

অসম



ৰাজপত্ৰ

The Assam Gazette

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃপক্ষ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

নং 135, দিশপুৰ, বুধবাৰ, 29 অক্টোবৰ, 1975, 7 কাতি, 1897 শক
 No. 135, Dispur, Wednesday, October 29, 1975, 7th Kartika
 1897 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LAW DEPARTMENT

NOTIFICATIONS

The 29th October 1975

No.LJL.390/75/8.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published

for general information.—

ASSAM ACT XIV OF 1975

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

THE GAUHATI UNIVERSITY (AMENDMENT)
ACT, 1975

AN

ACT

further to amend the Gauhati University Act,
1947

Preamble. Whereas it is expedient to amend the Gauhati University Act, 1947, hereinafter called the principal Act, in the manner hereinafter appearing; Assam Act XVI of 1947.

It is hereby enacted in the Twentysixth year of the Republic of India as follows:—

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

(2) It shall come into force at once.

Amendment of section 5 of Assam Act XVI of 1947. 2. For sub-section (J) of Section 5 of the principal Act, following shall be substituted, namely:—

“(J) to maintain Colleges and Halls to affiliate Degree Colleges and Halls not maintained by the University and to withdraw such affiliation.”

Insertion of sub-section (12) in section 8 of the Assam Act XVI of 1947. 3. In Section 8 of the principal Act, after sub-section (11), the following shall be inserted as sub-section “(12)”, namely:—

“(12) The Chancellor as head of the University shall have the power to suspend the activities of the various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to control the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him.”

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(12)

Deletion of Section 8A of the Assam Act XVI of 1947. 4. Section 8A of the principal Act shall be deleted and Section 8AA shall be renumbered as Section "8 A".

Amendment of Section 8AA of Assam Act XVI of 1947. 5. (1) For sub-section (1) of Section 8AA of the principal Act, the following shall be substituted, namely :—

"(1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board constituted by the Chancellor for the purpose and consisting of three members of whom one member shall be elected by the Executive Council, one member shall be nominated by the State Government and one member shall be nominated by the Chancellor. The Chancellor shall appoint one of them as Chairman of the Advisory Board."

(2) For sub-section (2) of Section 8AA of the principal Act, the following shall be substituted, namely :—

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

(3) For sub-section (5) of Section 8AA of the principal Act, the following shall be substituted, namely :—

"(5) Whenever there is any temporary vacancy in the office of the Vice-Chancellor by reasons of leave, illness or resignation or other causes, the Chancellor shall make such other arrangement temporarily as he may think fit for exercising the powers and

performing the duties of the Vice-Chancellor for such period as deem necessary. The Chancellor shall determine the emoluments or allowances if any, payable to such a person temporarily appointed to exercise the powers and duties of the Vice-Chancellor."

Amendment
of Section 9
of the Assam
Act XVI of
1947.

6. In Section 9 of the principal Act,

in sub-section (1)

(i) the clause (ii) shall be deleted and subsequent clauses shall be renumbered.

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

"(xvi) the Principals of Cotton College, Diphu Government College, Assam Engineering College and the Gauhati Medical College."

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

"(xviii) one third of the Principals of the Degree Colleges affiliated to the University by election from among themselves and shall retire after every three year in the manner prescribed by the statutes."

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

"(xx) 10 persons from the Heads of Deptts. and Professors of the University being allotted Faculty-wise by rotation to be decided by the Executive Council."

(v) the clause (xxii) of sub-section (1) of Section 9 of the principal Act shall be substituted by the following, namely :—

"(xxii) seven persons to be elected by the members of the Assam Legislative Assembly from amongst themselves."

(vi) The word "seven" at the start of clause (xxiv) shall be substituted by the word "ten."

(vii) the clause (xxv) shall be substituted by the following, namely :—

"(xxv) two Registered Graduates elected by the Registered Graduates of the University who are not employees or students of the University or the affiliated Colleges."

(viii) In clause (xxvii), sub-clauses (a) and (b) shall start with the words "seven" and "two" instead of words "three" and "one" respectively.

(ix) In clause (xxvii), the sub-clause (c) shall be deleted.

Amendment
of Section 12
of the Assam
Act XVI of
1947.

7. (1) In sub-section (1) of Section 12 of the principal Act, after clause (iv), the following shall be inserted as clause (v) and (vi) respectively and subsequent clauses shall be re-numbered accordingly.

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

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

(2) For clause (v) of sub-section (1) of Section 12 of the principal Act, the following shall be substituted, namely:—

"(v) Two principals of non-Government affiliated Degree Colleges to be elected from amongst themselves."

(3) After clause (v) of sub-section (1), the following shall be inserted as clause (vi) and subsequent clauses shall be re-numbered accordingly.

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

(4) For clause (viii) of sub-section (1) of Section 12 of the principal Act, the following shall be substituted, namely:—

"(viii) three members to be elected by the Court from amongst its members at its Annual General meeting other than employees and students of the University or the affiliated Colleges."

(5) For clause (ix) of sub-section (1) of Section 12 of the principal Act, the following shall be substituted, namely:—

"(ix) Two teachers other than a Dean of Faculty of the University and the Principals of the affiliated Colleges, to be elected by the Academic Council from amongst such teachers who are its members."

(6) For clause (x) of sub-section (1) of Section 12 of the principal Act, the following shall be substituted, namely :—

"(x) three persons of whom at least one shall be a woman to be nominated by the Chancellor, and "

Amendment
Section 14
of Assam Act
XVI of
1947.

8. (1) After sub-clause (iii) of clause (a) of sub-section (2) of Section 14 of the principal Act, the following shall be inserted as sub-clause (iv) and subsequent sub-clauses shall be renumbered accordingly.

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

(2) For sub-clause (ix) of clause (a) of sub-section (2) of Section 14 of the principal Act, the following shall be substituted, namely:—

"(ix) fifteen persons to be elected from among the teachers of the affiliated Colleges and of the University of whom at least twelve shall be from the affiliated Colleges."

(3) For sub-clause (xi) of clause (a) of sub-section (2) of Section 14 of the principal Act, the following shall be substituted, namely:—

"(xi) two persons to be elected by the Court who are not employees or students of the University or the affiliated colleges; and"

(4) For sub-clause (xii) of clause (a) of sub-section (2) of Section 14 of the principal Act, the following shall be substituted, namely :—

"one Education Officer of the Board of Secondary Education, Assam to be nominated by the Chairman of the aforesaid Board."

Amendment
Section 15
of Assam Act
XVI of
1947.

9. (1) After clause (iii) of sub-section (3) of Section 15 of the principal Act, the following shall be inserted as clause "(iv)", namely :—

"(iv) ten teachers of the affiliated Colleges representing different subjects to be elected from amongst themselves :

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

(2) Clause (iv) of sub-section (3) of Section 15 of the principal Act shall be re-numbered as clause "(v)" and the word "eighteen" in the proviso to clause (iv) shall be substituted by the word "twentyeight".

Amendment
of Section
15A of
Assam Act
XVI of 1947

10. For Section 15 A of the principal Act, the following shall be substituted, namely :—

15A(1) (a) There shall be a Selection Committee for making recommendations to the Executive Council for appointment of Professors, Readers, Lecturers, Registrar, Treasurer, Librarian and other officers of the University as may be provided for by the Statutes consisting of the following members :—

(i) The Vice-Chancellor as Chairman of the Selection Committee.

(ii) three persons not holding any office of profit under the University of whom one nominated by the Chancellor, one to be nominated by the State Government and the other to be nominated by the Executive Council.

(iii) The Registrar shall be the member-Secretary of the Selection Committee except for the Selection Committee for the appointment of Registrar in which case the Vice-Chancellor shall nominate one person as member-Secretary in consultation with the Executive Council.

(b) In making recommendations for the appointment of Professors of the University, the Selection Committee shall co-opt the Head of the Department concerned, if he is a Professor, one Professor of the Department to be nominated by the Vice-Chancellor and two persons not in the services of

the University to be nominated by the Executive Council out of a panel of not less than five names of persons recommended by the Academic Council, who have special knowledge of the subject for which the Professor is to be selected.

- (c) In making recommendations for the appointment of Readers or Lecturers and other teachers of the University, the Selection Committee shall co-opt the Head of the Department concerned, one Professor of the Deptt. to be nominated by the Vice-Chancellor and two persons to be nominated by the Executive Council out of a panel of not less than five names of persons recommended by the Academic Council being persons not connected with the University, who have special knowledge of or interest in the subject for which the Reader or Lecturer is to be selected :

Provided that, where the Executive Council proposes to make an appointment otherwise than in order of merit arranged by the Selection Committee in the post of Professors, Readers or Lecturers it shall record its reasons in writing and submit them to the Chancellor who may approve the proposal or return it to the Executive Council for reconsideration. After reconsideration, if the Executive Council desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision which shall be final :

Provided further that, where a Selection Committee recommends to the Executive Council the name of one person only and that person is not acceptable to the Executive Council, the Executive Council shall record its reasons in writing for not accepting the recommendation and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendation, and, in so doing, communicate to every member of the Selection Committee the reasons recorded as above.

- (d) Where an appointment is to be made to a temporary vacancy of Teachers of the University, the appointment shall be made, if vacancy is for a period of one year or more, on the recommendation of the Selection

Committee in accordance with the provisions of the preceding sub-sections and no ad-hoc appointment shall be made by the Executive Council."

Insertion of
Section 15B
in Assam
Act XVI of
1947.

11. In the principal Act after Section 15 A, the following shall be inserted as Section 15 B, namely :—

"15 B. (1) There shall be a Students' Advisory Council which shall consist of the following members, namely :—

- (i) One Chairman to be nominated by the Vice-Chancellor from amongst the teachers of the University.
- (ii) the Director of Students' Welfare-ex-Officio Treasurer.
- (iii) President, Vice-President and Secretary of the University Post-Graduate Students' Union.
- (iv) President and Secretary of the University Law Students' Union.
- (v) 10 students from ten affiliated Degree Colleges to be selected by the Executive Council by rotation in the manner to be prescribed by the Statutes.
- (vi) One student from each teaching faculty of the University to be elected as prescribed by the Statutes.
- (vii) Five students one from each of the five activities mentioned below who have shown outstanding performances in the following activities to be nominated by the Vice-Chancellor, namely :—

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

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

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

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

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

(3) The quorum to constitute a meeting of the Students' Advisory Council, the rules of procedures and conduct of business to be followed at a meeting, the period within which a meeting shall be called and such other matters shall be prescribed by the Statutes :

Provided that no student shall be eligible to be, or continue to be a member of the Students' Advisory Council unless he is enrolled as a student or after he attains the age of twentyfive years. A student member shall cease to be such member if he fails to pass at the next University Examination.

(4) The functions of the Students' Advisory Council shall be as follows, namely:—

(i) to make recommendations to the Executive Council and the Academic Council in the matters effecting the students corporate life of the University in so far as it concerns the students and the Co-curricular and extra-curricular activities in the University and the Degree Colleges affiliated to the University.

(ii) All rules effecting discipline, welfare, Sports, Literary, Management of Hostels, students' Home, extension work, social work, students' health, National Service Scheme, N.C.C. etc., shall be placed before the Students' Advisory Council for its views before any decision is taken by the Executive Council.

(id) The Vice-Chancellor or any authority of the University may ask for the views of the Students' Advisory Council on any matter concerning the Welfare of students.

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

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

Amendment of Section 21 of the Assam Act XVI of 1947. 12. For clause (g) of Section 21 of the principal Act, the following shall be substituted, namely :—

"(g) the condition for affiliation by the Executive Council of Degree Colleges and Halls not maintained by the University and for the withdrawal of such affiliation in consultation with the State Government :

Provided that no statutes relating to the management of Colleges and Halls and the conditions of services of employees shall apply to Government Colleges and Government aided affiliated Colleges in respect of which the State Government shall make necessary rules in consultation with the University. No new Degree College shall be given permission or affiliation by the University without prior concurrence of the State Government and that the Executive Council shall have no jurisdiction to permit and affiliate new Pre-University class or College :

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

Insertion of Section 4 2A, 42B and 42C of Assam Act IXV of 1947.

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

"42A(I) If at any time it appears to be necessary and expedient in the opinion of the State Government, the State Government may with the prior consultation with the Chancellor, by a notification published in the official Gazette, suspend all or any of the powers of the University as prescribed in Section 5 of the Gauhati University Act and other powers as may be ancillary to such powers of management, functions of such authorities or officers including holding conduct and superintendence of and arrangement and appointment of any person or authority in connection with any or more examinations or publication of the result of any such examination or examinations or to any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period, in such manner and through such officers or authority as may be considered fit by the State Government.

(2) The provisions of the Statutes, Ordinances and Regulations framed under this Act relating to any one or more preceding sub-section may be amended for any of the purposes mentioned therein in such manner as may be decided by the State Government with the prior consultation with the Chancellor and shall take effect accordingly for the purposes of exercising the powers under the preceding sub-section.

(3) The State Government may constitute an Advisory Committee consisting of at least 3 persons who, in the opinion of the State Government are eminent educationists for advising the State Government in the matter of discharging the powers, duties, functions and responsibilities in respect of which such powers are taken over by the State Government under sub-section (1) of this Section.

(4) All Actions taken under the preceding sub-sections and all examinations held and all results of any such examinations published and all other actions taken under this Section shall be deemed to have been taken, held or published in accordance with the

provisions of this Act and shall take effect accordingly.

(5) If for exercising the powers under the preceding sub-section any difficulty arises in giving effect to any one or more of the Statutes, Ordinances and Regulations framed thereunder, the State Government may in consultation with the Chancellor by order remove such difficulty as may appear to be necessary for the purpose of exercising those powers.

Saving. 14. 42. B. Notwithstanding anything contained in this Act any decision given, order made, anything done, any action taken or any proceedings commenced under any of the provisions of the Act or Rules, Statutes, Regulations in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provision of this Act, continue in force and shall be deemed to have been given, made, done or taken, commenced under the provisions of this Act.

Interpretation. 15. 42. C. If any dispute arises as to the interpretation of any of the provisions of this Act, the interpretation given by the State Government shall be final and binding to all concerned."

The 29th October 1975

No.LJL.391/75/3.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.—

ASSAM ACT XV OF 1975

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

THE ASSAM KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT)

AN ACT

Further to amend the Assam Khadi and Village Industries Board Act, 1955.

Preamble.

Whereas it is expedient further to amend the Assam Khadi and Village Industries Board Act, 1955, Act hereinafter called the principal Act, in the manner of hereinafter appearing ; XVI of 1955