



The Madhabdev University Act, 2017

Act 35 of 2017

Keywords:

Affiliated Institution, Constituent College, Court, Post Graduate Board

Amendment appended: 53 of 2023

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 25th October, 2017

No. LGL.229/2017/5.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 16th October, 2017 is hereby published for general information.

ASSAM ACT NO. XXXV OF 2017

(Received the assent of the Governor on 16th October, 2017)

THE MADHABDEV UNIVERSITY ACT, 2017

AN ACT

to upgrade the Madhabdev College, Lakhimpur as a University, to constitute and establish a teaching, research oriented, affiliating and partially-residential University at Lakhimpur by upgrading the existing Madhabdev College to a University.

Preamble

Whereas it is expedient to upgrade the Madhabdev College, Lakhimpur to a University, to constitute and establish a teaching, research oriented, affiliating and partially-residential university at Lakhimpur by upgrading the existing Madhabdev College to a University.

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

Short title and commencement.

1. (1) This Act may be called the Madhabdev University Act, 2017.
- (2) It shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless there is anything repugnant to the subject or context,
 - (a) "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 section 6(xii) and section 7;
 - (b) "Affiliated Institution" means an institution other than a constituent college or a recognised institution, affiliated to the University and includes an institution deemed to be affiliated under section 6(xii) and section 7;
 - (c) "Board of Studies" means a Board of Studies constituted under section 34;
 - (d) "Constituent College" means a college established, maintained or managed by the University and imparting under graduate and / or post-graduate level education as declared by the university;
 - (e) "Constituent Institution" means an institution, other than a college established, maintained or managed by the University;
 - (f) "Court" means the court constituted under section 23;
 - (g) "Department" means an academic department of the University and designated as such by it, with reference to a subject or group of subjects of study in the University;
 - (h) "Executive Council" and "Academic Council" means the Executive Council and the Academic Council constituted under section 26 and 28, respectively;
 - (i) "Finance Committee" means the Finance Committee constituted under section 42;
 - (j) "Government College" means a college maintained and managed by the State or Central Government;

- (k) "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;
- (l) "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;
- (m) "Hostel" means a unit of residence of students maintained or recognised by the University, other than a hall;
- (n) "Post-graduate Board" and "Under-graduate Board" means the Post graduate Board and the Under-graduate Board" constituted under section 30 and 32 respectively;
- (o) "Principal" means the Head of a teaching staff of a constituent, affiliated or recognised college;
- (p) "Recognised College" means a college other than a constituent college, or a affiliated college recognised by the University and includes a college deemed to be recognised under section 6(xii) and section 7;
- (q) "Recognised Institution" means an institution other than a constituent or affiliated institution recognised by the University and includes an institution deemed to be recognised under section 6(xii) and section 7;
- (r) "Selection Committee" means a Selection Committee constituted under section 39;
- (s) "State Government" means the Government of Assam;
- (t) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and the Regulations of the University made under this Act;
- (u) "Teachers" means Professors, Associate or Assistant Professors of the University or a college whether constituent or affiliated, or any other persons imparting instructions or guiding research and designated as teachers by the University and include persons recognised as teachers by the university; and
- (v) "University" means the Madhabdev University as constituted under this Act.

Legal entity of the University.

3. (1)

The Chancellor, the Vice Chancellor, the Pro-Vice Chancellor 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 Madhabdev University".

(2)

The University shall have perpetual succession and a common seal, and shall sue and be sued by that name.

Upgradation of the existing Madhabdev College to Madhabdev University.

4.

From the date of coming into force of this Act, the existing Madhabdev College shall be deemed to have been upgraded to Madhabdev University. All aspects of teaching and research shall be discussed in and decided by the University.

Property to vest with the University.

5.

From the date of commencement of this Act, the existing property, land and buildings of Madhabdev College shall vest with the Madhabdev University.

Powers of the
University.

6.

The University shall have the following powers :-

- (i) to provide for instruction (including correspondence courses) and research in 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 objects;
- (iii) to organize and to undertake extramural teaching and extension services;
- (iv) to hold examinations and grant and confer degrees, diplomas, certificates or other academic distinctions and to deprive of any degrees, diplomas, certificate or distinctions granted to or conferred upon 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 appointments thereto. All posts shall, however, be created only with the prior approval of the Government;
- (vi) to appoint or recognize persons as Professors, Associate Professor or Assistant Professor or otherwise as Teachers of the University;
- (vii) to institute and award fellowships, scholarships, exhibitions and prizes;
- (viii) to establish and maintain colleges and halls, to recognize and supervise colleges and halls not maintained by the University and other accommodation for students, and to withdraw/deprive 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 make arrangements of promoting health and general welfare of students of the University;
- (xi) to determine and provide for examinations for admission into the University;
- (xii) to affiliate with it or admit to any of its privileges or to recognize for any purpose either in whole or in part, any college or institution or members or student 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 other Universities, Authorities or Associations or any other Public or Private Body having in view 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 Association 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 of any other institution and for taking over its rights, properties and liabilities and for any other purposes not repugnant to this Act;
- (xv) 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 or 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 State Government, on the security of the University property, money for the purposes of the University;
- (xviii) to run a Higher Secondary section in the University under mentorship scheme of the State Government which will to some extent, act as a feeder to the undergraduate courses of the University and for all practical purposes, the Higher Secondary section shall be a part of the University;
- (xix) to continue the existing syllabi and evaluation of students of the Higher Secondary section under the jurisdiction of the Assam Higher Secondary Education Council as at present until such times as the University deems it fit to review and do the needful; and
- (xx) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

Jurisdiction 7.

Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall extend to the areas of the territorial jurisdiction of the State of Assam and to such other areas and colleges, institutions and other bodies beyond this territorial limits to which any or all of the powers of the University may be extended by it with the previous approval of the State Government.

University open to all classes, castes and creeds. 8.

The University shall be open to all persons irrespective of gender, 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 a student, or to hold any office therein; or to graduate or to enjoy or exercise any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

Officers of the University. 9.

The following shall be the officers of the University:-

- (i) Chancellor;
- (ii) Vice-Chancellor;
- (iii) Pro-vice-chancellor;
- (iv) Registrar;
- (v) Academic Registrar;

- (vi) Dean, Research and Development;
- (vii) Controller of Examinations;
- (viii) Dean, Student Welfare;
- (ix) Finance Officer; and
- (x) such other persons in the service of the University as may be declared by the statutes to be the officers of the University.

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|--------------------------------------|-----|--|
| The Chancellor | 10. | <ul style="list-style-type: none"> (1) The Governor of Assam shall be the Chancellor of the University. (2) The Chancellor, when present, shall preside the meeting of the Court and Convocation of the University. |
| Powers and duties of the Chancellor. | 11. | <ul style="list-style-type: none"> (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 examinations, teaching and 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 views 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 directions. (6) Expenses that may be incurred in connection with such inspections or enquiries and certified as such by the Chancellor, shall be a charge on the University. (7) The Chancellor shall have such other powers as may be conferred on him by or under the provisions of this Act. (8) 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. |

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board (Search Committee) 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 (Search Committee) 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 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 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.75,000/- per month plus all admissible allowances.
- (5) 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 the 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 power and duties of the Vice-Chancellor.

Powers and Duties of the Vice-Chancellor.

13. (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 Building and Works Committee (BWC), the Post-graduate Board, the Under-graduate Board, the Finance Committee and the Selection Committees 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 Ordinance and the Regulations are duly observed.
- (3) The Vice-Chancellor shall have the powers of convening the meeting of the Court, the Executive Council, the Building and Works Committee (BWC), the Post graduate Board, the Under Graduate Board, the Finance Committee and the Selection Committees, whenever he finds it necessary and for that purpose direct the Registrar to convene such 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 services 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 received 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 Authority 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 Statutes or the Ordinances and shall perform such other acts as may be necessary to carry out or further the provisions of this Act, the Statutes or the Ordinances.

Pro-Vice
Chancellor.

14. (1) There may be one Pro-Vice Chancellor, who shall be appointed by the Vice Chancellor, under intimation to the Chancellor, from amongst the Professors of the University or any other Higher Education Institution (HEI) for a period of three years.
- (2) The appointment is co-terminus with the term of the Vice Chancellor.
- (3) The Pro-Vice Chancellor shall take up the responsibilities assigned to him by the Vice Chancellor
- (4) The Pro-Vice Chancellor shall be a member of all the statutory bodies.
- (5) The Pro-Vice Chancellor shall be entitled to an additional allowance as decided by the Vice Chancellor.

Registrar

15. (1) The Registrar shall be a whole time salaried officer of the University and shall be appointed by the Executive Council on such terms, conditions and remunerations as may be prescribed.
- (2) The term of the Registrar shall be for five years and may be eligible for re-appointment.
- (3) The Registrar shall be the Ex-officio Secretary, of the Court, Executive Council and of the Construction Committee, the Building and Works Committee (BWC), provided that, notwithstanding anything contained in this Act, the Executive Council may, either for special purpose or in general, appoint any other officer of the University as Secretary. All communications in general shall be addressed to and on behalf of the University and shall be received by the Registrar.

Powers and Duties
of the Registrar.

16. The Powers and duties of the Registrar shall be the following, namely :-

- (i) to be the custodian of the records, common seal and such other property of the University as the Executive Council shall commit to his charge and to manage such properties;
- (ii) to sign and verify all appointments, contracts and agreements made on behalf of the University and to act as Secretary of such other Committees as may be prescribed by the Statutes;
- (iii) to conduct the official correspondence of the Court and the Executive Council;
- (iv) to issue all notices convening meetings of all such Committees or Councils or Boards of which he is the Secretary;
- (v) to arrange for and superintend the examination of the University till such time when the University appoints other officers, if any, for this purpose;
- (vi) to perform such other work as may, from time to time, be prescribed by the Executive Council; and
- (vii) to represent the University in any Court of Law and to sue any party for any liability to the University and for breach of any contract entered into with the University.

Academic Registrar

17.

- (1) The Academic Registrar shall be appointed by the Registrar on recommendation of the Executive Council. He shall be the Secretary of the Academic Council and shall be responsible for preparation of curriculum, syllabus and text books for different courses of the University. The term of the Academic Registrar shall be for five years but may be reappointed if found eligible.
- (2) The Academic Registrar shall support the Vice Chancellor and the Registrar on all academic matters.

Dean, Research and
Development.

18.

The Executive Council shall appoint the Dean, Research and Development from amongst the Professors of the University.

Dean, Students'
Welfare

19.

The Executive Council shall appoint the Dean, Students' Welfare from amongst the Professors of the University.

The Finance Officer.

20. (1)

The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council for a period of five years on such terms, conditions and remuneration as may be prescribed. He may be eligible for re-appointment.

(2)

The Finance Officer shall exercise general supervision over the funds of the University and advice in regard to its financial policy. He shall be responsible for the preparation of balance sheet at the end of each financial year.

(3)

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

- (4) Subject to the powers of the Executive Council, the Finance Officer shall be responsible for ensuring that all moneys are expended for the purposes for which they are generated.
- (5) The Finance Officer shall exercise such other powers as may be prescribed by the Statutes and the Ordinances;
- (6) The officer shall be responsible for audit of accounts of the University at least once every year and at intervals of not more than fifteen months. Audit shall be done by the Examiner, Local Accounts:

Provided that the Chancellor may, on the recommendation of the Executive Council in the case of casual vacancy, may ask the Registrar to perform the duties of Finance Officer.

Controller of Examinations.

21. (1) It shall be the duty of the Controller of Examinations to hold various examinations of the University, its constituent Colleges, if any.
- (2) The Controller of Examinations shall be the authority to hold examinations and shall ensure that the results are declared in time.

Authorities of the University.

22. 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 Board of studies;
 - (vii) the Finance Committee;
 - (viii) the Selection Committees; and
 - (ix) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court

23. (1) The Court shall consist of the following members :

(A) EX-OFFICIO MEMBERS:

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Pro Vice-Chancellor;
- (iv) The Minister of Education, Assam;
- (v) The Registrar;
- (vi) Academic Registrar;
- (vii) The Controller of Examinations;
- (viii) The Finance Officer;
- (ix) Dean, Research and Development;
- (x) Dean Students' Welfare;
- (xi) The senior-most Secretary in the Education (Higher) Department of the Government of Assam;
- (xii) The Director of Higher Education, Assam;

- (xiii) The Director of Technical Education, Assam;
- (xiv) The Director of Medical Education, Assam;
- (xv) The Director of Agriculture, Assam;
- (xvi) The Director of Animal Husbandry and Veterinary, Assam;
- (xvii) The Vice-Chancellors of the Dibrugarh University, Cotton University and Gauhati University;
- (xviii) President and Secretary, Madhabdev University Teachers' Association;
- (xix) Two members nominated by the Executive Council;
- (xx) The Principal of the Constituent Colleges, if any;
- (xxi) Two Heads of the Academic Departments of the Madhabdev University (to be selected on the basis of seniority).

(B) OTHER MEMBERS:

- (xxii) Two persons distinguished in Literature/ Law/ Medicine/ Science/ Engineering/ Technology/ Commerce/ Public life nominated by the Chancellor;
- (xxiii) Two representatives with good records to be elected by the Post-Graduate 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 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.

- (xxiv) Two members (one female) of the Madhabdev College / Madhabdev University Alumni (to be nominated by the Chancellor).

(2)

Save as otherwise provided and except that ex-officio members and student members all other members shall hold office for a period of three years from the date of their election or nomination, as the case may be:

Provided, that no person nominated or elected in his capacity as a member of a particular body or as holder of a particular appointment shall be a member after he ceases to be a member of that body or holder of that appointment, as the case may be:

Provided further that any member elected or nominated under clause (xxiii) of sub-section 1 of this section 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 member of the Court on his ceasing to be a student of the University.

- (3) When a person ceases to be a member of the Court, he shall cease to be a member of any of the authorities or committees of the University of which he may happen to be a member by virtue of the membership of the Court.
- (4) With the approval of the Court, the Vice-Chancellor may remove an elected or selected member.

Meeting of the Court. 24.

The Court shall meet at least twice a year on dates to be fixed by the Vice-Chancellor in consultation with the Chancellor. One of such meetings shall be held in January and shall be called the Annual General Meeting. The Court may also meet at such times as it may, from time to time, determine.

Powers and duties of the Court. 25.

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

- (i) to review, from time to time, the broad policies and programmes of the University and suggest measures for the improvements and development of such policies, programmes, works and other affairs;
- (ii) to consider the annual report, the annual accounts, 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 and to suggest such measures as it may deem proper on the matters covered by them;
- (iii) 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.

- (iv) to consider the annual balance sheet prepared at the end of each financial year but not later than six months from the end of such financial year alongwith the Receipts and Payment Account and Income and Expenditure Account, which all should be in conformity with the existing accounting practices as notified from time to time by various oversight committees and the Government of India. These should be held up for review by the Finance committee before it is placed for scrutiny by the Executive Council and then for approval by the Court. Such audit report along with the audited financial statements shall form part of the annual report of the University and shall be placed in public domain for dissemination of information.

Executive
Council.

26. (1) The Executive Council shall be the Executive body of the University. It shall consist of the following members, namely:-

(A) EX-OFFICIO MEMBERS:

- (i) The Vice-Chancellor;
- (ii) The Pro Vice-Chancellor;
- (iii) The Registrar;
- (iv) Academic Registrar;
- (v) Two Members of Assam Legislative Assembly;
- (vi) The Director of Higher Education, Assam;
- (vii) The Director of Technical Education, Assam;
- (viii) The Director of Medical Education, Assam;
- (ix) The Chairman, Board of Secondary Education, Assam;
- (x) Chairman, Higher Secondary Education Council, Assam;
- (xi) The Principal of Constituent College, if any;
- (xii) President and Secretary, Madhabdev University Teachers' Association.

(B) OTHER MEMBERS:

- (xiii) Two Heads of Departments of the University who are professors, to be chosen by the Vice-Chancellor by rotation according to seniority for a period of three years;
 - (xiv) 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;
 - (xv) Two members to be elected by the Court from amongst its members at its Annual General Meeting other than employees and students of the University;
 - (xvi) Two teachers other than a Dean of Faculty of the University to be elected by the Academic Council from amongst such teachers who are its members;
 - (xvii) Two persons of whom one shall be women to be nominated by the Chancellor, and
 - (xviii) Two persons to be nominated by the State Government;
 - (xix) Two members (one female) from Madhabdev College Alumni (to be nominated by the Vice Chancellor).
- (2) Save as otherwise provided and except the ex-officio members, all other members shall hold office for a period of three years from the date of their election or nomination, as the case may be :
 Provided that no person nominated or elected in his capacity as member of a particular body or as a holder of a particular appointment shall be member after he ceases to be member of that body or holder of that appointment, as the case may be.
- (3) When a person ceases to be member of the Executive Council, he shall cease to be member of any of the authorities of the university of which he may happen to be a member by virtue of his membership of the Executive Council.

**Powers & duties
of Executive
Council.**

27.

(1)

The Executive Council 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 Finance Officer 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 among its members and
- (ii) Two members to be nominated by the State Government one from the Finance Department and the other from the Education Department of the State Government.

(2)

It shall do all acts appertaining or incidental to the construction of buildings, roads, tanks, pipelines and other structures of the University and for the purpose shall appoint a Construction Committee, the Building and Works Committee (BWC), consisting of seven members of whom the Vice-Chancellor shall be the Chairman, the Registrar shall be the Secretary, the Finance Officer, a member and the remaining four members shall be appointed from among the members of the Executive Council with power to co-opt experts as members who shall have no power to vote:

Provided that at least one member of the Committee shall be appointed from amongst the members elected to the Executive Council by the Court.

(3)

It shall determine the form and regulate, the use of the Common Seal of the University.

(4)

It shall lay before the State Government annually a full statement of the financial requirements of the University.

(5)

It shall administer funds placed at the disposal of the University for any specific purpose including those given for the purpose of buildings, roads, tanks, pipelines and other structures of the University.

(6)

Subject to the provisions of this Act and the Statutes, it shall appoint the officers (other than the Chancellor and the Vice-Chancellor), teachers, office and technical staff and other employees of the University and define their duties and conditions of service and shall provide for the filling up of temporary vacancies.

(7)

It shall have power to accept, on behalf of the University, bequest, endowments, donations or transfer of any movable or immovable property.

(8)

It shall arrange for holding or conducting of examination and publishing the results of the University examinations.

(9)

It shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters under this Act concerning the University in accordance with this Act, the Statutes and the Ordinances:

Provided that no action shall be taken by the Executive Council in respect to the numbers, qualifications or emoluments of teachers otherwise than in consultation with the Academic Council; and

- (10) It shall exercise all other powers of the University of which no specific provisions have been made in this Act or in the Statutes.
- The Academic Council. 28. (1) The Academic Council shall consist of the following members :-
- (A) EX-OFFICIO MEMBERS:**
- (I) The Vice-Chancellor;
 - (II) Pro Vice-Chancellor;
 - (III) Registrar;
 - (IV) Academic Registrar;
 - (V) The Director of Higher Education;
 - (VI) The Director of Technical Education, Assam;
 - (VII) The Director of Medical Education, Assam;
 - (VIII) The Deans of Faculties;
 - (IX) The Professors of the University;
 - (X) The University Associate Professors who are Heads of Department of Teaching;
 - (XI) The Librarian of the University;
 - (XII) President and Secretary of University Teachers' Association;
 - (XIII) The Principal of Constituent College, if any.
- (B) OTHER MEMBERS:**
- (XIV) Persons not exceeding three, other than teachers of the University, appointed by the Chancellor being persons who by reasons of their possessing expert knowledge in subjects named for the purpose by the ex-officio members of the Academic Council are in the opinion of the Chancellor fit to serve in the Council;
 - (XV) Two persons to be elected by the Court, who are not employees or students of the University; and
 - (XVI) Two members (one female) of the Madhabdev College/ Madhabdev University Alumni (to be nominated by the Vice Chancellor).
- (2) Save as otherwise provided and except the ex-officio members, all other members shall hold office for a period of three years from the date of their election or nomination, as the case may be.
- (3) When a person ceases to be a member of the Academic Council he shall cease to be a member of any of the authorities of university of which he may happen to be a member by virtue of his membership of the Academic Council.
- Powers and duties of the Academic Council. 29. The Academic Council shall have the following powers:-
- (i) to make proposals to the Executive Council for the institution of Professorship, Associate Professorship, Assistant Professorship or other teaching posts, and in regard to the duties and emoluments thereof;
 - (ii) to submit to the Executive Council draft Regulations, regarding methods and manner of conducting examinations including setting up of Moderation Boards and to award in accordance with such Regulations, Fellowships, Scholarships, Medals and other rewards;

- (iii) to recommend examiners for appointments to be made by the Vice-Chancellor on receiving from the Faculties concerned;
- (iv) to control the University Library, to frame Regulations regarding its use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library;
- (v) to assign subjects to the faculties;
- (vi) to assign teachers to the faculties;
- (vii) to promote research within the University including the establishment of a Research Council and to require reports on such research from the persons employed thereon;
- (viii) to organise teaching in the University and to control the work of teachers; and
- (ix) Such other powers and duties as may be assigned to it under the Statutes.

Post Graduate Board. 30.

The Post-Graduate Board shall have the following members, namely:-

- (1) the Vice-Chancellor;
- (2) the Pro-Vice Chancellor;
- (3) six persons from amongst the Professors and heads of Departments of Post-Graduate Departments of the University and the heads of Department of the constituent Colleges elected by the Academic Council;
- (4) two members of the Academic Council who are not Professors or Heads of Department of the University, or of Constituent Colleges, 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 Examination Committee to be nominated by the Vice-Chancellor.

Powers and duties of the Post Graduate Board. 31.

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

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

- (e) to recommend to the Academic Council the conditions for the admission of students to Post-Graduate courses, and to make regulations for their attendance and progress;
- (f) to make Regulations with regard to the residence, discipline of students in the departments and the constituent colleges, and institutions imparting Post-Graduate courses and for the promotion 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 courses 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 or 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 Examinations, with or without modifications, after considering the recommendations of the Boards of Studies and to modify the same at any time after consultation with the Boards of Studies concerned.
- (k) to promote research within the University and to make regulations governing research degrees, and
- (l) to appoint committees, and to fix their terms of reference, in regard to any matter within the jurisdiction of the Post-Graduate Board.

Under Graduate Board. 32.

The Under-Graduate Board shall consist of following members, namely:-

- (1) the Vice-Chancellor;
- (2) the Pro-Vice Chancellor;
- (3) three persons from among the professors and the Heads of Departments of the Department 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 persons to be elected from amongst the teachers of affiliated Colleges; and
- (7) one member of the Examination Committee to be nominated by the Vice-Chancellor.

Powers and Duties of the Under-Graduate Board. 33.

Subject to the provisions of this Act, the Statues and the Ordinance, 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, or other-posts of teachers required for 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 recommendation to the Executive Council for the award of scholarships, prizes and other awards and for the conferment of degrees, diplomas, titles, certificates and other academic distinction in the Under-Graduate Courses;
- (d) to approve the curricula and syllabi for the Under-Graduate courses and to modify them 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 the improvement of the standard of teaching and other affairs therein;
- (g) to recommend to the Academic Council the conditions for the admission of students to 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 of the Board of Studies and to modify the same at any time after consultation with the Board of Studies;
- (i) to make regulations with 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 views on them to consider any matter referred to it by the Executive Council or the Academic Council and to submit report thereon to the Executive Council or the Academic Council, as the case may be; and
- (k) to appoint committees, and to fix their terms of reference, in regard to any matter within the jurisdiction of the Under-Graduate Board.

- Board of Studies 34.
- (1) There shall be a Board of Studies in each main branch of Study. Those 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 or Head of the 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 approval of the Vice Chancellor;
 - (3) Subject to the previous approval of the Vice-Chancellor, the Board may consult other Expert or Experts when necessary on any matter within its field.

Powers and
Duties of Board
of Studies.

35.

Subject to the provisions of this Act, the Statutes 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, curriculum, 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 studies;
- b) to prepare, and when necessary revise, the panel of examiners for different examinations, for submission to the examination committees and
- c) to consider any other matter referred to it by the 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;

Faculties

36.

(1) The University shall include Faculty of Arts, Science, Law, Medicine, Technology, Agriculture, Engineering, Commerce, Management Science, Mass Communication, Environmental Science and Indian Fine Arts and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of teaching, the courses of study and the research work including delivery of consultancy services in such subjects as may be assigned to such Faculty by the Ordinances.

(3) Each Faculty shall consist of :

- (i) the Dean of the faculty;
- (ii) the Heads of the Departments comprised in the Faculty;
- (iii) such teacher of subjects assigned to the Faculty as may be appointed to the faculty by the Academic Council;
- (iv) such teachers of subjects not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council :

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

- (v) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty.

Powers of
Faculty.

37.

Subject to the provisions of this Act, each Faculty shall have the following powers:

- (a) to constitute the Committees of Courses and Studies in Departments assigned to it;
- (b) to recommend to the Academic Council the courses of studies for the different examinations, after consulting the Committees of Course and Studies;

- (c) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of the examiners in subjects assigned to the Faculty;
- (d) to recommend to the Academic Council the academic requirements for the award of Degrees, Diplomas and other distinctions;
- (e) (subject to the control of the Academic Council) to encourage research in subjects assigned to the Faculty; and
- (f) to deal with any other matters referred to by the Academic Council.
- Dean of faculty 38. (1) There shall be a Dean of each Faculty who shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the faculty. He shall be the Executive Office of the Faculty and shall preside over its meeting.
- (2) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The Head of every such Department shall be Professor of the Department or, if there is no Professor, the Associate Professor. If there is more than one Professors, or more than one Associate Professors of a Department, the Vice-Chancellor shall appoint as the Head of the Department such one of the Professors or, if there is no Professor, such one of the Associate Professors as he thinks fit. The Head of the Department shall be responsible to the Dean for the organisation of the teaching in the Department and smooth running of the Department.
- (3) The Dean of a Faculty be elected by the Faculty from among the Heads of the Departments of the Faculty and shall hold office for a period of three years or be nominated by the Vice-Chancellor from among the Professors of the Faculty.
- Selection Committee. 39. (1) There shall be a Selection Committee for making recommendations to the Executive Council for appointment of Professors, Associate Professors, Assistant Professors, Registrar, Finance Officer, Academic Registrar, Controller of Examinations; Librarian, Deputy Registrars, Deputy Controller of Examinations 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) three persons not holding any office of profit under the University of whom one to be nominated by the Chancellor, one to be nominated by the Executive Council and other to be nominated by the Academic Council;
- (iii) the Registrar shall be the Member-Secretary of the Selection Committee except for the Selection Committee of the appointment of Registrar in which case the Vice-Chancellor shall nominate one person as Member-Secretary in consultation with the executive Council.
- (2) In making recommendations for the appointment of Professors of the University, the Selection Committee shall have the Head of the Department concerned, if he is a Professor, one Professor of the Department to be nominated by the Vice-Chancellor and two persons not in the services 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.

- (3) In making recommendations for the appointment of Associate Professors or Assistant Professors and other teachers of the University, the Selection Committee shall have 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 being persons not connected with the University, who have special knowledge of or interest in the subject for which the teacher 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 the post of Professors, Associate Professors and Assistant Professors, 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.

- (4) Where an appointment is to be made to a temporary vacancy of teacher of the University, the appointment shall be made, if 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.
- (5) 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.
- (6) 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.
- (7) 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.

Students' Advisory Council.

40. (1) There shall be a Students' Advisory Council which shall consist of the following members, namely:-

- (i) The Dean Students' Welfare as the Chairman;
- (ii) the Director/Deputy Director of Students' Welfare as Ex-officio Treasurer;
- (iii) President and Secretary of the University Teachers' Association;
- (iv) President, Vice-President and Secretary of the University Students' Union;
- (v) Principals of the Constituent College, if any;
- (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:-
 - (a) Sports;
 - (b) National Service Schemes;
 - (c) National Cadet Corps;
 - (d) Cultural activities
 - (e) Specially abled;
- (viii) four female students to be nominated by the Vice-Chancellor;
- (ix) the Director of Sports and Physical Education, if any;
- (x) the members of the Students' Advisory Council shall elect from amongst themselves the Secretary of the Council;
- (xi) two members (one female) from Madhabdev College/ Madhabdev University Alumni (to be nominated by the Vice Chancellor)

(2) The term 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 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 matter shall be prescribed by the Statutes:

Provided that no student shall be eligible to be or continue to be a 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.

Functions of Students' Advisory Council.

41.

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 affecting the students corporate life of the University in so far as it concerns the students and their co-curricular activities;

- (ii) all rules affecting discipline, welfare, sports, library, Management of Hostels, Students Home, extension work, social work, students' health, N.C.C, National Service Scheme 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;
- (vi) the end of the bifurcation between Madhabdev College and Madhabdev University and the creation of a single entity shall mean that the Madhabdev University shall have the common logo (Madhabdev College logo), the common flag (Madhabdev College flag), the common Foundation Day, the common holiday list, common Teachers' Association and common Students Union and one Prospectus.

Finance
Committee.

42.

There shall be a Finance Committee of the University consisting of the following members, namely:-

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

Powers of
Finance
Committee.

43.

The powers of the Finance Committee shall be as follows:-

- (a) to examine the annual budget estimates and to give advice and suggestion 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 expenditures involving sum of money exceeding rupees five lakh 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 grades of pay of new posts to the Executive Council;
- (g) to deal with such other matters relating to the financial matters of the University as may be prescribed by the Statutes and Ordinances.

- University Fund 44. (1) The University shall have a Fund to be known as 'Madhabdev University Fund' to which shall be credited all its income, fees, fines, contributions, donations, loans and advances from any other sources.
- (2) The University may also create by Ordinance made in this behalf one or more separate special funds for the administration of endowments, trusts or other grants for specific purposes.
- (3) The State Government shall for the purpose of this Act, contribute annually to the University Fund so as to enable the University run smoothly and efficiently.
- Accounts and Audit. 45. (1) The Statement of Accounts of every completed financial year shall be placed for consideration of the Court together with the Audit Report in the next year. For this purpose the accounts shall be audited by a firm of Chartered Accountants subject to overall Audit Scrutiny by the Accountant General, Assam.
- (2) Such Annual Statement of Accounts shall, together with copies of the audit report, 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 half-yearly internal audit and the report of such audit shall be submitted to the State Government regularly.
- (4) Notwithstanding anything contained hereunder, the State Government shall have power when deemed necessary to order an audit of the accounts of the University.
- (5) The annual budget estimates, shall after these are finalized by the Executive Council be circulated to the Chancellor, State Government and all members of the Court at least fifteen days before they are submitted to the State Government.
- (6) The University shall obtain prior approval from the Finance (Budget) Department of the State Government for opening any account in a Nationalised Bank or any other Bank. The operation of such Account by the University shall be as per approvals accorded from time to time by the said Department.
- Statutes 46. Subject to the provisions of this Act, the Statutes may provide for all/any of the following matters, namely:-
- (i) the conferment of honorary Degrees;
- (ii) the Institution of Fellowships, Scholarship, Exhibition and prizes;
- (iii) the terms of office, the method of appointment and the conditions of service of the officers of the University;
- (iv) the designation and the powers of the officers of the University;
- (v) the constitution, powers and duties of the authorities of the University;
- (vi) the establishment of constituent Colleges and Hostels and their maintenance:

- (vii) the constitution of Pensions, Insurance and Provident Funds for the benefit of the officers, teachers, clerical and other staff;
- (viii) the maintenance of a register of registered graduates; and
- (ix) all matters, which by this Act, are to be or may be prescribed by the Statutes.
- Framing of Statutes.** 47. (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 the Statutes.
- (2) The draft Statutes or draft amendments may be approved or amended or rejected by the Court in the manner hereinafter provided that no draft Statutes or draft amendments to Statutes with financial implication shall be amended without further reference to the Executive Council.
- (a) every draft of Statute proposed by the Executive Council shall be submitted to the Court for consideration. Such draft shall be considered by the Court at its next meeting. The Court may pass the Statute or may amend it or may return the Statute to the Executive Council for re-consideration;
- (b) any draft of a Statute proposed by the Executive Council and rejected by the Court shall be submitted to the Chancellor who may refer it back to the Court for reconsideration;
- (c) every Statute passed by the Court shall be submitted to the Chancellor who may give or withhold his consent or refer it back to the Court for reconsideration;
- (d) a Statute passed by the Court shall have no validity until it has been assented to by the Chancellor;
- (e) any member of the Court may propose to the executive Council the draft of any Statutes; and the Executive Council shall submit such proposed draft to the Court with its comments.
- Ordinances** 48. Subject to the provisions of this Act, and the Statutes, the Executive Council may frame Ordinances to provide for all or any of the following matters, namely:-
- (i) the admission of students to the University and their enrolment as such;
- (ii) the courses of study to be laid down for all degrees and diplomas of the University;
- (iii) the conditions under which the students shall be admitted to the degree and diploma courses and the examinations of the University and shall be eligible for the Degrees and Diplomas;
- (iv) the conditions of residence of the students of the University;
- (v) recognition of the Hostels;
- (vi) the qualifying attendance requirement for students;
- (vii) the extension of University teaching in any suitable centre within the State by means of University extension lectures or others;
- (viii) the emoluments and conditions of service of teachers of the University;

- (ix) the fees to be charged for study in the University and for admission to the examinations, degrees and diplomas of the University;
 - (x) the formation of Departments of teaching in the Faculties;
 - (xi) the constitution, powers and duties of the Boards of the University;
 - (xii) the conduct of examinations; and
 - (xiii) all matters which by this Act or the Statutes are to be or may be provided by the Ordinances.
- Regulations 49. (1) Subjects 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 Authority 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:-
- (i) number of members required to form a quorum;
 - (ii) all matters which are required to be prescribed by the regulations under this Act, Statutes or the Ordinances;
 - (iii) all matters solely concerning the authorities and not otherwise provided for by or under this Act, Statutes or Ordinances.
- (3) Notwithstanding anything contained in preceding sub-sections, the Executive Council may direct, 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.
- Acts or proceedings not to be invalid by reasons of certain irregularities. 50. No act or proceedings of the University or of any authority or Committee of the University shall be invalid merely by reasons of the existence of any vacancy or vacancies among its members or by reason of the alleged invalidity of the election, nomination, appointment of any of its members or by reason of any alleged irregularity in the manner of choosing a member.
- Chancellor's decision to be final in certain matters. 51. 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 shall be final.
- Period of membership of the Authorities. 52. (1) All ex-officio members of all authorities of the University shall hold office so long as they hold membership, offices 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.
- Affiliation** 53. After the commencement of this Act, any college or institution applying for a affiliation to the University shall satisfy the Executive Council -
- (a) that the college shall be under the management of duly constituted Governing Body which shall include at least two representative 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 qualification of the teaching staff are sufficient for the courses to be imparted in the college or institution and that the tenure of office of teaching staff is reasonable;
 - (d) that adequate arrangement shall 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;
 - (f) that the affiliation of the colleges or institution having regard to the educational facilities provided by the other colleges or institutions in the same neighbourhood shall not be injurious to the interest of education.
- Delegation** 54. Subject to the provisions of this Act, the Vice-Chancellor, and with the previous approval of the Vice-Chancellor, the Registrar, may delegate any of his powers or duties conferred upon, imposed by or under this Act to an Officer under his direct administrative control.
- Transitory Provisions.** 55. (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 to be the Vice-Chancellor. For this purpose he/she may constitute an Advisory Board (Search Committee) as mentioned in section 12(1). A Joint Secretary in the Education (Higher) Department shall be the Secretary to the Search Committee so constituted.
- (2) A Joint Secretary, Department of Higher Education, Government of Assam, nominated by Government shall act as the first Registrar of the University until a regular Registrar is appointed.
 - (3) The existing bank balances, bank accounts of the Madhabdev College shall be the property of the Madhabdev University.
 - (4) The first Vice-Chancellor shall, within a period of three months from the date of his appointment or within such longer period, not exceeding six months from the date of his appointment as the Vice Chancellor, may by notification, direct and with the assistance of a Committee consisting of not more than six member nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulation so

framed to come into force with effect from the date of such publication as if they were framed or made under the provisions of the Act relating to them.

- (5) The first Vice-Chancellor shall within three months or within such a longer period not exceeding six months as the State Government may, by notification direct, from the date of coming into force of the first Statutes, the first Ordinance and the first Regulation, cause arrangements to be made for constituting the first Court, the first Executive Council, the first Post-Graduate Board in accordance with the first Regulations.
- (6) The State Government shall, by notification in the Official Gazette, appoint a date, and on and from such date the Authorities of the University constituted under Section 22 shall commence to exercise the powers and duties conferred upon them by or under this Act, the first Statutes, and the first Regulations.
- (7) 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.
- (8) 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 this section.
- (9) Notwithstanding that all the officers and 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.
- (10) The present Principal of Madhabdev College shall hold an administrative / academic post deemed appropriate to the rank, qualification and status of the incumbent.
- (11) The existing bank balances, bank accounts of the Madhabdev College shall be the property of the Madhabdev University.

First
appointment
of Teachers and
Authorities.

56.

Notwithstanding anything contained in this Act, the first Registrar shall be appointed by the Chancellor, on such terms and conditions as he may deem fit. A Joint Secretary, Education (Higher), Government of Assam shall be the first Registrar until a regular Registrar is appointed by the Chancellor.

Appointment of
Teachers.

57.

- (1) The teachers of the University may be appointed by the Executive Council after considering the recommendations of a Selection Committee consisting of the Vice-Chancellor and such other person or persons as per rules and regulations of the University.
- (2) The seniority of the teachers in the integrated degree and post-graduate course shall be maintained as per norms.
- (3) The headship in the department shall rotate every three years among those who are eligible for it.

- (4) The University shall not create any post without the approval of the State Government.
- Existing Teachers and Staff. 58. (1) All posts of Madhabdev College including the vacant posts are transferred immediately to the Madhabdev University with effect from the date of commencement of this Act.
- (2) The existing teachers and staff of the Madhabdev College shall constitute a special cadre with respect to their service conditions at the time of their appointments.
- (3) All pension matters of the present and past teachers and staff of Madhabdev College (now upgraded to Madhabdev University) shall be handled by the Directorate of Higher Education.
- State Government's Power of supervision. 59. (1) If, at any time, the State Government is of the opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects for which any grant or donation is specifically made by the State Government, Public bodies or individuals, University Funds are misappropriated or misapplied, the State Government may indicate to the Executive Council such matter in regard to which the State Government desires 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 Council fails to offer any explanation or makes proposal or proposals which, in the opinion of the State Government is or are unsatisfactory, the State Government may issue such instructions, as may appear to them to be necessary and desirable in the circumstances of the case and the Executive Council shall give effect to such instructions.
- Emergency power of the State Government. 60. (1) If, at any time, it appears to be necessary and expedient in the opinion of the State Government, the State Government may with prior consultation with the Chancellor, by a notification published in the Official Gazette, suspend all or any of the powers of the University as provided in section 6 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 management, and appointment of any person or authority in connection with any or more examination or publication of the result of any such examination or to any matter incidental thereto for such period as may be specified in the notification and 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) Provisions of the Statutes, Ordinance 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 in prior consultation with the Chancellor and shall take effect accordingly for the purposes of exercising the powers under the preceding sub-section.

- (3) The State Government may constitute an Advisory Committee consisting of at least three 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.
- Interpretation 61. If any dispute arises as to the interpretation of any of the provisions of this Act, the interpretation given by the Chancellor shall be final and binding to all concerned.
- Removal of difficulties. 62. (1) 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, remove the difficulties as it deems necessary for the purpose.
- (2) Notwithstanding all that is contained in this act, any difficulties or disputes encountered by the University shall be attended to by the Vice Chancellor in order to provide solution(s), in consultation with the Chancellor if required.

In all such matters the Vice Chancellor's decision shall be final.

S. M. BUZAR BARUAH,
Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur.



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 1st December, 2023

No. LGL.48/2023/7.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 22nd November, 2023 is hereby published for general information.

ASSAM ACT NO. LIII OF 2023

(Received the assent of the Governor on 22nd November, 2023)

THE MADHABDEV UNIVERSITY (AMENDMENT) ACT, 2023

AN ACT

further to amend the Madhabdev University Act, 2017.

Preamble	<p style="text-align: center;">Whereas it is expedient to amend the Madhabdev University Act, 2017, hereinafter referred to as the principal Act, in the manner hereinafter appearing;</p> <p style="text-align: center;">It is hereby enacted in the Seventy-fourth year of the Republic of India as follows:—</p>	Assam Act No. XXXV of 2017
Short title, extent and commencement	<p>1. (1) This Act may be called the Madhabdev University (Amendment), 2023.</p> <p>(2) It shall have the like extent as the principal Act.</p> <p>(3) It shall come into force at once.</p>	
Amendment of section 6	<p>2. In the principal Act, in section 6, in clause (viii), in the first and second line, for the words “colleges and halls”, the words colleges, halls and hostels shall be substituted.</p>	
Amendment of section 20	<p>3. In the principal Act, in section 20, in sub-section (6), for the words “Examiner, Local Accounts”, the words “Comptroller and Auditor General of India” shall be substituted.</p>	
Amendment of section 45	<p>4. In the principal Act, in section 45, in sub-section (1), in the fourth line, for the words “a firm of Chartered Accountants subject to overall Audit Scrutiny by the Accountant General, Assam”, the words “Comptroller and Auditor General of India” shall be substituted.</p>	

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur.