

অসম ৰাজপত্ৰ



সবমমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 8th May, 2007

No. LGL.151/2006/49. :- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XII OF 2007

(Received the assent of Governor on 30th April, 2007)

THE ASSAM PRIVATE UNIVERSITIES ACT, 2007.

AN

ACT

to provide for establishment and incorporation of private universities in the State of Assam for imparting higher education and to regulate their functions and for matters connected therewith or incidental thereto.

Preamble Whereas it is expedient to provide for establishment and incorporation of private Universities in the State of Assam for imparting higher education and to regulate their functions and for matters connected therewith or incidental thereto;

It is hereby enacted in the Fifty-eighth Year of the Republic of India, as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Private Universities Act, 2007.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,-

(a) "AICTE" means All India Council of Technical Education established under All India Council of Technical Education Act, 1987;

Central
Act No.
52 of
1987

(b) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a funding agency of the Central Government;

(c) "DEC" means the Distance Education Council established under section 28 of Indira Gandhi National Open University Act, 1985;

Central
Act No.
50 of
1985

(d) "distance education" means education imparted by combination of any two or more means of communication, viz. broadcasting, telecasting, correspondence courses, seminars, contact programmes and any other such methodology;

(e) "DST" means the Department of Science and Technology of the Central Government;

(f) "employee" means a person appointed by the university to work in the university, colleges, institutions or study centers and includes teachers, officers (other than the Visitor) and other employees of the university;

(g) "fee" means collection made by the university from the students by whatever name it may be called, which is not refundable;

(h) "Government" means the State Government of Assam;

(i) "higher education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;

(j) "hostel" means a place of residence for the students of the university, or its colleges, institutions or centers, maintained or recognized to be as such by the university;

(k) "ICAR" means the Indian Council of Agriculture Research, a society registered under the Societies Registration Act, 1860;

Central
Act No. 21
of 1860

(l) "MCI" means Medical Council of India, Delhi;

(m) "NAAC" means the National Council of Assessment and Accreditation, Bangalore, an autonomous institution of the UGC;

- (n) "NCTE" means the National Council of Teacher Education, Delhi;
- (o) "off campus centre" means a centre of the university established by it outside the main campus operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (p) "PCI" means Pharmaceutical Council of India, Delhi;
- (q) "prescribed" means prescribed by rules made under this Act;
- (r) "regulating body" means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR etc. and includes the State Government;
- (s) "Rules" means the rules made under this Act;
- (t) "Schedule" means the Schedule to this Act;
- (u) "sponsoring body" in relation to a university established under this Act means-
- (i) a society registered under the Societies Registration Act, 1860; Central Act No. 21 of 1860
or
- (ii) any public trust registered under the Indian Trusts Act, 1882; Central Act No. 2 of 1882
or
- (iii) a company registered under section 25 of the Companies Act, 1956; Central Act No. 1 of 1956
- (v) "Statutes", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (w) "student of the university" means a person enrolled in the university for taking a course of study for a degree, diploma or other academic distinction duly instituted by the university, including a research degree;
- (x) "study centre" means a centre established and maintained or recognized by the university for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education;
- (y) "teacher" means a Professor, Reader, Lecturer or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study of the university;
- (z) "UGC" means the University Grants Commission, established under the University Grants Commission Act, 1956; Central Act No. 3 of 1956
- (za) "university" means a university established and incorporated under section 6.

- Objects of the University** 3. Following shall be the objects of the university, namely:-
- (1) to provide instructions, teaching and training in Higher Education and make provisions for research, advancement and dissemination of knowledge;
 - (2) to create higher levels of intellectual abilities;
 - (3) to establish state of the art facilities for education and training;
 - (4) to carry out teaching and research and offer continuing education programmes;
 - (5) to create centres of excellence for research and development and for sharing knowledge and its application;
 - (6) to establish campus in Assam and to have study centers at different places within its jurisdiction;
 - (7) to establish examination centres;
 - (8) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any such other method;
 - (9) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI, Pharmacy Council, and other similar agency/ agencies established by the Central Government for regulation of education;
 - (10) to open study centers within its jurisdiction;
 - (11) to set up off campus centre within and out of the State, subject to the permission of the regulatory bodies under any law made by the Parliament and any regulation, rules etc. made by the regulating bodies;
 - (12) to pursue any other objective as may be approved by the Government.

Submission of proposal for establishment of a University and its evaluation

4. (1) An application containing the proposal and the project report to establish a university in private sector shall be made by the sponsoring body to the State Government, alongwith such fee as may be prescribed.
- (2) The project report must contain the following particulars, namely:-
- (a) the details of the sponsoring body alongwith the copies of its registration certificate, constitution and bye-laws;
 - (b) the information regarding financial resources of the sponsoring body alongwith audited accounts for the past five years;
 - (c) the name, location and headquarters of the proposed university;
 - (d) the objectives of the university;
 - (e) the availability of land and details of buildings and infrastructure facilities, if already exist and details of land,

- building and other infrastructure proposed to be owned or created as required under the provisions of this Act;
- (f) availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of sponsoring body;
- (g) the details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment etc. to be undertaken before the university starts functioning and phased programme for first five years;
- (h) the phased outlays of capital expenditure proposed for the next five years and its sources of finance;
- (i) the nature and the type of programmes of study and research proposed to be undertaken by the university and their relevance to the development goals and employment needs of the State and phasing of such programmes over the first five years with course-wise enrolment targets;
- (j) the experience and expertise in the concerned disciplines at the command of the sponsoring body;
- (k) the nature of facilities, courses of study and research proposed to be started;
- (l) the estimated recurring expenditure course-wise or activity-wise, sources of finance and estimated expenditure per student;
- (m) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;
- (n) the scheme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the university, and other anticipated incomes;
- (o) the proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, Other Backward Classes and handicapped students;
- (p) the system, proposed to be followed for selecting students for admission to the courses of study at the university;
- (q) the system proposed to be followed for appointment of teachers and other employees in the university;
- (r) whether the university is desirous of taking up distance education programme. If so, details of study centres proposed to be started;

- (s) whether the university proposes to undertake some programmes related to local needs. If so, the nature of specialized teaching, training or research activities to be undertaken by the university so as to fulfill this objective;
- (t) whether the university proposes to start some programmes for the benefit of farmers, women and industries. If so, details thereof may be given;
- (u) details of play grounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides etc;
- (v) the arrangements proposed to be made for academic auditing;
- (w) justification regarding the necessity of establishment of the proposed university;
- (x) commitment to follow the norms of the regulating bodies;
- (y) such other details as the sponsoring body may like to give;
- (z) such other details as may be prescribed.
- (3) The State Government, on receipt of the proposal and the project report for establishment of a university, shall constitute a committee consisting of such members as may be specified by it, out of whom at least one shall be an expert, to examine the proposal and the project report.
- Explanation:** - In this sub-section the expression "expert" means an academician of prominence in the respective field of higher education.
- (4) The committee shall consider the proposal and the project report on the following grounds, namely: -
- (a) financial soundness and assets of the sponsoring body and its ability to set up the infrastructure of the proposed university;
- (b) back ground of the sponsoring body, that is to say, its expertise and experience in the field of education, its general reputation etc. and its commitment to follow the norms of the regulating bodies;
- (c) potentiality of the courses proposed to be offered, that is to say, the courses are able to develop the human resources as per the requirements of contemporary demands, the courses have new features and include emerging branches of learning;
- (5) The committee, while considering the proposal and the project report under sub-section (4), may call for such other information from the sponsoring body as it thinks proper for the purpose.

(6) The committee shall submit its report to the State Government within a period of one month from the date of its constitution:

Provided that while computing the period of one month, the period commencing from the date on which requisition for any information under sub-section (5) is issued and ending on the date on which requisite information is submitted to the committee shall be excluded.

Issuance of the letter of intent and compliance report

(1) After the receipt of the report of the committee constituted under section 4, if the State Government is satisfied that it is advisable to establish the university, it may issue a letter of intent and ask the sponsoring body to-

(i) establish an endowment fund in accordance with the provisions of section 11 of this Act;

(ii) own a minimum of 20 acres of land outside municipal area or 10 acres within municipal area, if not already available;

(iii) construct a minimum of 10,000 square meters of covered space for administrative purposes and for conducting academic programmes, if not already available;

(iv) purchase books and journals of atleast rupees 10 lacs or as per the norms of regulating bodies, whichever is higher, and give undertaking to invest within first three years not less than rupees 50 lacs or as per the norms of regulating bodies, whichever is higher, on books, journals, computers, library networking and other facilities so as to make the library facilities adequate for contemporary teaching and research;

(v) purchase equipments, computers, furniture, other mobile and immobile assets and infrastructure facilities (other than buildings, referred to in clause (iii) above) worth rupees 20 lacs or as per the norms of regulating bodies, whichever is higher, and give undertaking to procure within the first five years equipments, computers, furniture, other mobile and immobile assets and infrastructure facilities (other than buildings, referred to in clause (iii) above) worth not less than rupees one crore or as per the norms of regulating bodies, whichever is higher;

(vi) give undertaking to appoint at least 1 Professor, 2 Readers and adequate number of Lecturers along with necessary supporting staff in each department or discipline to be started by the university;

(vii) give undertaking to take up co-curricular activities like seminars, debate programmes and extracurricular

activities like games, sports, National Service Scheme, National Cadet Corps, Scouts and Guides etc. for the benefit of students as per the norms laid down by the regulating bodies;

(viii) give undertaking for establishment of provident fund and to take up welfare programmes for the employees of the university; and

(ix) fulfill such other conditions and provide such other information as may be prescribed by the University Grants Commission, All India Council for Technical Education or any other statutory body established by the law of the Union or State Government.

(2) The sponsoring body shall fulfil the requirements and conditions specified in sub-section (1) and shall report the compliance to the State Government within a maximum period of two year from the date of issue of the letter of intent. On receiving the compliance report, the State Government shall appoint a committee consisting of such members, including the representative of the regulating bodies, as may be specified, to verify the compliance report. The committee shall submit its report to the State Government within one month from the date of its constitution specifying whether the sponsoring body has fulfilled the requirements and conditions laid down in sub-section (1).

(3) If the sponsoring body has failed to comply with the provisions of sub-section (2), its proposal submitted under section 4 shall stand rejected and the letter of intent issued under sub-section (1) shall be deemed to have been withdrawn.

**Establishment
of the
University**

6. The Government, if satisfied, after considering the report submitted under sub-section (2) of section 5 that the sponsoring body has complied with the provisions of sub-section (1) of section 5, may, by an Act of the State Legislature, establish a private university with such name, location, jurisdiction and with such infrastructure as may be specified in the Schedule.

**Incorporation
of the
University**

7. Every university established by an Act of the State Legislature under section 6 shall be a body corporate by the name as specified in the Act and shall have perpetual succession and a common seal. It shall have the power to acquire and hold properly both movable and immovable and to make contract, and may sue and be sued by the said name.

**University to
be self-
financed**

8. The university shall be self financed and shall not be entitled to receive any grant or other financial assistance from the State Government .

- Requirement of land** 9. No university shall be established unless the sponsoring body is in possession of
- (i) a minimum of twenty acres, i.e. 60.50 Bighas of land outside the municipal limits; or
 - (ii) a minimum of ten acres, i.e. 30.25 Bighas of land within the municipal limits.
- No power to affiliate any college or institution.** 10. The University shall not admit any college or institution to the privilege of affiliation
- Endowment Fund** 11. (1) The sponsoring body shall establish an Endowment Fund for the university with an amount of, -
- (i) one crore rupees in case the university is situated in Scheduled Tribes area;
 - (ii) in other cases, two crore rupees.
- (2) The Endowment Fund shall be used as security deposit to ensure that the university complies with the provisions of this Act and functions as per provisions of this Act, Statutes and Ordinances. The Government shall have the powers to forfeit in the prescribed manner, a part or whole of the Endowment Fund in case the university or the sponsoring body contravenes the provisions of this Act or Statutes, Ordinances, Regulations or rules made there under.
- (3) Income from Endowment Fund may be utilised for development of infrastructure of the university but shall not be utilised to meet out the recurring expenditure of the university.
- (4) The amount of Endowment Fund shall be invested and kept invested until the dissolution of the university in long term securities issued or guaranteed by the State Government or deposited and kept deposited until the dissolution of the university in the interest bearing Personal Deposit account in Government Treasury.
- (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the State Government and in case of deposit in the interest bearing Personal Deposit account in Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the State Government.
- General Fund** 12. Every university shall establish a fund, which shall be called the General Fund to which following shall be credited, namely:-

- (i) for the payment of cost of capital, not exceeding the prevailing bank rates of interest, incurred by the sponsoring body for setting up the university and the investments made therefor;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the university in pursuance of the provisions of this Act and the rules, Statutes or Ordinances made thereunder;
- (k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the university, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the university:

Provided that no expenditure shall be incurred by the university in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without the prior approval of the Board of Management:

Provided further that the General Fund shall, for the objects specified under sub-clause (a), be applied with the prior approval of the Governing Body of the university.

Officers of the University 14. The following shall be the officers of the university, namely:-

- (1) the Visitor;
- (2) the Chancellor;
- (3) the Vice-Chancellor;
- (4) the Registrar;
- (5) the Chief Finance and Accounts Officer;
- (6) such other officers as may be declared by the Statutes to be the officers of the University.

Power of Visitors 15. (1) The Governor of Assam shall be the Visitor of the university.

- (2) The Visitor shall, when present, preside at the convocation of the university for conferring degrees and diplomas. The Visitor shall have the following powers, namely:-
- (a) to call for any paper or information relating to the affairs of the university;
 - (b) on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the university is not in conformity with the