

The 29th October 1975

No.LJL.395/75/7.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.—

ASSAM ACT XVI OF 1975

(Received the assent of the Governor of Assam on the 23rd day of October, 1975)

THE DIBRUGARH UNIVERSITY
(AMENDMENT) ACT, 1975,

AN

ACT

further to amend the Dibrugarh University Act, 1965.

Preamble. Whereas it is expedient to amend the Assam Act Dibrugarh University Act, 1965, hereinafter VIII of called the principal Act, in the manner here- 1965. inafter appearing;

It is hereby enacted in the Twenty-sixth year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Dibrugarh University (Amendment) Act, 1975.

(2) It shall come into force at once.

Amendment of Section 3 of Assam Act VIII of 1965. 2. In Sub-section (1) of Section 3 of the principal Act, the word "Rector" shall be inserted before the words "and the members of the Court,"

Amendment of Section 7 of Assam Act VIII of 1965. 3. In Section 7 of the principal Act, after item (ii), the following shall be inserted as item "(iii)" and subsequent items shall be re-numbered as items (iv) and (v) respectively.
"(iii) the Rector,"

Amendment of Section 9 of Assam Act VIII of 1965. 4. In Section 9 of the principal Act, after sub-section (6), the following shall be inserted as sub-section (7), namely:—

"(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.

Amendment of Section 10 of Assam Act VIII of 1965. 5. (1) For Sub-section (1) of Section 10 of the principal Act, the following shall be substituted, namely:—

“(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 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) For Sub-section (2) of Section 10 of the principal Act, the following shall be substituted, namely:—

“(2) The Advisory Board shall recommend a panel of names of three persons to the Chancellor who may appoint one of the persons recommended to be the Vice-Chancellor. If the Chancellor does not approve any of the person recommended by the Advisory Board, he may call for a fresh recommendation.”

Insertion of Section 11A and Section 11B in Assam Act VIII of 1965. 6. After Section 11 of the principal Act, the following new Sections shall be inserted as Section “11A” and Section “11B”, namely:—

“11A. 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.”

“11B. The Rector shall exercise and perform such powers and duties of the Vice-Chancellor as may be delegated to him by the Vice-Chancellor.”

Amendment of Section 15 of Assam Act VIII of 1965. 7. In Section 15 of the principal Act, in sub-section (1),

(i) after clause (ii), the following shall be inserted as clause “(iii)” and subsequent clauses shall be re-numbered.

“(iii) the Rector,”

(ii) the existing clause (x) shall be substituted by the following, namely:—

“(x) The Principals of Jorhat Engineering College and Assam Medical College,”

(iii) the clause (xiii) shall be substituted by the following, namely:—

“(xiii) one third of the Principals of Degree Colleges affiliated to the University at a time by election from amongst themselves and shall retire after every three years, in the manner prescribed by the Statutes,”

(iv) The clause (xiv) shall be substituted by the following, namely:—

“(xiv) 10 Head of Departments and Professors of the University being allotted Faculty-wise by rotation to be decided by the Executive Council.”

(v) the clause (xvi) shall be substituted by the following, namely:—

“(xvi) Seven persons to be elected by the members of the Assam Legislative Assembly from among themselves,”

(vi) the word “seven” at the starting of clause “(xviii)” shall be substituted by the word “ten.”

(vii) in clause (xxi) sub-clauses ‘(a) and (b)’ shall start with the words “seven” and “two” instead of words “three” and “one” respectively.

(viii) in clause (xxi), sub-clause ‘(c)’ shall be deleted.

(ix) after clause (xxi), the following shall be inserted as clause (xxii), namely:—

“(xxii) two Registered Graduates to be elected by the Registered Graduates of the University who are not employees of the University or the affiliated colleges.”

8. In Section 17 of the principal Act

(i) After clause (i), the following shall be inserted as clause “(ii)” and subsequent clauses shall be re-numbered.

"(ii) the Rector."

(ii) After clause (iii), the following shall be inserted as clause (iv) and (v) respectively and subsequent clauses shall be renumbered.

"(iv) The Director of Health Services, Assam."

"(v) The Chairman, Board of Secondary Education, Assam."

(iii) The clause (v) shall be substituted by the following, namely :—

"(v) two Principals of Non-Government affiliated Degree Colleges to be elected from amongst themselves."

(iv) After clause (v), the following shall be inserted as clause (vi) and subsequent clauses shall be re-numbered.

"(vi) one Principal of Government Degree Colleges to be elected from amongst themselves."

(v) the word "and" occurring at the end of clause "(vii)" shall be deleted.

(vi) the punctuation full-stop (.) occurring in clause (viii) shall be substituted by the punctuation "coma" (,).

(vii) After clause (viii), the following shall be inserted as clause (ix), namely :—

"(ix) 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,"

Amendment
of Section 19
of Assam Act
VIII of 1965.

9. (1) In Section 19 of the principal Act, after clause (1), the following shall be inserted as clause (2) and subsequent clauses (2) to (9) shall be re-numbered accordingly.

"(2) the Rector,"

(2) The clause (3) of Section 19 of the principal Act shall be substituted by the following, namely :—

"(8) 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."

(3) After clause (8) of Section 19 of the principal Act, the following shall be inserted as clause (9) and clause (10) and subsequent clauses shall be re-numbered,

"(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 afore-said Board."

Amendment of Section 21 of Assam Act VIII of 1965. 10. In Section 21 of the principal Act, after clause (1), the following shall be inserted as clause (2), and subsequent clauses shall be re-numbered.

"(2) the Rector,"

Amendment of Section 23 of Assam Act VIII of 1965. 11. (1) In Section 23 of principal Act, after clause (1), the following shall be inserted as clause (2) and subsequent clauses shall be re-numbered.

"(2) the Rector,"

(2) The existing clause (5) of Section 23 of the principal Act shall be deleted and following shall be inserted as clause (5) namely —

"(5) ten persons to be elected from amongst the teachers of the affiliated colleges, and"

Amendment of Section 29 of Assam Act VIII of 1965. 12. For Section 29 of the principal Act, following shall be substituted, namely:—

"29. (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 Selection Committee 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 concerned, if he is a Professor, one Professor of the 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.

Insertion of Section 29A following new Section shall be inserted as in Assam Act VIII of 1965

13. After Section 29 of principal Act, the Section 29A, namely :—

"29A. (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 performances in the following activities to be nominated by the Vice-Chancellor, namely :—

- (1) Sports
- (2) National Service Schemes.
- (3) National Cadet Corps.
- (4) Cultural activities.
- (5) National Discipline Scheme.

(viii) Four lady students to be nominated by the Vice-Chancellor.

(ix) The Director of Sports and Physical Education, if any,

(x) The students members of the Students' Advisory Council shall elect from amongst themselves the Secretary of the Council.

(2) The term of office of the members of the Students' Advisory Council, other than ex-officio members shall be one year.

(3) The quorum to constitute a meeting of the Students' Advisory Council the rules of procedures 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 Students' Advisory Council shall be as follows, namely:—

(i) to make recommendations to the Executive Council and the Academic Council in the matters 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 views of the Students' Advisory Council on any matter concerning the welfare of students.

(iv) The Chairman of the Students' Advisory Council shall be the authority to decide whether a matter does or does not concern the students.

(v) The Students' Advisory Council shall frame its own rules of business and shall submit the same to the Executive Council for consideration and approval.

Amendment
of Section 31
of the Assam
Act VIII of
1965.

14. In Section 31 of the principal Act, sub-section (5) shall be deleted and substituted by the following, namely:—

"(5) The annual budget estimates, referred to in Section 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 fifteen days before they are submitted to Court."

Amendment
of Section
32 of Assam
Act VIII of
1965.

15. In clause (f) of Section 32 of the principal Act, the following two provisos shall be inserted, namely:—

"Provided that no Statutes relating to the management of the Degree Colleges and Halls and the conditions of services 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 Colleges shall be given permission or affiliation by the University without prior concurrence of the State Government and that the University shall have no jurisdiction to permit and affiliate new Pre-University Class or College:

Provided further that, the Executive Council shall have jurisdiction over recognition and affiliation of Pre-University Section of Degree Colleges and also of existing Pre-University Colleges having Pre-University course only under its jurisdiction and conduct the Pre-University Examination till such time the State Government by a notification in official Gazette appoint and vest all such powers of the Executive Council to the Board of Secondary Education, Assam."

Amendment
of Section 39
of the Assam
Act VIII of
1965.

16. In Section 39 of the principal Act,

(1) In sub-section (1) the words "the Rector" shall be inserted in between "(,)" and "or" in the third line.

(2) In clause (b) of sub-section (2) after item (i), the following shall be inserted as item (ii) and subsequent items shall be re-numbered.

"(ii) the Rector,"

(3) In clause (c) of sub-section (2) after item (i), the following shall be inserted as item (ii) and subsequent items shall be re-numbered.

"(ii) the Rector,"

Insertion of
Sections 42A,
42B and 42C
in Assam
Act VIII of
1965.
"Emergency
power of the
State Govern-
ment."

17. In the principal Act, after Section 42, following Sections shall be inserted as Sections 42A, 42B and 42C, namely:—

"42A. (1) If at any time it appears to be necessary and expedient in the opinion of the State Government, the State Government may with the prior consultation with the Chancellor, by a notification published in the official Gazette, suspend all or any of the powers of the University as prescribed in Section 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 or more examination or publication of the result of any such examination or examinations or to any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period in such manner and through 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 any 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 with the Chancellor and shall take effect accordingly 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-section (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 the provisions 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."

Savings.

18. 42B. Notwithstanding anything contained in this Act any decision given, order made, anything done, any action taken or any proceedings commenced under any of the provisions of the Act or Rules, Statutes, Regulations in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been given, made, done or taken, commenced under the provisions of the Act.

Interpreta-
tion.

19. 42C. 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.

Md. SAADULLAH,
Joint Secretary to the Govt. of Assam,
Law Department.

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