

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ / ৯৭

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 25th October, 2017

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

ASSAM ACT NO. XXXV OF 2017

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

THE MADHABDEV UNIVERSITY ACT, 2017

AN ACT

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

Preamble

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

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

Short title and commencement.

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

Definitions

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

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

Legal entity of the University.

3. (1)

The Chancellor, the Vice Chancellor, the Pro-Vice Chancellor and the members of the Court, the Executive Council, and the Academic Council so long as they continue to hold such office or membership shall constitute a body corporate by the name of "The Madhabdev University".

(2)

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

Upgradation of the existing Madhabdev College to Madhabdev University.

4.

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

Property to vest with the University.

5.

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

Powers of the
University.

6.

The University shall have the following powers :-

- (i) to provide for instruction (including correspondence courses) and research in humanities, science and technology, education, medicine and other professional subjects and in other spheres of learning and knowledge of a standard and thoroughness required and expected of a university of the highest standing and to secure the advancement, diffusion and extension of knowledge in all spheres of learning;
- (ii) to establish within the University area or outside that area such field stations and specialized laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;
- (iii) to organize and to undertake extramural teaching and extension services;
- (iv) to hold examinations and grant and confer degrees, diplomas, certificates or other academic distinctions and to deprive of any degrees, diplomas, certificate or distinctions granted to or conferred upon by the university for good and sufficient cause;
- (v) to create such teaching, administrative and other posts as the University may deem necessary from time to time and to make appointments thereto. All posts shall, however, be created only with the prior approval of the Government;
- (vi) to appoint or recognize persons as Professors, Associate Professor or Assistant Professor or otherwise as Teachers of the University;
- (vii) to institute and award fellowships, scholarships, exhibitions and prizes;
- (viii) to establish and maintain colleges and halls, to recognize and supervise colleges and halls not maintained by the University and other accommodation for students, and to withdraw/deprive any such recognition;
- (ix) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures in this regard as may be deemed necessary;
- (x) to make arrangements of promoting health and general welfare of students of the University;
- (xi) to determine and provide for examinations for admission into the University;
- (xii) to affiliate with it or admit to any of its privileges or to recognize for any purpose either in whole or in part, any college or institution or members or student thereof, on such terms and conditions as may from time to time, be prescribed, and to withdraw such affiliation, privileges and recognition;
- (xiii) to co-operate with any other Universities, Authorities or Associations or any other Public or Private Body having in view the promotion of purposes and objects similar to those of the University or appoint one or more representatives of the University to act upon any such Body. Authority or Association for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;

- (xiv) to enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, properties and liabilities and for any other purposes not repugnant to this Act;
- (xv) demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (xvi) to acquire, hold, manage and dispose of any property movable or immovable, including trust or endowed property within or outside the University area, for the purposes or objects of the University, and to invest any funds representing such property in such manner as the University thinks fit;
- (xvii) to borrow with the approval of State Government, on the security of the University property, money for the purposes of the University;
- (xviii) to run a Higher Secondary section in the University under mentorship scheme of the State Government which will to some extent, act as a feeder to the undergraduate courses of the University and for all practical purposes, the Higher Secondary section shall be a part of the University;
- (xix) to continue the existing syllabi and evaluation of students of the Higher Secondary section under the jurisdiction of the Assam Higher Secondary Education Council as at present until such times as the University deems it fit to review and do the needful; and
- (xx) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

Jurisdiction 7.

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

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

The University shall be open to all persons irrespective of gender, race, caste, or creed and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or as a student, or to hold any office therein; or to graduate or to enjoy or exercise any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

Officers of the University. 9.

The following shall be the officers of the University:-

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

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

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| The Chancellor | 10. | <ul style="list-style-type: none"> (1) The Governor of Assam shall be the Chancellor of the University. (2) The Chancellor, when present, shall preside the meeting of the Court and Convocation of the University. |
| Powers and duties of the Chancellor. | 11. | <ul style="list-style-type: none"> (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct of the affairs and properties of the University of the colleges, institutions and bodies maintained by the University and also of the examinations, teaching and other works conducted or done by the University, its officers and authorities, and to cause an enquiry to be made in the like manner in respect of all or any of the matters aforesaid and of any other matter connected with the University. (2) The Chancellor shall in every such case give notice to the Executive Council of his intention to cause an inspection or enquiry to be made, and the Executive Council shall be entitled to appoint a representative who shall have the right to be present and heard at such inspection or enquiry. (3) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or enquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer on the action to be taken thereon. (4) The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it is proposed to take or has been taken on the result of such inspection or enquiry and the advice of the Chancellor. (5) When the Executive Council does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may after considering any explanation furnished or representation made by the Executive Council, if any, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions. (6) Expenses that may be incurred in connection with such inspections or enquiries and certified as such by the Chancellor, shall be a charge on the University. (7) The Chancellor shall have such other powers as may be conferred on him by or under the provisions of this Act. (8) The Chancellor as head of the university shall have the power to suspend the activities of the various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to control the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him. |

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of an Advisory Board (Search Committee) constituted by the Chancellor for the purpose and consisting of three members of whom one member shall be nominated by the State Government, one member to be nominated by the Chancellor and one member to be elected by the Executive Council. The Chancellor shall also appoint one of them as Chairman of such Advisory Board.
- (2) The Advisory Board (Search Committee) shall recommend a panel of names of three persons to the Chancellor who may appoint one of the persons recommended to be the Vice-Chancellor. If the Chancellor does not approve any of the persons recommended by the Advisory Board, he may call for a fresh recommendation.
- (3) The Vice-Chancellor shall be a whole time officer of the University who shall hold office for a period of five years and shall be eligible for re-appointment:

Provided that notwithstanding the expiry of the aforesaid period of five years, he shall continue in office until his successor is appointed and enters upon his office.

- (4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

Provided that the salary of the Vice-Chancellor shall not be less than Rs.75,000/- per month plus all admissible allowances.

- (5) Whenever there is any temporary vacancy in the office of the Vice Chancellor by reasons of leave, illness or other cause, the Chancellor shall make such other arrangements as he may think fit for exercising the powers and performing the duties of the Vice-Chancellor during the absence. The Chancellor shall determine the emoluments or allowances payable to a person temporarily appointed to exercise the power and duties of the Vice-Chancellor.

Powers and Duties of the Vice-Chancellor.

13. (1) The Vice-Chancellor shall be the principal executive and Academic Officer of the University. He shall be the ex-officio Chairman of the Executive Council, the Academic Council, the Building and Works Committee (BWC), the Post-graduate Board, the Under-graduate Board, the Finance Committee and the Selection Committees and shall, in the absence of the Chancellor preside at all meetings of the Court and over the Convocation to confer degrees. He shall be entitled, to be present at and to address any meeting of any authority or Committee of the University.
- (2) The Vice-Chancellor shall see that this Act, the Statutes, the Ordinance and the Regulations are duly observed.
- (3) The Vice-Chancellor shall have the powers of convening the meeting of the Court, the Executive Council, the Building and Works Committee (BWC), the Post graduate Board, the Under Graduate Board, the Finance Committee and the Selection Committees, whenever he finds it necessary and for that purpose direct the Registrar to convene such meeting at the time and place to be determined by the Vice-Chancellor, and the Registrar shall be bound to comply with that direction.