

## **Assam Private Universities Act, 2007**

**12 of 2007**

**[30 April 2007]**

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## **SCHEDULE 1 :- SCHEDULE I**

### **Assam Private Universities Act, 2007**

**12 of 2007**

**[30 April 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. 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:-

#### **1. Short Title, Extent And Commencement :-**

- (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.

#### **2. Definitions :-**

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

(Central Act No. 52 of 1987) 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 (Central Act No. 50 of 1985) 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 (Central Act No. 21 of 186) 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 (Central Act No. 21 of 1860) 1860; or

(ii) any public trust registered under the Indian Trusts Act (Central Act No. 2 of 1882) 1882; or

(iii) a company registered under section 25 of the Companies Act (Central Act No. 1 of 1956) 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 (Central Act No.3 of 1956) 1956;

(za) "university" means a university established and incorporated under section 6.

### **3. Objects Of The University :-**

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.

#### **4. Submission Of Proposal For Establishment Of A University And Its Evaluation :-**

- (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.

## **5. 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, debates, quiz 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.

## **6. Establishment Of The University :-**

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.

## **7. Incorporation Of The University :-**

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.

## **8. University To Be Self-Financed :-**

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

## **9. Requirement Of Land :-**

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.

## **10. No Power To Affiliate Any College Or Institution :-**

The University shall not admit any college or institution to the privilege of affiliation

## **11. Endowment Fund :-**

(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.

## **12. General Fund :-**

Every university shall establish a fund, which shall be called the General Fund to which following shall be credited, namely:-

- (a) fees and other charges received by the university;
- (b) any contributions made by the sponsoring body;
- (c) any income received from consultancy and other work undertaken by the university in pursuance of its objectives;
- (d) trusts, bequests, donations, endowments and any other grants; and
- (e) all other sums received by the university.

## **13. Application Of General Fund :-**

The General Fund shall be utilized for the following objects, namely:-

- (a) for the repayment of debts including interest charges thereto incurred by the university for the purposes of this Act and the Statutes, Ordinances, Regulations and rules made thereunder;
- (b) to upkeep of the assets of the university;
- (c) for the payment of the cost of audit of the funds created under sections 11 and 12;
- (d) for the meeting expenses of any suit or proceedings to which university is a party ;
- (e) for the payment of salaries and allowances of the officers and employees of the university and members of the teaching and research staff, and for payment of any Provident Fund contributions, gratuity and other benefits to any such officers and employees, and members of the teaching and research staff;
- (f) for the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, and other authorities so declared under the Statutes of the university and of the members of any committee appointed by any of the authorities or by the Chairperson of the sponsoring body or the Vice-Chancellor, as the case may be, of the university in pursuance of any provision of this Act, or the Statutes, Ordinances, Regulations or rules made thereunder;
- (g) for the payment of fellowships, freeships, scholarships, assistantships and other awards to students belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student otherwise

eligible for such awards under the Statutes, Ordinances, Regulations or rules made under the provisions of this Act;

(h) for the payment of any expenses incurred by the university in carrying out the provisions of this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(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 nonrecurring 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.

#### **14. Officers Of The University :-**

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.

#### **15. Power Of Visitors :-**

- (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 provisions of this Act or Statutes, Ordinances, Regulations and rules made thereunder, he may issue such directions as he may deem fit in the interest of the university and the directions so issued shall be complied with by the university.

#### **16. The Chancellor :-**

- (1) The Chancellor shall be appointed by the sponsoring body for a period of three years with the approval of the visitor by following such procedure and on such terms and conditions as may be prescribed by the Statutes.
- (2) The Chancellor shall be the head of the university.
- (3) The Chancellor shall preside at the meetings of the Governing Body and shall, when the Visitor is not present, preside at the convocation of the university for conferring degrees, diplomas or other academic distinctions.
- (4) The Chancellor shall have the following powers, namely:-
  - (a) to call for any information or record;
  - (b) to appoint the Vice-Chancellor;
  - (c) to remove the Vice-Chancellor in accordance with the provisions of sub-section (7) of section 17;
  - (d) such other powers as may be prescribed by the Statutes.

#### **17. The Vice-Chancellor :-**

- (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Governing Body and shall, subject to the provisions contained in sub-section (7), hold office for a term of three years:  
Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years:  
Provided further that a Vice-Chancellor shall continue to hold the office even after expiry of his term till new Vice-Chancellor joins.  
However, in any case this period shall not exceed one year.
- (2) The Vice-Chancellor shall be the principal executive and academic officer of the university and shall exercise general superintendence and control over the affairs of the university and

shall execute the decisions of various authorities of the university.

(3) The Vice-Chancellor shall preside at the convocation of the university in the absence of both, the Visitor and the Chancellor.

(4) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Vice-Chancellor then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and the Board of Management may confirm or modify or reverse the action taken by the Vice-Chancellor.

(5) If, in the opinion of the Vice-Chancellor, any decision of any authority of the university is outside the powers conferred by this Act or Statutes, Ordinances, Regulations or rules made thereunder or is likely to be prejudicial to the interests of the university, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(6) The Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed by the Statutes or the Ordinances.

(7) If, at any time upon representation made or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the University, the Chancellor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking an action under this sub-section, the Vice-Chancellor shall be given an opportunity of being heard.

## **18. The Registrar :-**

(1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner, as may be prescribed by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the university.

(3) The Registrar shall be the Member Secretary of the Governing Body, the Board of Management and Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

## **19. The Chief Finance And Accounts Officer :-**

(1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

## **20. Other Officers :-**

(1) The university may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the university and their powers and functions shall be such as may be prescribed by the Statutes.

## **21. Authorities Of The University :-**

The following shall be the authorities of the university, namely:-

(1) the Governing Body;

(2) the Board of Management;

(3) the Academic Council;

(4) such other authorities as may be declared by the Statutes to be the authorities of the university.

## **22. The Governing Body :-**

(1) The Governing Body of the university shall consist of the following, namely:-

(a) the Chancellor;

- (b) the Vice-Chancellor;
- (c) five persons nominated by the sponsoring body out of whom two shall be eminent educationists;
- (d) one expert of management or information technology from outside the university, nominated by the Chancellor; and
- (e) one expert of finance, nominated by the Chancellor.

(2) The Governing Body shall be the supreme authority of the university. All the movable and immovable property of the university shall vest in the Governing Body. It shall have the following powers, namely:-

- (a) to provide general superintendence and directions and to control functioning of the university by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or rules made thereunder;
- (b) to review the decisions of other authorities of the university in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or rules made thereunder;
- (c) to improve the budget and annual report of the university;
- (d) to lay down the extensive policies to be followed by the university;
- (e) to recommend to the sponsoring body about the voluntary liquidation of the university if a situation arises when smooth functioning of the university does not remain possible, inspite of all efforts;
- (f) such other powers as may be prescribed by the Statutes.

(3) The Governing Body shall meet at least three times in a calendar year.

(4) The quorum for meetings of the Governing Body shall be four.

### **23. The Board Of Management :-**

(1) The Board of Management shall consist of the following members, namely:-

- (a) the Vice-Chancellor;
- (b) two members of the Governing Body, nominated by the sponsoring body;
- (c) three persons, who are not the members of the Governing Body, nominated by the sponsoring body;
- (d) three persons from amongst the teachers, nominated by the sponsoring body;
- (e) Two teachers, nominated by the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairperson of the Board of



Management.

(3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(4) The Board of Management shall meet once in every two months.

(5) The quorum for meetings of the Board of Management shall be five.

#### **24. The Academic Council :-**

(1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the university and shall, subject to the provisions of this Act and the rules, Statutes or Ordinances, made thereunder, co-ordinate and exercise general supervision over the academic policies of the university.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

#### **25. Other Authorities :-**

The composition, constitution, powers and functions of other authorities of the university shall be such as may be prescribed by the Statutes.

#### **26. Disqualification For Membership Of An Authority Or Body :-**

A person shall be disqualified for being a member of any of the authorities or bodies of the university, if he/she-

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) has been convicted of any offence involving moral turpitude;

(d) is conducting or engaging himself in private coaching classes; or

(e) has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

#### **27. Vacancies Not To Invalidate The Proceedings Of Any Authority Or Body Of The University :-**

No act or proceeding of any authority or body of the university shall be invalid merely by reason of any vacancy or defect in the constitution thereof.

### **28. Filling Up Of Emergent Vacancies :-**

Any vacancies occurred in the membership of any authority or body of the university due to death, resignation or removal of a member or due to change of capacity in which he was appointed or nominated, shall be filled up as early as possible by the person or the body who had appointed or nominated such a member:

Provided that the person appointed or nominated as a member of an authority or body of the university on an emergent vacancy, shall remain member of such authority or body for only the remaining period of the member, in whose place he is appointed or nominated.

### **29. Committee :-**

The authorities or officers of the university may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees and their duties shall be such as may be prescribed by the Statutes.

### **30. The First Statutes :-**

(1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes of the university may provide for all or any of the following matters, namely:-

- (a) the constitution, powers and functions of the authorities and other bodies of the university as may be constituted from time to time;
- (b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;
- (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer and their powers and functions;
- (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
- (e) the terms and conditions of service of employees of the university;
- (f) the procedure for arbitration in case of disputes between

- officers, teachers, employees and students;
- (g) the conferment of honorary degrees;
  - (h) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships;
  - (i) provisions regarding the policy of admissions, including regulation of reservation of seats;
  - (j) provisions regarding fees to be charged from students; and
  - (k) provisions regarding number of seats in different courses.
- (2) The First Statutes of the university shall be made by the Governing Body and shall be submitted to the State Government for its approval.
- (3) The State Government shall consider the First Statutes, submitted by the university and shall give its approval thereon within two months from the date of its receipt and with such modifications if any, as it may deem necessary.
- (4) The university shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any or all of the modifications made by the State Government under sub-section (3), it may give reasons therefore and after considering such reason, the State Government may or may not accept the suggestions made by the university.
- (5) The State Government shall publish the First Statutes, as finally approved by it, in the Official Gazette, and thereafter, the first Statutes shall come into force from the date of such publication.

### **31. Subsequent Statutes :-**

- (1) Subject to the provisions of this Act and the Rules made thereunder, the subsequent Statutes of the university may provide for all or any of the following matters, namely:-
- (a) creation of new authorities of the university;
  - (b) accounting policy and financial procedure;
  - (c) representation of teachers in the authorities of the university;
  - (d) creation of new departments and abolition or restructuring of existing department;
  - (e) institution of medals and prizes;
  - (f) creation of posts and procedure for abolition of posts;
  - (g) revision of fees;
  - (h) alteration of the number of seats in different syllabi; and
  - (i) all other matters which under the provisions of this Act are to be prescribed by the Statutes.

(2) The Statutes of the university other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be sent to the State Government and the State Government may approve them as such or, if it considers necessary, give suggestions for modifications in them within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to the State Government with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Body and shall approve the Statutes with or without modifications and then the Statutes as finally approved by the State Government shall be published by it in the Official Gazette, and upon such publication the statutes shall come into force.

### **32. The First Ordinances :-**

(1) Subject to the provisions of this Act or the rules or Statutes made thereunder, the First Ordinances may provide for all or any of the following matters, namely:-

(a) the admission of students to the university and their enrolment as such;

(b) the courses of study to be laid down for the degrees, diplomas and certificates of the university;

(c) the award of the degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(d) the conditions for award of fellowships, scholarships, stipends, medals and prizes;

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(f) fees to be charged for the various courses examinations, degrees and diplomas of the university;

(g) the conditions of residence of the students of the university;

(h) provision regarding disciplinary action against the students;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the

university;

(j) the manner of co-operation and collaboration with other universities and institutions of higher education;

(k) all other matters which by this Act or Statutes made thereunder are required to be provided by the Ordinances.

(2) The First Ordinances of the university shall be made by the Vice-Chancellor which after being approved by the Board of Management, shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Ordinances submitted by the Vice-Chancellor under sub-section (2) within two months from the date of their receipt and shall either approve them or give suggestions for modifications therein.

(4) The Vice-Chancellor shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinances alongwith such reasons, if any, to the State Government and on receipt of the same, the State Government shall consider the comments of the Vice-Chancellor and shall approve the First Ordinances of the university with or without such modifications and then the First Ordinances, as approved by the State Government shall be published by the State Government in the Official Gazette and upon such publication the Ordinances shall come into force.

### **33. Subsequent Ordinances :-**

(1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the State Government for its approval.

(2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) within two months from the date of their receipt and shall approve them or give suggestion for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances alongwith such reason, if any, to the State Government and on receipt of the same, the State Government shall consider the comments of the Academic Council and shall approve the Ordinances with or without

modifications and then the Ordinances, as approved by the State Government, shall be published by the State Government in the Official Gazette and upon such publication the Ordinances shall come into force.

#### **34. Regulations :-**

The authorities of the university may, subject to the prior approval of the Board of Management, make regulations, consistent with this Act and the rules, Statutes and the Ordinances made thereunder, for the conduct of their own business and that of the committees appointed by them.

#### **35. Admissions :-**

(1) Admission in the university shall be made strictly on the basis of merit:

Provided that for the purpose of filling minority quota in the university established and administered by minority community, zone of consideration for determination of merit shall be limited only to the students belonging to that minority community.

(2) Merit for admission in the university may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at state level either by an association of the universities conducting similar courses or by any agency of the State:

Provided that admission in professional and technical courses shall be made only through entrance test.

(3) Seats for admission in the university of the students belonging to scheduled castes, scheduled tribes and other backward classes and women and handicapped students shall be reserved as per the policy of the State Government.

#### **36. Fee Structure :-**

(1) The university may, from time to time, prepare its fee structure and send it for approval of the Committee constituted for the purpose under section 29 or any other law for the time being in force.

(2) The Committee shall consider the fee structure prepared by the university and if it is satisfied that the proposed fees is-

(a) sufficient for-

(i) generating resources for meeting the recurring expenditure of the university; and

(ii) the savings required for the further development of the university; and

(b) not unreasonably excessive, it may approve the fee structure.

(3) The fee structure approved by the Committee under sub-section (2) shall remain in force for three years and the university shall be entitled to charge fees in accordance with such fee structure.

(4) The university shall not charge any fee, by whatever name called, other than that for which it is entitled under sub-section (3).

### **37. Examinations :-**

At the beginning of each academic session and in any case not later than 30th of August of every calendar year, the university shall prepare and publish a semesterwise or annual, as the case may be, schedule of examinations for each and every course conducted by it and shall strictly adhere to the schedule.

Explanation.- "Schedule of Examination" means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations:

Provided that if, for any reason whatsoever, university has been unable to follow this schedule, it shall, as soon as practicable, submit a report to the State Government incorporating the detailed reasons for making a departure from the published schedule. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

### **38. Declaration Of Results :-**

(1) The university shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for that particular course and shall in any case declare the results latest within forty-five days from such date: Provided that if, for any reason whatsoever, the university is unable to finally declare the results of any examination within the aforesaid period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the State Government. The State Government may, thereon, issue such directions as it may deem fit for better compliance in future.

(2) No examination or the results of an examination shall be held invalid only for the reasons that the university has not followed the schedule as stipulated in section 37 or, as the case may be, in section 38.

### **39. Convocation :-**

The convocation of the university shall be held in every academic year in the manner as may be prescribed by the Statutes for conferring degrees, diplomas or for any other purpose.

### **40. Accreditation Of The University :-**

The university shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore within three years of its establishment and inform the Government and such other regulating bodies which are connected with the courses taken up by the university about the grade provided by NAAC to the university. The university shall get renewed such accreditation at an interval of every five years thereafter.

### **41. University To Follow Rules, Regulations, Norms, Etc. Of The Regulating Bodies :-**

Notwithstanding anything contained in this Act, the university shall be bound to comply all the rules, regulations, norms, etc. of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

### **42. Annual Report :-**

(1) The annual report of the university shall be prepared by the Board of Management which shall include among other matters, the steps taken by the university towards the fulfilment of its objects and shall be approved by the Governing Body and copy of the same shall be submitted to the sponsoring body.

(2) Copies of the annual report prepared under sub-section (1) shall also be presented to the Visitor and the Government

### **43. Annual Accounts And Audit :-**

(1) The annual accounts including balance sheet of the university shall be prepared under the directions of the Board of Management



and the annual accounts shall be audited at least once in every year by the auditors appointed by the university for this purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the Governing Body.

(3) A copy of the annual accounts and audit report alongwith the observations of the Governing Body shall be submitted to the sponsoring body.

(4) Copies of annual accounts and balance sheet prepared under subsection (1) shall also be presented to the Visitor and the State Government. The advice of the Government or the Visitor, if any, arising out of the accounts and audit report of the university shall be placed before the Governing Body. The Governing Body shall issue such directions, as it may deem fit and compliance shall be reported to the Visitor or the Government, as the case may be.

#### **44. Powers Of The State Government To Inspect The University :-**

(1) For the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the university, the Government may, after consultation with the Vice-Chancellor, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The Government shall communicate to the university its recommendations in regard to the result of such assessment for corrective action. The university shall adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) If the university has failed to comply with the recommendation made under sub-section (2) within a reasonable time, the State Government may give such directions as it may deem fit for such compliance.

#### **45. Dissolution Of The University By The Sponsoring Body :-**

(1) The Sponsoring Body may dissolve the university by giving a notice to the effect in the prescribed manner to the Government and the employees and the students of university at least one year in advance:

Provided that dissolution of the university shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be.

(2) On the dissolution of the university all the assets and liabilities of the university shall vest in the sponsoring body.

#### **46. Special Powers Of The State Government In Certain Circumstances :-**

(1) If it appears to the Government that the university has contravened any of the provisions of this Act or the rules, Statutes or Ordinances made thereunder or has violated any of the directions issued by it under this Act or has ceased to carry out any of the undertakings given under sub-section (1) of section 5 or a situation of financial mismanagement or mal-administration has arisen in the university, it shall issue notice requiring the university to show cause within forty five days as to why an order of its liquidation should not be made.

(2) If the Government, on receipt of reply of the university on the notice issued under sub-section (1), is satisfied that there is a prima facie case of contravening all or any of the provisions of this Act or the Rules, Statutes or Ordinances made thereunder or of violating directions issued by it under this Act or of ceasing to carry out the undertaking given under subsection (1) of section 5 or of financial mismanagement or mal-administration, it shall make an order of such enquiry as it may consider necessary.

(3) The State Government shall, for the purposes of any enquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure (Central Act No. 5 of 1908) 1908 while trying a suit in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;

(c) requisitioning any public record from any court or office; and

(d) any other matter which may be prescribed.

(5) The inquiry officer or officers inquiring under this Act shall be deemed to be a civil court for the purposes of section 195 and Chapter 26 of the Code of Criminal Procedure (Central Act No. 2 of 1974) 1973;

(6) On receipt of the enquiry report from the officer or officers appointed under sub-section (3), if the State Government is

satisfied that the university has contravened all or any of the provisions of this Act or the rules, Statutes or Ordinances made thereunder or has violated any of the directions issued by it under this Act or has ceased to carry out the undertakings given by it under sub-section (1) of section 5 or a situation of financial mismanagement and maladministration has arisen in the university which threatens the academic standard of the university, it shall make orders for liquidation of the university and appoint an administrator.

(7) The administrator appointed under sub-section (6) shall have all the powers and be subjected to all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the university until the last batch of the students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards as the case may be.

(8) After having been awarded the degrees, diplomas or awards, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to the effect to the State Government.

(9) On receipt of the report under sub-section (8), the State Government shall, by a notification in the Official Gazette, issue an order dissolving the university and from the date of publication of such notification the university shall stand dissolved and all the assets and liabilities of the university shall vest in the sponsoring body from such date.

#### **47. Power To Make Rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of making proposal to establish a university and the fees payable under sub-section (1) of section 4;

(b) other particulars to be contained in the Project Report under subsection (2) of section 4;

(c) matter to be prescribed under clause (d) of sub-section (4) of section 46;

(d) other matters which are required to be, or may be, prescribed by rules under this Act.

(3) All the rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

#### **48. Power To Remove Difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, shall be laid before the House of the State Legislature.

#### **49. The Act To Have Overriding Effect :-**

The provisions of this Act and the rules, Statutes, Ordinances made thereunder shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force, made by the State Legislature relating to universities.

#### **50. Disputes To Be Settled In A Court In Assam :-**

All disputes arising as a result of the provisions made in the Act shall be settled by a court of law in the state of Assam.

#### **SCHEDULE 1**

#### **SCHEDULE I**

(See Section 6)

MOHD. A. HAQUE,

Secretary to the Government of Assam, Legislative Department, Dispur