

(h) specifying the form in which applications to Mortgage Banks for loans should be made and for the valuation of the properties offered as security for such loans ;

(i) the investment of moneys realised from mortgagor ; and

(j) generally for any other matter in respect of which the Board considers provision should be made for the purposes of this Act.

(3) All such regulations shall be published in the official Gazette.

### ASSAM ACT No.II OF 1961

#### THE GAUHATI UNIVERSITY (AMENDMENT) ACT, 1960

(As passed by the Assembly)

Received the assent of the Governor on the 6th January 1961

[Published in the *Assam Gazette*, Extraordinary, dated the 10th January, 1961]

*An*

*Act*

*further to amend the Gauhati University Act, 1947*

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

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

Short title. 1. (1) This Act may be called the Gauhati and commencement. University (Amendment) Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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

(1) the following shall be instead as clause (a) and the existing clause (a) shall be renumbered as clause (aa), namely :—

(a) 'Board of Secondary Education' means



the Board of Secondary Education, if any, established by Government."

(2) after clause (c), the following shall be inserted as clause (cc) and (ccc), namely:—

"(cc) 'Doctors of the University' means persons awarded a Doctorate degree by the University.

(ccc) 'Degree College' means a College affiliated to the University in which instruction is given to the students of the College upto a standard leading to the award of any Bachelors' degree by the University."

(3) after clause (f), the following shall be inserted as clause (ff), namely:—

"(ff) 'Moderation Board' means a Board constituted in the manner as may be prescribed in the Statutes for the purpose of scrutinizing and moderating the question papers of various examinations held and conducted by the University, from time to time."

(4) in clause (h), the comma after the word "College" shall be deleted and the words and the comma "and of its teaching staff," shall be inserted between the words "College" and "and."

(5) after clause (h), the following shall be inserted as clause (hh), namely:—

"(hh) 'Professional College' means a College imparting instructions in the professional subjects, namely, Law, Medicine, Engineering, Technology, Agriculture, Veterinary, Post-Graduate teachers training and such other subjects as may be prescribed from time to time as professional subjects under the Statutes."

(6) after clause (m), the following shall be inserted as clause (mm), namely:—

"(mm) 'University Professor' or 'University Reader' means a Professor or Reader appointed or recognised as such by the University."

**Amendment of section 4 of Assam Act XVI of 1947.** 3. In Section 4 of the principal Act, the word "irrespective" shall be inserted between the words "persons" and "of" and the word "either" after the word "of" and the words "and whatever" occurring after the word "sex" shall be deleted.



Amendment  
of section 5  
of Assam Act  
XVI of 1947.

4. (1) In Section 5 of the principal Act, for clause (o), the following clause shall be substituted, namely:—

“(o) to take, receive, purchase or hold for the purpose of the University any property movable or immovable including any fund, which is or may become vested in the University or placed at its disposal and to grant, demise, alienate, transfer or otherwise dispose of or administer all or any such property or fund for any purpose of the University under this Act including construction of any buildings, roads, tanks, pipelines or any other structure and also to do all other acts incidental or appertaining thereto,”

(2) In clause (q) of Section 5 of the principal Act, the following words shall be omitted, namely:—

“save and except such functions and powers as are vested in the Development Committee under this Act.”

Amendment of  
Section 7  
of Assam  
Act XVI of  
1947.

5. In Section 7 of the principal Act after clause (vii) the following shall be inserted as clause (viii), namely and the subsequent clauses of that Section shall be re-numbered accordingly:—

“(viii) the Construction Committee,”

Amendment of  
Section 8 of  
Assam Act  
XVI of 1947.

6. For Section 8 of the principal Act, the following shall be substituted, namely:—

The Chancellor.

8. (1) The Governor of Assam shall be the Chancellor of the University.

(2) The Chancellor by virtue of his office shall be the head of the University and the President of the Court and shall, when present, preside at any Convocation of the University.

(3) Where power is conferred upon the Chancellor by this Act or by the Statutes to nominate persons to the authorities of the University or other bodies thereof, the Chancellor shall, to the extent necessary nominate persons to represent the interests of the minorities, Scheduled Tribes and Scheduled Castes and interests not otherwise represented.

(4) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor

(5) The Chancellor shall have such other powers as may be conferred on him by or under the provisions of this Act.”



Insertion of new Sections after Section 8 in Assam Act XVI of 1947.

7. After Section 8 of the principal Act, the following new Sections shall be inserted, namely:—

"The Vice-Chancellor. 8A. (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Court. The Court shall submit a panel of names of three persons to the Chancellor who shall appoint one of them as Vice-Chancellor. The Chancellor shall preside over that meeting of the Court which will nominate the panel of names for the office of the Vice-Chancellor.

(2) The Vice-Chancellor shall hold office for a period of three years and shall be paid from the University Fund such salary as may be fixed by the Executive Council not below one thousand and five hundred rupees per mensem including all allowances.

Powers and duties of the Vice-Chancellor. 8B. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meetings of the Court and any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council, the Standing Finance Committee, the Construction Committee, and of the Academic Council and shall be entitled to be present and to speak at any meeting of any authority or other body of the University. When present, he shall preside over all such meetings.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, the Ordinances and the Regulations are faithfully observed.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council, the Academic Council, the Finance Committee and the Construction Committee.

(4) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report his action to the officer, authority or other body who or which in the ordinary course, would have dealt with the matter.

(5) When any such action taken by the Vice-Chancellor affects any person in the service of the University, such persons shall be entitled to prefer an appeal to the Executive Council through the officer, authority or other body of the University within thirty days from the date on which such action is communicated to him.



(6) The Vice-Chancellor shall give effect to any order of the Executive Council regarding the appointment, dismissal or suspension of an officer or Teacher of the University or regarding the recognition or withdrawal of the recognition of any such Teacher and shall exercise general control in the University. He shall be responsible for the discipline of the University.

(7) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

The Registrar.

8C. (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 office of the Registrar shall be for five years but he may be eligible for re-appointment for a second term only.

(3) The Registrar shall be the Secretary *ex-officio* of the Court, the Executive Council and of the Construction Committee :

Provided that, notwithstanding anything contained in this Act, the Executive Council may, either for specific purpose or in general, appoint any other officer of the University as Secretary of any of the said authorities.

(4) It shall be the duty of the Registrar—

- (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 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 appoint other officers, if any, for this purpose ; and



- (vi) to perform such other work as may, from time to time, be prescribed by the Executive Council.

**The Treasurer.** 8D. (1) The Treasurer 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 for a second term only.

(2) The Treasurer shall exercise general supervision over the funds of the University and advise in regard to its financial policy.

(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 Treasurer shall be responsible for ensuring that all moneys are expended for the purposes for which they are granted or allotted.

(5) The Treasurer shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

Provided that the Chancellor may on the recommendation of the Executive Council in the case of any casual vacancy in the office of the Treasurer, direct that the Registrar shall act as Treasurer and perform all the duties and exercise all the powers of the Treasurer, and when any such direction has been made all references to the Treasurer in this Act, the Statutes, the Ordinances and the Regulations shall be deemed to be references to the Registrar."

Amendment  
of Section 9  
of Assam  
Act XVI  
of 1947.

8. For Section 9 of the principal Act, the following shall be substituted, namely:—

"The Court.

9. (1) The Court shall consist of the following persons, namely:—

*Ex-officio Members*

- (i) the Chancellor,
- (ii) the Chief Justice of the Assam High Court or his nominee,
- (iii) the Vice-Chancellor,



- (iv) the Minister for Education, Assam,
- (v) the Treasurer,
- (vi) the Registrar,
- (vii) the Controller of Examinations, if any, by whatever name he may be designated.
- (viii) the Director of Public Instruction, Assam,
- (ix) the Deans of Faculties,
- (x) the University Professors,
- (xi) University Readers who are Heads of Departments of teaching,
- (xii) the Director of Technical Education, Assam,
- (xiii) the Director of Health Services, Assam,
- (xiv) the Director of Agriculture, Assam,
- (xv) the Director of Veterinary, Assam,
- (xvi) the Chief Engineer (Roads and Buildings), Assam,
- (xvii) the President of the Asom Sahitya Sabha,
- (xviii) Principals of the Degree Colleges,
- (xix) the Director of Education, Manipur.

#### Life Members

- (xx) the Patrons of the University and persons (if any) appointed by the Chancellor on the recommendation of the Executive Council to be life members on the ground that they have rendered eminent service to the cause of education,
- (xxi) all the *Ex-Vice-Chancellors* of the Gauhati University,

#### Other Members

- (xxii) persons not exceeding five being the Doctors of the University whose names appear on the Register of the Doctors maintained by the University elected from among themselves,
- (xxiii) five registered graduates other than teachers and employees of a college or University, who have completed ten years after graduation, to be elected by the registered Graduates in such manner as may be prescribed by the Statutes,





(xxiv) persons not exceeding four elected by associations or other bodies approved in this behalf by the Chancellor on the recommendations of the Executive Council,

(xxv) five persons elected by the members of the Assam Legislative Assembly from among themselves,

(xxvi) persons not exceeding five nominated by the Chancellor,

(xxvii) one member from each of the seven Governing Bodies to be elected or selected by the Governing Bodies concerned to represent the Governing Bodies of the affiliated Colleges. The Executive Council shall select seven Colleges to be represented by rotation from time to time,

(xxviii) seven persons of whom at least two shall be teachers of Professional Colleges elected by the teachers other than Deans, University Professors and Readers who are Heads of the University Departments from among themselves, and

(xxix) three persons nominated by the Board of Secondary Education of whom one shall be Head Master of a Higher Secondary School.

(2) Save as otherwise provided and except the *ex-officio* members and the life 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, however, that no person nominated or elected in his capacity as a member of a particular body or as a 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.

(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 his membership of the Court."



Amendment  
of Section  
10 of Assam  
Act XVI of  
1947.

9. For sub-section (1) of Section 10 of the principal Act, the following shall be substituted, namely:—

“(1) The Court shall meet at least twice a year on dates to be fixed by the Vice-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 other times as it may, from time to time, determine.”

Amendment  
of Section  
11 of Assam  
Act XVI of  
1947.

10. For Section 11 of the principal Act, the following shall be substituted, namely:—

“Court Supreme body  
—its powers and functions.

11. (1) Subject to the provisions of this Act and the Statutes the Court shall be the supreme body of the University and shall have powers of general superintendence over the affairs, concerns and properties of the University and shall exercise all the powers of the University not otherwise provided for, to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Court shall have the following powers, namely:—

- (a) to approve or reject the draft Statutes or draft amendments to Statutes placed before it by the Executive Council, and also to amend or modify such draft Statutes or draft amendments to Statutes provided that no such draft Statute or amendment shall be amended or modified without a further reference to the Executive Council if such amendment or modification involves financial implication;
- (b) to ratify or cancel Ordinances placed before it by the Executive Council and also to amend or modify such Ordinances or amendment provided that no Ordinance involving financial implication shall be amended or modified without a further reference to the Executive Council if such amendment or Ordinance involves financial implication;
- (c) to consider and pass resolutions on the annual report, the annual accounts and the financial estimates for appropriate action;
- (d) to raise discussions on matters of administration of University and to request the Chancellor to cause an enquiry to be



made into the affairs of the University, if, in the opinion of the Court, there be any matter requiring such enquiry:

Provided that the Chancellor may, at his discretion, cause an enquiry to be made into all or any of the points referred to him by the Court."

Amendment of Section 12 of Assam Act XVI of 1947. 11. For Section 12 of the principal Act, the following shall be substituted, namely:—

"Executive Council Constitution. 12. (1) The Executive Council shall be the Executive Body of the University and shall consist of the following members:—

*Ex-officio* Members

- (i) the Vice-Chancellor,
- (ii) the Director of Public Instruction, Assam,
- (iii) the Director of Technical Education, Assam,
- (iv) the Registrar,
- (v) the Treasurer,
- (vi) the Controller of Examinations, if any, by whatever name he may be designated,

Other Members

- (vii) two persons elected by the Principals of affiliated colleges from among themselves,
- (viii) two persons elected by the Deans of the Faculties from among themselves,
- (ix) two members of the Court elected by the Court at its Annual General Meeting other than employees of the University or affiliated Colleges,
- (x) one person, other than the Deans of Faculties of the University and the Principals, elected by Academic Council from among its members,
- (xi) two persons, of whom at least one shall be a woman, nominated by the Chancellor, and
- (xii) two persons nominated by the Government of Assam.



(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, however, that no person nominated or elected in his capacity as a member of a particular body or as a 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.

(3) When a person ceases to be a member of the Executive Council he shall cease to be a 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."

Amendment  
of Section 13  
of Assam Act  
XVI of 1947.

12. For Section 13 of the principal Act, the following shall be substituted, namely—

"Powers and  
duties of the  
Executive  
Council.

### 13. The Executive Council—

(a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint a Finance Committee consisting of seven members to advise it on matters of finance of which the Vice-Chancellor shall be the Chairman, the Treasurer shall be the Secretary, the Registrar, a member of the Committee and the remaining four members shall be appointed from among the members of the Executive Council :

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

(b) shall do all acts appertaining or incidental to the construction of buildings, roads, tanks, pipelines and other structures of the University and for that purpose shall appoint a Construction Committee consisting of seven members of whom the Vice-Chancellor shall be the Chairman, the Registrar shall be the Secretary, the Treasurer a member and the remaining four members shall all 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 ;

(c) shall determine the form and regulate, the use of the Common Seal of the University ;



- (d) shall lay before Government annually a full statement of the financial requirements of the University and the colleges maintained by it ;
- (e) shall administer any 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 ;
- (f) subject to the provisions of this Act and the Statutes, shall appoint the officers (other than the Chancellor and the Vice-Chancellor), teachers, the clerical staff and other employees of the University and shall define their duties and conditions of service and shall provide for the filling up of temporary vacancies ;
- (g) shall have power to accept, on behalf of the University, bequests, endowments, donations or transfer any movable or immovable property ;
- (h) shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University ;
- (i) shall arrange for holding of, conducting and publishing the results of the University examinations ;
- (j) 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 of the numbers, qualifications or emoluments of Teachers, otherwise than in consultation with the Academic Council ; and

(k) shall exercise all the powers of the University not otherwise provided for."

Amendment  
of section 14  
of Assam Act  
XVI of 1947.

13. For Section 14 of the principal Act, the following shall be substituted, namely:—

The Academic  
Council.

14. (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of and be responsible for the maintenance of standards of instruction, education, and examination within the University.



(2) (a) The Academic Council shall consist of the following members:—

**Ex-officio Members**

- (i) the Vice-Chancellor;
- (ii) the Director of Public Instruction, Assam;
- (iii) the Director of Technical Education, Assam;
- (iv) the Deans of the Faculties;
- (v) the Professors of the University;
- (vi) the University Readers who are Heads of Departments of teaching;
- (vii) the Librarian of the University;

**Other Members**

- (viii) five persons of whom at least one shall be a Principal of a Professional College, elected by the Principals of colleges from among themselves;
  - (ix) ten persons to be nominated by the Vice-Chancellor from amongst the teachers of the affiliated colleges and of the University of whom at least seven shall be from the affiliated colleges;
  - (x) 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 fitted to serve in the Council,
  - (xi) two persons elected by the Court; and
  - (xii) one nominee of the Board of Secondary Education from amongst its members.
- (b) 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.
- (c) 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 the University of which he may happen to be a member by virtue of his membership of the Academic Council."



Insertion of  
new Section  
after Section  
14 of Assam  
Act XVI of  
1947.

14. After Section 14 of the principal Act, the following Section shall be inserted, namely:—

14A. The Academic Council shall have the following powers, namely:—

- (i) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lecturerships or other teaching posts, and in regard to the duties and emoluments thereof;
- (ii) to submit to the Executive Council draft Regulations regarding method and manner of conducting Examinations including setting up of Moderation Boards and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, Medals and other rewards;
- (iii) to recommend examiners for appointments to be made by the Vice-Chancellor after report 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 provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit report thereon to the Executive Council;
- (ix) to organise teaching in the University and to control the work of teachers; and
- (x) such other powers and duties as may be assigned to it under the Statutes."



Amendment  
of Section 15  
of Assam  
Act XVI of  
1947.

15. In Section 15 of the principal Act—

(1) For sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) Each Faculty shall consist of—

- (i) the Heads of the Departments comprised in the Faculty;
- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council;
- (iii) 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; and
- (iv) 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:

Provided that the total number of members of each Faculty shall not exceed, in the case of the Faculties of Arts and Science, eighteen, and, in the case of any other Faculty, twelve, except with the sanction of the Chancellor given on the request of the Academic Council.

(3a) Subject to the provisions of this Act, each Faculty shall have the following powers, namely:—

- (i) to constitute the Committees of Courses and Studies in Departments assigned to it;
- (ii) to recommend to the Academic Council the Courses of Studies for the different examinations, after consulting the Committees of Courses and Studies;
- (iii) 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;
- (iv) to recommend to the Academic Council the conditions for the award of Degrees, Diplomas and other Distinctions;



(v) subject to the control of the Academic Council, to organise research in subject assigned to the Faculty ; and

(vi) to deal with any other matters referred to it by the Academic Council."

(2) At the end of sub-section (4), the following shall be added as a new sentence, namely:—

"He shall be executive officer of the Faculty and shall preside at its meeting, subject to the provisions of sub-section (1) of Section 8B."

(3) In sub-section (6), for the words "such term as may be prescribed by the Statutes" the words "a period of three years" shall be substituted.

Amendment  
of Section  
19 of Assam  
Act XVI of  
1947.

16. In Section 19 of the principal Act, add the following proviso, namely—

"Provided that no student shall be required to appear in the Matriculation Examination if he has passed the Final Examination conducted by the Board of Secondary Education."

Amendment  
of Section  
21 of Assam  
Act XVI of  
1947.

17. In clause (g) of Section 21, the following proviso shall be added, namely,—

"Provided that no Statutes relating to the management of Colleges and Halls shall apply to Government colleges and Government aided colleges in respect of which the State Government shall make necessary rules in consultation with the University."

Amendment  
of Section  
22 of Assam  
Act XVI of  
1947.

18. In Section 22 of the principal Act—

(1) Sub-section (1) and the first Statutes as set out in the Schedule with all modifications thereof shall be deleted.

(2) In sub-section (2) the words "or amended" shall be added after the words "may be approved" and the following proviso added, namely,— "Provided that no draft Statutes or draft amendments to Statutes with financial implication shall be amended without further reference to the Executive Council."

(3) In sub-section (3) the words "or may amend it" shall be added after the words "pass the Statute."

(4) In sub-section (6) the proviso shall be omitted, and

(5) For sub-section (7) the following shall be substituted, namely:—

"(7) Any member of the Court may propose to the Executive Council the draft of any Statute ; and the Executive Council shall submit such proposed draft to the Court with its comments."



Amendment  
of section 24  
of Assam Act  
XVI of 1947

19. For sub-section (4) of Section 24 of the principal Act, the following shall be substituted, namely:—

"(4) Such of the draft Ordinances proposed by the Academic Council as are rejected by the Executive Council under sub-section (2) shall be placed by the Executive Council with its comments before the Chancellor whose decisions shall be final."

Amendment  
of Section 25  
of Assam  
Act XVI of  
1947.

20. The proviso under sub-section (3) of Section 25 of the principal Act shall be deleted.

Amendment  
of Section 29  
of Assam  
Act XVI of  
1947.

21. In sub-section (2) of Section 29 of the principal Act, for the words "Executive Council" the words "Faculty concerned and Academic Council" shall be substituted.

Deletion of  
Section 32  
and renum-  
bering of  
Section 32A  
of Assam Act  
XVI of 1947.

22. Section 32 of the principal Act shall be deleted and Section 32A shall be renumbered as Section 32.

Amendment  
of Section 35  
of Assam Act  
XVI of 1947.

23. For Section 35 of the principal Act, the following shall be substituted namely:—

'Arbitration

35. An appeal in respect of a dispute arising out of a contract between the University and any officer or teacher of the University shall be preferred in the case of a dispute between an officer or a teacher and an authority of the University other than the Executive Council, to the Executive Council, and in respect of a dispute between an officer or a teacher and the Executive Council, to the Chancellor. The Executive Council or the Chancellor, as the case may be, may either dispose of the appeal or may refer it to a Board of Arbitration. The constitution of terms of reference to the Board of Arbitration shall be such as may be prescribed by the Statute. The decision of the Board of Arbitration shall be final and no suit shall lie in any Civil Court in respect of the matters decided by the Board."

Amendment  
of Section 36  
of Assam Act  
X I. of 1947.

24. In sub-section (1) of Section 36 of the principal Act, for the words "officers, teachers, clerical staff and servants" the words "all employees" shall be substituted.



Deletion of Sections 39, 40 and 41 of the principal Act shall be deleted.

Assam Act XVI of 1947.

Amendment of Section 42 of Assam Act XVI of 1947.

27. Section 42 of the principal Act shall be substituted by the following, and a new section shall be inserted thereafter as Section 43 namely :—

“Power of State Government for inspection.

42. (1) (a) The State Government shall have for reasons to be recorded in writing the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipments and of any institution maintained by the University, and of all activities other than purely academic activities of the University and to cause an enquiry to be made into the income, expenditure, assets and liabilities of the University.

(b) The State Government shall in every case give notice to the University of its intention to cause such inspection or enquiry to be made.

(2) The State Government shall communicate to the Executive Council its views with reference to the results of such inspection or enquiry and may, after ascertaining the opinion of the Court and the Executive Council thereon, advise the University upon the action to be taken.

(3) The Executive Council shall report to the State Government the action, if any, which is proposed to be taken or has been taken to give effect to the advice of the State Government. Such report shall be submitted with the opinion of the Court thereon and within such time as the State Government may direct.

(4) The State Government may, after considering the report referred to in sub-section (3) advise the University to take such further action, if any, as in the opinion of the State Government is necessary, and the Executive Council and the Court shall take or cause such action to be taken within the time specified in such advice in that behalf.

43. Notwithstanding anything contained in this Act—

Saving

(1) The Vice-Chancellor appointed under the provisions of the principal Act and exercising any powers and functions immediately before the commencement of this Act shall continue to hold office as such and exercise such powers and functions, not inconsistent with the provisions of this Act, till the expiration of his term of Vice-Chancellor under the provisions of the principal Act.



Amendment  
of Section  
37 of Assam  
Act XVI of  
1947.

25. In Section 37 of the principal Act, the word "ten" shall be substituted for the word "five".

(2) All Committees except the Development Committee, Boards and other Bodies constituted, and all acts done or purported to have been done in exercise of the powers given by and under the provision of the Statutes set out in the Schedule with all modifications thereof to the principal Act shall be deemed to have been constituted or done, as the case may be, under Statutes made by the appropriate authority of the University.

(3) The Court, the Executive Council and the Academic Council constituted under the provisions of the principal Act and exercising any functions immediately before the commencement of this Act shall continue to exercise such functions until the corresponding Court, the Executive Council and the Academic Council are constituted in accordance with the provisions of the principal Act as amended by this Act:

Provided that for the purposes of such constitution of the Court, the Executive Council and the Academic Council the State Government may appoint for such constitution a date in consultation with the Chancellor and the Vice-Chancellor not later than six months from the date of commencement of this Act

(4) The Development Committee constituted and exercising any functions under the provisions of the principal Act immediately before the commencement of this Act shall continue to exercise such functions until the Construction Committee is constituted under the provisions of the principal Act as amended by this Act and until it makes over charge to the Executive Council for the time being functioning under the provisions of the principal Act as amended by this Act.

(5) All debts and obligations incurred, all contracts entered into, all matters and things engaged to be done by, with or for the Development Committee in exercise of its duties and powers before the commencement of the Gauhati University (Amendment) Act, 1960 shall upon such commencement be deemed to have been incurred, entered into or engaged to be done by, with or for the University; and all suits or other legal proceedings instituted or which might but for the dissolution of the Development Committee have been instituted by or against the Development Committee may be continued or instituted by or against the University."