

## **Mizoram University Act, 2000**

**8 of 2000**

**[April 25, 2000]**

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## **Mizoram University Act, 2000**

### **8 of 2000**

**[April 25, 2000]**

An Act to establish and incorporate a teaching and affiliating University in the State of Mizoram and to provide for matters connected therewith or incidental thereto Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows :

#### **1. Short title and commencement :-**

(1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2): Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel.

(2) The Committee referred to in clause (1) shall consist of three persons, none of whom shall be an employee of the University or an institution associated with the University, or a member of the Executive Council or Academic Council or of any other authority of the University. Out of the three persons, two shall be nominated by the Executive Council and one by the Visitor and the nominee of the Visitor shall be the convenor of the Committee.

(3) The Vice-chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier, and he shall not be

eligible for re-appointment: Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office: Provided further that the Visitor may direct any Vice-chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him or till his successor is appointed and enters upon his office, whichever is earlier.

(5) The emoluments and other conditions of service of the Vice-chancellor shall be as follows :

(i) The Vice-chancellor shall be paid a monthly salary and allowances other than the house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-chancellor in respect of the maintenance of such residence.

(ii) The Vice-chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Executive Council with the approval of the Visitor from time to time: Provided that where an employee of the University or a College or an Institution maintained by or affiliated to it, or of any other University or any Institution maintained by or affiliated to such other University, is appointed as the Vice-chancellor, he may be allowed to continue to contribute to any , provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice- chancellor: Provided further that where such employee had been member of any pension scheme, the University shall make the necessary contribution to such scheme.

(iii) The Vice-chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council.

(iv) The Vice-chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the 1st day of January and July every year: Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half

days for each completed month of service.

(v) In addition to the leave referred to in sub-clause (iv), the Vice-chancellor shall also be entitled to half pay leave at the rate of twenty days for each completed year of service. This half pay leave may also be availed of as commuted leave on full pay on medical certificate. When commuted leave is availed, twice the amount of half pay leave shall be debited against half pay leave due.

(6) If the office of the Vice-chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the ProVice-Chancellor shall perform the duties of the Vice-chancellor: Provided that if the Pro-Vice-Chancellor is not available, the seniormost professor shall perform the duties of the Vice-chancellor until a new Vice-chancellor assumes office or until the existing Vice-chancellor attends to the duties of his office, as the case may be.

## **2 \ Definitions**

. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Studies" means the Board of Studies of the University;

(d) "College Development Council" means the College Development Council of the University;

(e) "College" means a College maintained by, or admitted to the privileges of, the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies and includes a Centre of Studies;

(h) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;

- (i) "employee" means any person appointed by the University and includes teachers and other staff of the University;
- (j) "Executive Council" means the Executive Council of the University;
- (k) "Hall" means a unit of residence or of corporate life for the students of the University, or of a College or an Institution, maintained by the University;
- (l) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;
- (m) "North-Eastern Hill University" means the University established under Section 3 of the North-Eastern Hill University Act, 1973 (24 of 1973);
- (n) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;
- (o) "recognised Institution" means an institution of higher learning recognised by the University within the State of Mizoram;
- (p) "recognised teachers" means such persons as may be recognised by the University for the purpose of imparting instructions in a College or an Institution admitted to the privileges of the University;
- (q) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (r) "School" means a School of Studies of the University;
- (s) "Statutes" and "Ordinances" means, respectively, the Statutes and the Ordinances of the University for the time being in force;
- (t) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances;
- (u) "University" means the Mizoram University established and incorporated as a University under this Act;

(v) "Vice-Chancellor" and "Pro-Vice-chancellor" means, respectively, the Vice- Chancellor and Pro-Vice-chancellor of the University.

### **3. Establishment of the University :-**

(1) Every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-chancellor: Provided that where the recommendation of the Vice-chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-chancellor or ask the Vice-chancellor to recommend another person to the Executive Council: Provided further that the Executive Council may, on the recommendation of the Vice-chancellor, appoint a professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-chancellor, whichever is earlier: Provided that a Pro-Vice-Chancellor whose term of office has expired shall be eligible for re-appointment: Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years: Provided also that the Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (6) of Statute 2, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until a new Vice-chancellor or the Vice-chancellor, as the case may be, assumes office: Provided also that when the office of the Vice-chancellor becomes vacant and there is no Pro-Vice-Chancellor to perform the functions of the Vice-chancellor, the Executive Council may appoint a Pro-Vice-Chancellor and the Pro-Vice-Chancellor so appointed shall cease to hold office as such as soon as a Vice-chancellor is appointed and enters upon his office.

(3) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the Executive Council from time to time.

(4) The Pro-Vice-Chancellor shall assist the Vice-chancellor in respect of such matters as may be specified by the Vice-chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-chancellor.

## **4 \ Objects of the University**

. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in humanities, natural and physical sciences, social sciences, forestry and other allied disciplines in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary studies and research; to educate and train manpower for the development of the State of Mizoram; and to pay special attention to the improvement of the social and economic conditions and welfare of the people of that State, their intellectual, academic and cultural development.

## **5. Powers of the University :-**

(1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Executive Council from time to time: Provided that a Finance Officer shall retire on attaining the age of sixty years: Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-chancellor may appoint for the purpose.

(5) The Finance Officer shall be ex officio Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the

Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and nonrecurring \ \expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices. Special Centres, Specialised Laboratories, Colleges and Institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office. Centre, Laboratory, College or Institution maintained by the University any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

## **6 \Transfer of properties of North-Eastern Hill University**

. On and from the commencement of this Act, all properties of the North-Eastern Hill University in the State of Mizoram shall stand transferred to, and vest in, the University and shall be applied to the objects for which the University is

established.

## **7. Jurisdiction :-**

(1) In the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-chancellor from among the Professors.

(2) In the case of Departments where there is no Professor or there is only one Professor, the Executive Council shall have the option to appoint, on the recommendation of the Vice- chancellor, either the Professor or a Reader as the Head of the Department: Provided that it shall be open to a Professor or a Reader to decline the offer of appointment as the Head of the Department.

(3) A Professor appointed as the Head of the Department shall hold office as such for a period of three years and shall be eligible for re-appointment.

(4) A Head of a Department may resign his office at any time during his tenure of office.

(5) Head of a Department shall perform such functions as may be prescribed by the Ordinances.

## **8 \University open to all classes, castes and creed**

. The University shall be open to persons of either sex and of whatever caste, creed, race or class, 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 appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof: Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

## **9. Visitor :-**

(1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

## **10 \Officers of the University**

. The following shall be the officers of the University :

(1) the Vice-chancellor;

(2) the Pro-Vice-Chancellor;

(3) the Deans of Schools;

(4) the Registrar;

(5) the Finance Officer;

(6) the Librarian; and

(7) such other officers as may be declared by the Statutes to be officers of the University.

**11. Vice-chancellor :-**

Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

**12 \The Pro-Vice-Chancellor**

. The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

**13. Deans of Schools :-**

Nine members of the Academic Council shall form a quorum for a meeting of the Academic Council.

**14 \Registrar**

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(1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

**15. Finance Officer :-**

(1) The University shall have such Schools of Studies as may be specified in the Statutes.

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council and shall hold office for a period of three years.

(3) The powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5)

(a) Each School shall consist of such Departments as may be assigned to it by the Ordinances:

(b) Each Department shall consist of the following members, namely :

(i) Teachers of the Department;

(ii) Persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

## **16 \Librarian**

. The Librarian shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

## **17. Other officers :-**

(1) The Finance Committee shall consist of the following members, namely :

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) three persons nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than ex officio members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to

record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the Budget, should be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

## **18 \Authorities of the University**

. The following shall be the authorities of the University :

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the College Development Council;

(5) the Board of Studies;

(6) the Finance Committee; and

(7) such other authorities as may be declared by the Statutes to be the authorities of the University.

### **19. Court :-**

(1) Notwithstanding anything contained in Statute 18, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so appoint him to the post.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

## **20 \Executive Council**

(1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

## **21. Academic Council :-**

(1) The qualifications of recognised teacher shall be such as may be prescribed by the Ordinances.

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down in the Ordinances.

(3) No teacher shall be recognised as a teacher except on the recommendation of a Selection Committee constituted for the purpose in the manner laid down in the Ordinances.

(4) The period of registration of a teacher shall be determined by the Ordinances made in that behalf.

(5) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher: Provided that no such resolution shall be passed until notice in writing has been given to the person concerned calling upon him to show cause, within such time as may be specified in the notice, why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them have been considered by the Academic Council.

(6) Any person aggrieved by an order of withdrawal under clause (5) may, within three months from the date of communication to him of such order, appeal to the Executive Council which may pass such orders thereon as it thinks fit.

## **22 \College Development Council**

(1) The College Development Council shall be responsible for admitting Colleges to the privileges of the University.

(2) The constitution of the College Development Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

### **23. Boards of Studies :-**

(1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

### **24 \ Finance Committee**

. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

### **25. Other authorities of the University :-**

(1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade, and, in accordance with such other principles as the Executive Council may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

## **26 \ Powers to make Statutes**

. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;

(e) the appointment of teachers, academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions pension, insurance and provident fund, the manner of termination of service and disciplinary action relating to employees of the University;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on a College or an Institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges and Institutions;

(l) the conferment of honorary degrees;

(m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(o) the management of Colleges and Institutions established by the University;

(p) the delegation of powers vested in the authorities or officers of the University;

(q) the maintenance of discipline among the employees and students;

(r) all other matters which by this Act are to be or may be provided for by the Statutes.

### **27. Statutes how to be made :-**

(1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees: Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

### **28 \Power to make Ordinances**

(1) Subject to the provisions of this Act and the Statutes, the 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 all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, qualifications for the same and the means to be taken

relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

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

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the establishment of Centres of Studies, Boards of Studies, Specialised Laboratories and other Committees;

(k) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;

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

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the supervision of management of Colleges and Institutions admitted to the privileges of the University;

(o) the setting up of a machinery for redressal of grievances of employees; and

(p) all other matters which by this Act or the Statutes, are to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

## **29. Regulations :-**

(1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-chancellor may delegate all or any of his powers as he deems proper to a proctor and to such other officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-chancellor may, in exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department or a School of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Schools and teaching Departments in the University as may be necessary for the proper conduct of such Colleges, Institutions, Schools and teaching Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Principal and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-chancellor and other authorities of the University.

## **30 \Annual Report**

(1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the court on or after such date as may be prescribed by the Statutes and the court shall consider the report in its annual meeting.

(2) The court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

### **31. Annual Accounts :-**

(1) Colleges and other Institutions situated within the jurisdiction of the University may be admitted to such privileges of the University as the Executive Council and the College Development Council may decide on the following conditions, namely :

(i) Every such College or Institution shall have a regularly constituted Governing Body, consisting of not more than fifteen persons approved by the Executive Council and including among others, two teachers of the University to be nominated by the Executive Council and three representatives of the teaching staff of whom the Principal of the College or Institution shall be one. The procedure for appointment of members of the Governing Body and other matters affecting the management of a College or an Institution shall be prescribed by the Ordinances: Provided that the said condition shall not apply in the case of Colleges and Institutions maintained by Government which shall, however, have an Advisory Committee consisting of not more than fifteen persons which shall consist of among others, three teachers including the Principal of the College or Institution, and two teachers of the University nominated by the Executive Council.

(ii) Every such College or Institution shall satisfy the Executive Council and the College Development Council on the following matters, namely :

- (a) the suitability and adequacy of its accommodation and equipment for teaching;
- (b) the qualifications and adequacy of its teaching staff and the conditions of their service;
- (c) the arrangements for the residence, welfare, discipline and supervision of students;
- (d) the adequacy of financial provision made for the continued maintenance of the College or Institution; and
- (e) such other matters as are essential for the maintenance of the standards of University education.

(iii) No College or Institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Academic Council.

(iv) Colleges and Institutions desirous of admission to any privileges of the University shall be required to intimate their intention to do so in writing so as to reach the Registrar not later than the 15th August, preceding the year from which permission applied for is to have effect.

(v) A College or an Institution shall not, without the previous permission of the Executive Council, College Development Council and the Academic Council, suspend instruction in any subject or course of study which it is authorised to teach and teaches.

(2) Appointment to the teaching staff and Principals of Colleges or Institutions admitted to the privileges of the University shall be made in the manner prescribed by the Ordinances: Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(3) The service conditions of the administrative and other non-academic staff of every College or Institution referred to in clause (2) shall be such as may be laid down in the Ordinances: Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(4) Every College or Institution admitted to the privileges of the University shall be inspected at least once in every two academic years by a Committee appointed by the Academic Council, and the

report of the Committee shall be submitted to the Academic Council, which shall forward the same to the College Development Council and Executive Council with such recommendations as it may deem fit to make.

(5) The College Development Council and the Executive Council, after considering the report and the recommendations, if any, of the Academic Council, shall forward a copy of the report to the Governing Body of the College or Institution with such remarks, if any, as they may deem fit for suitable action.

(6) The Executive Council may, after consulting the College Development Council and Academic Council, withdraw any privileges granted to a College or an Institution, at any time it considers that the College or Institution does not satisfy any of the conditions on the fulfilment of which the College or Institution was admitted to such privileges: Provided that before any privileges are so withdrawn, the Governing Body of the College or Institution concerned shall be given an opportunity to represent to the Executive Council why such action should not be taken.

(7) Subject to the conditions set forth in clause (1), the Ordinances may prescribe

(i) such other conditions as may be considered necessary

(ii) the procedure for the admission of Colleges and Institutions to the privileges of the University and for the withdrawal of those privileges.

## **32 \Returns and information**

. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

## **33. Transfer of services of certain employees of the North-Eastern Hill University :-**

Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

## **34 \Conditions of service of employees**

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(1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor

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(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996 (26 of 1996).

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

### **35. Procedure of appeal and arbitration in disciplinary cases against students :-**

(1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University,

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

### **36 \Right to appeal**

. Every employee or student of the University or of a College or Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any

officer or authority of the University or of the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

### **37. Provident and pension funds :-**

Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

### **38 \Disputes as to constitution of University authorities and bodies**

. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

### **39. Filling of casual vacancies :-**

(1) There shall be constituted in the University, a Students' Council for every academic year, consisting of

(i) the Dean of Students' Welfare who shall be the Chairman of the Students' Council;

(ii) all students who have won prizes in the previous academic year in the fields of studies, fine arts, sports and extension work;

(iii) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports, activities and all-round development of personality: Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance, in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least once in an academic year preferably in the beginning of that year.

## **40 \Proceedings of University authorities or bodies not invalidated by vacancies**

. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

### **41. Protection of action taken in good faith :-**

(1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely :

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinance to be prescribed by Regulations;

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

## **42 \Mode of proof of University record**

. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force.

### **43. Power to remove difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this

Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

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

#### **44. Transitional provisions :-**

Notwithstanding anything contained in this Act and the Statutes,

(a) the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first College Development Council shall consist of not more than ten members, who shall be nominated by the Visitor and they shall hold office for a term of three years;

(e) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

#### **45. Completion of courses of studies in Colleges or Institutions affiliated to the University :-**

Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a College, Institution, School or Department, who, immediately before the admission of such

College, Institution, School or Department, to the privileges of the University, was studying for a degree, diploma or certificate of the North-Eastern Hill University, shall be permitted by the University, to complete his course for that degree, diploma or certificate, as the case may be, and the Mizoram University and such College, Institution, School or Department, shall provide for the instructions and examination of such student in accordance with the syllabus of studies of the North-Eastern Hill University.

**46. Statutes, Ordinances and Regulations to be published in the Official Gaaette and to be laid before Parliament :-**

(1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation 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 under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

**47. Amendment of Act 24 of 1973 :-**

In the North-Eastern Hill University Act, 1973,

(i) in Section , in sub-section (2), for the words "Union territories of Arunachal Pradesh and Mizoram", the words "State of Arunachal Pradesh" shall be substituted;

(ii) in Section 2, in clause (l), for the words "Union territories of Arunachal Pradesh and Mizoram", the words "State of Arunachal Pradesh" shall be substituted;

(iii) in Section 6, in sub-section (1), for the words "Union territories of Arunachal Pradesh and Mizoram", the words "State of Arunachal Pradesh" shall be substituted.

SCHEDULE 1

STATUTES OF THE UNIVERSITY

**1.. Vice-Chancellor :-**

**2.. Powers and duties of the Vice-chancellor :-**

**3.. Pro-Vice-Chancellor :-**

**4.. Registrar :-**

**5.. Finance Officer :-**

**6.. Deans of Schools of Studies :-**

**7.. Heads of Departments :-**

**8.. Proctor :-**

**9.. Librarian :-**

**10.. Meetings of the Court :-**

**11.. Quorum for meetings of the Executive Council :-**

**12.. Powers and functions of the Executive Council :-**

**13.. Quorum for meetings of the Academic Council :-**

**14.. Powers and functions of the Academic Council :-**

**15.. Schools of Studies and Departments :-**

**16.. Board of Studies :-**

**17.. Finance Committee :-**

**18.. Selection Committees :-**

**19.. Special mode of appointment :-**

**20.. Appointment for a fixed tenure :-**

**21.. Recognised teachers :-**

**22.. Committees :-**

**23.. Terms and conditions of service and code of conduct of the teachers, etc :-**

**24.. Terms and conditions of service and code of conduct of other employees :-**

**25.. Seniority List :-**

**26.. Removal of employees of the University :-**

**27.. Honorary degrees :-**

**28.. Withdrawal of degrees, etc :-**

**29.. Maintenance of discipline among students of the University :-**

**30.. Maintenance of discipline among Students of College, etc :-**

**31.. Admission of Colleges, etc., to the privileges of the University :-**

**32.. Convocations :-**

**33.. Acting Chairman of meetings :-**

**34.. Resignation :-**

**35.. Disqualification :-**

**36.. Residence condition for membership and office :-**

**37.. Membership of authorities by virtue of membership of other bodies :-**

**38.. Alumni Association :-**

**39.. Students Council :-**

**40.. Ordinances how made :-**

**41.. Regulations :-**

**42.. Delegation of Powers :-**