterinary, Assam,
- (xvi) the former Vice-Chancellors of the University,
- (xvii) the Vice-Chancellor of Dibrugarh University and of any University in the State,
- (xviii) the Principals of Degree Colleges affiliated to the University,
- (xix) the Principals of the Constituent Colleges,
- (xx) the Heads of Departments and Professors of the University,

Other Members

- (xxi) persons not exceeding ten in number, nominated by the Chancellor from amongst the donors, each of whom has contributed a sum of rupees five lakhs or more to the University,
- (xxii) five persons elected by the members of the Assam Legislative Assembly from amongst themselves,
- (xxiii) two members of the Board of Secondary Education, Assam, elected by the aforesaid Board,
- (xxiv) seven persons of whom at least two shall be from the professional Degree Colleges to be elected by the teachers, other than the Heads of Departments and Professors of the Departments of the University and the Principals of the constituent and affiliated Degree Colleges from amongst themselves,

- (xxv) two Registered Graduates elected by the Registered Graduates of the University,
- (xxvi) ten persons distinguished in Literature, Law, Medicine, Engineering, Technology, Industry, Commerce and Public life nominated by the Chancellor, and
- (xxvii) two persons to be nominated by the Chancellor from amongst those whose interests are not otherwise represented."
- (2) In sub-section (2) of section 9 of the Principal Act, the words 'the life members' occurring in the second line shall be deleted.

Substitution of Section 11 of Assam Act XVI of 1947.

9. For section 11 of the principal Act, the following shall be substituted, namely:—

"Powers and duties of the Court.

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

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of such policies, programmes, works and other affairs ;

(b) to consider the annual report, the annual account, the audit report and the statement of the financial estimates, for the ensuing year, to approve the financial estimates, with such comments, if any, to express its views on the annual report, the annual account and the audit report and to suggest such measures as it may deem proper 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 modification 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."

Amendment of Section 12 of Assam Act XVI of 1947.

10. In sub-section (1) of section 12 of the principal Act, for the clauses under the Heads "*Ex-officio* Members" and "Other Members" the following shall be substituted, namely:—

Ex-officio Members

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

Other Members

- (v) two Principals of affiliated Degree Colleges to be elected by them,
- (vi) two Heads of Departments, other than Deans of Faculties, of the University who are Professors, to be chosen by the Vice-Chancellor by rotation according to seniority for a period of three years,
- (vii) 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,
- (viii) three members of the Court elected by the Court at its Annual General Meeting other than employees of the University or affiliated Colleges,
- (ix) one person other than a Dean of Faculty of the University and the Principals of affiliated Colleges, elected by Academic Council from amongst its members,
- (x) two persons of whom at least one shall be a woman nominated by the Chancellor, and
- (xi) three persons nominated by the Government."

Amendment
of Section
13 of Assam
Act XVI of
1947.

11. In section 13 of the principal Act,—

(1) for clause (a), the following shall be substituted, namely:—

"(a) shall hold, control and administer the property and funds of the University and shall appoint a Finance Committee to advise it on matters of finance consisting of six members of whom the Vice-Chancellor

shall be the Chairman, the Treasurer shall be the Secretary and the other four members shall be appointed as follows:—

- (i) two members to be elected by the Executive Council from amongst its members, and
- (ii) two members to be nominated by the Government one from the Finance Department and the other from the Education Department of this Government ;”

(2) for clause (f), the following shall be substituted, namely:—

“(f) shall appoint officers (other than the Chancellor, the Vice-Chancellor and the Rector), Teachers, the Librarian, the Proctor, the clerical staff and other employees of the University and shall define their duties and conditions of service and shall provide for the filling up of temporary vacancies.”

Insertion of Section 15A in Assam Act XVI of 1947.

12. After section 15 of the principal Act, the following shall be inserted as section 15A, namely:—

“Selection Committee. 15A.(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 for by the Statutes 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 appointment 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 Academic Council,
 - (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 Academic Council. 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 Academic Council.

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

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

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

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

Amendment of Section 21 of Assam Act XVI of 1947. 13. In section 21 of the principal Act, clause (h) shall be deleted and the clauses (i), (j) and (k) shall be renumbered as clauses (h), (i) and (j) respectively.

Amendment of Section 22 of Assam Act XVI of 1947. 14. In section 22 of the principal Act, the following shall be inserted as sub-section (1), namely:—

“(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.”

Amendment of Section 24 of Assam Act XVI of 1947. 15. In section 24 of the principal Act, sub-section (3) shall be deleted and the existing sub-section (4) shall be renumbered as sub-section (3).

Transitory provisions. 16. Notwithstanding anything contained in this Act,—

(1) the arrangements made by the Chancellor for carrying on the duties of Vice-Chancellor under the provisions of the principal Act shall continue till a Vice-Chancellor is appointed under the provisions of the principal Act as amended by this Act.

(2) Until the constitution of the Court and the Executive Council respectively under sections 9 and 12 of the principal Act as amended by this Act, the Court and the Executive Council constituted under the provisions of the principal Act and functioning immediately before the commencement of this Act shall be deemed to be the Court and the Executive Council under these sections and shall continue to function as such:

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

Repeal and Saving. 17. (1) The Gauhati University (Second Amendment) Ordinance, 1965 repealing the Gauhati University (Amendment) Ordinance, 1965 is hereby repealed. Assam Ordinance IV of 1965. Assam Ordinance I of 1965.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinances as repealed shall be deemed to have been done or taken under this Act as if this Act had commenced on Nineteenth day of July, 1965 (the date of coming into force of the Gauhati University (Amendment) Ordinance, 1965). Assam Ordinance I of 1965.

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