

**KRISHNA KANTA HANDIQUE STATE
OPEN UNIVERSITY, ACT, 2005**

(Assam Act XXXVII, 2005)

As Amended up to 2009 by
**KRISHNA KANTA HANDIQUI STATE
OPEN UNIVERSITY ACT, 2009**

(Assam Act No. IV of 2010)



Housefed Complex,
Dispur, Last Gate
Guwahati - 781006
Assam

2010

পঞ্জীকৃত নম্বৰ - ৭৬৮/৯৭

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অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ
EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত
PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 12th September, 2005

No. LGL.20/2005/56. -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXXVII OF 2005
(Received the assent of the Governor on 7th September, 2005)
THE KRISHNA KANTA HANDIQUE STATE OPEN UNIVERSITY
ACT, 2005
AN
ACT

to provide for the establishment and incorporation of an Open University in the State of Assam for the introduction and promotion of Open University and distance education systems in the educational pattern of the State.

Preamble Whereas it is expedient to provide for the establishment and incorporation of an Open University in the State of Assam for the introduction and promotion of Open University and distance education systems in the educational pattern of the State and for matter connected therewith or incidental thereto.
 It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

**Short title,
 extent and
 commencement**

1. (1) This Act may be called the Krishna Kanta Handique State Open University Act, 2005.^{1*}
- (2) It extends to the whole of Assam
- (3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,-
 - (a) "Academic Council" means the Academic Council of the University;
 - (b) "authorities" means the authorities constituted under section 16 and the word "authority" wherever it occurs shall be construed accordingly;
 - (c) "Board of Management" means the Board of Management of the University;

^{1*} The original word 'Handique' substituted by 'Handiqui' wherever it occurs, by the Krishna Kanta Handique State Open University Act, 2009 (Assam Act No. IV of 2010)

- (d) "Distance Education System" means the system of imparting education through any means of communication such as, broadcasting, telecasting, instruction media or print media, on-line seminars, contact programme or the combination of any two or more such means;^{1*}
- (e) "employee" means any person appointed by the University and includes academic and nonacademic staff of the University;
- (f) "Finance Committee" means the Finance Committee of the University;
- (g) "Regional Center" means a center established or maintained by the University for the purpose of coordinating and supervising the works of Study Centres in any region and for performing such other functions as may be conferred on such centres by the Board of Management;
- (h) "Regulations" means the Regulations made by any Authority of the University under this Act for the time being in force;
- (i) "Status and Ordinances" means the Status and Ordinances respectively of the University for the time being in force;
- (j) "Learner" means a student of the University and includes any person who has enrolled himself for pursuing any course of study of the University;^{2**}
- (k) "Study Centre" means a centre established, maintained or recognized for conducting the examination and evaluation by the University and for the purpose of advising, counseling or for rendering any other assistance required by the students.
- (l) "Teacher" means Professors, Readers, Lecturers and such other persons as may be designated as such by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;
- (m) "University" means the Krishna Kanta Handiqui State Open University established under section 3;
- (n) "Vice-Chancellor and Registrar" means the Vice-Chancellor and the Registrar respectively of the University.

1* Omitted the original Cl (d), as quoted below, by the Assam Act No. IV of 2010 and original Cls (e) to (o) relettered as Cls (d) to (n)

(d) "College" means a college or other academic institution establishment or maintained or admitted to the privileges of the University"

2** The original word 'Student' in Cl(k) substitute by the word 'Learner' and original Cl (d) relettered as cl (j) by ibid.

CHAPTER II THE UNIVERSITY

Establishment and incorporation of the University

3. (1) There shall be established a University by the name of the Krishna Kanta Handiqui State Open University.
- (2) The head-quarter of the University shall be at Guwahati and it may establish, maintain or recognize Regional Centres and Study Centres at such places in the state of Assam and may also open regional Centre and Study Centres outside Assam at such places as it may deem fit;^{1*}
- (3) The first Vice-Chancellor, the first Registrar and the first members of the Board of Management, the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such offices or membership shall constitute a body corporate by the name of the Krishna Kanta Handiqui State Open University.
- (4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- (5) The University shall be competent to acquire and hold property both movable and immovable and to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it for the purpose of the University and to contract and to do all other things necessary for the purpose of this Act.
- (6) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by and all process in such suit and proceedings shall be issued to and be served on the Registrar.

The objects of the University

4. The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means including the use of any communication technology to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage Open University and distance education system in the educational pattern of the State and to co-ordinate and determine standards in such system, and the University shall in organizing its activities have due regard to the objects specified in the Schedule.

^{1*} Amended the original Sub. (2) as quoted below, by the Assam Act IV of 2010.

(2) *The head-quarter of the University shall be at Guwahati and it may establish, maintain or recognize colleges, Regional Centres and Study Centres at such places in the state of Assam and may also open regional Centre and Study Centres outside Assam at such places as it may deem fit:*

Power of the University

5. (1) The University shall have the following powers, namely: -
- (i) to provide for admission and for instruction in such branches of knowledge including technology, vocations and professions as the University may determine from time to time and to make provision for research;
 - (ii) to plan and prescribe courses of study for degrees, diplomas, certificates and for research or any other purpose;
 - (iii) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions including Ph. D on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;
 - (iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;
 - (v) to determine the manner in which distance education in relation to the academic programmes of the University may be organized.
 - (vi) to institute professorships, readerships, lecturerships and other academic positions necessary for imparting instructions or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students and to appoint persons to such professorships, readerships, lecturerships and other academic positions;
 - (vii) to co-operate with and seek the co-operation of other Universities and institutions of higher learning, professional bodies and organizations for such purposes as the University considers necessary;
 - (viii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
 - (ix) to establish and maintain such Regional Centres as may be determined by the University from time to time;
 - (x) to establish, maintain and recognize Study Centres in the manner laid down by the Statutes;
 - (xi) to provide for the preparation of instructional materials using multimedia educational kits and other software;
 - (xii) to organize and conduct refresher course workshops, seminars and other programmes for teachers, lesson-writers, evaluations and other academic staff;
 - (xiii) to recognize examinations of or periods of study, whether in full or part, at other Universities, institutions or other places of higher learning

- as equivalent to examinations or periods of study in the University and to withdraw such recognitions at any time;
- (xiv) to make provision for research and development in educational technology and related matters.
 - (xv) to create with the prior approval of the State Government, administrative, ministerial and other necessary posts and to make appointments thereto;
 - (xvi) to receive benefactions, donations and gifts and acquire, hold, maintain and dispose of any property, movable or immovable including trust and Government property for the purpose of the University.
 - (xvii) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University;
 - (xviii) to enter into, carry out, vary or cancel contracts;
 - (xix) to demand and receive such fees and other charges as may be laid down by the Ordinances;
 - (xx) to provide control and maintain discipline among the ¹all categories of employees and to lay down the conditions of services of such employees including their codes of conduct;
 - (xxi) to recognize any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
 - (xxii) to appoint either on contract or otherwise, Visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Artists, Course writers and such other persons who may contribute to the advancement of the objects of the University.
 - (xxiii) to recognize persons working in other Universities, institutions or organizations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;
 - (xxiv) to determine standards and to specify conditions of the admission of students to course of study of the University which may include examination, evaluation and any other method testing.
 - (xxv) to make arrangements for the promotion of the general health and welfare of the employees;
 - (xxvi) to confer autonomous status on a Regional Centre in the manner laid down by the Statutes;^{2**}

¹ * Substituted the original Cl (xx) as quoted below, by deleting the words "student and" before the words "all categories..." by the Assam Act IV of 2010

(xx) to provide control and maintain discipline among the learners and all categories of employees and to lay down the conditions of services of such employees including their codes of conduct;

^{2**} Substituted the original Cl (xxvi), as quoted below, by Assam Act IV of 2010

(xxvi) to confer autonomous status on a college or a Regional Centre in the manner laid down by the Statutes;

(xxvii) to do all such acts as may be necessary or incident to the exercise of all or all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.^{1*}

2. Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of Open University and distance education system and for the determination of standards of teaching, evaluation and research in such system and for the purpose of performing this function the University shall have such powers, including the power to allocate and disburse grants to Colleges or to any other University or institution of learning as may be specified by the Statutes.^{2**}

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

6. (1) The University shall be open to persons of either sex and of whatever race, creed, caste 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 admitted^{3***} in the University or to graduate thereat or to enjoy or exercise any privilege thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of person belonging to the weaker sections of the society and in particular of persons belonging to the Scheduled Castes or Scheduled Tribes.

1* Omitted the original Cl (xxvii), as quoted below, and Cl (xxvii) relettered as Cl (xxvii) by Assam Act IV of 2010 (xxvii) to admit to its privileges any College in Assam subject to such condition as may be laid down by the Statutes:

2** Substituted the original sub. sec. 2, as quoted below, by Assam Act IV of 2010

"2. Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may benefit for the promotion of Open University and distance education system and for the determination of standards of teaching, evaluation and research in such system and for the purpose of performing this function the University shall have such powers, including the power to allocate and disburse grants to Colleges, whether admitted to its privileges or not or to any other University or institution of learning as may be specified by the Statutes."

3*** Omitted the words "as a student" after the word "admitted" by Assam Act IV of 2010

CHAPTER III
OFFICERS OF THE UNIVERSITY

**The officers of
the University**

7. The following shall be the officers of the University :-
- (1) The Chancellor;
 - (2) The Vice-Chancellor;^{1*}
 - (3) The Pro Vice-Chancellor;^{2**}
 - (4) The Registrar;
 - (5) The Dean (Academic)
 - (6) The Dean (Administration);
 - (7) The Dean (Study Centres);
 - (8) The Finance Officer;
 - (9) The Director, Multimedia Course material Centre;
 - (10) The Director (Computer)
 - (11) Such other officers as may be declared by the Statutes to be the Officers of the University.

**The
Chancellor**

8. (1) The Governor of Assam shall be the Chancellor of the University.
- (2) Subject to the provisions of sub-sections (3) and (4), the Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments, and of any Regional Centre, a Study Centre and also of the examination, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finance of the University.^{3***}
 - (3) The Chancellor shall in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice have the right to make within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, representations to him, as it may consider necessary.

1* Substituted the original Sub. Sec. (2) as quoted below, by the Assam Act IV of 2010
“(2) The Pro Vice-Chancellor.”

2** Substituted the original Sub. Sec. (3) as quoted below, by the Assam Act IV of 2010
“(3) The Vice-Chancellor.”

3*** Omitted the word “College” appearing between the words “any” and “Regional” by the Assam Act IV of 2010

- (4) After considering the representations, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).
 - (5) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.
 - (6) The Chancellor may address the Vice-Chancellor with reference to the results of inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management results of the inspection or inquiry and the views of the Chancellor and the advice rendered by him upon the action to be taken thereon.
 - (7) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by; it upon results of such inspection or inquiry.
 - (8) Where the Board of Management 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 Board of Management, issue such directions as he may think fit and the board of Management shall be bound to comply with such directions.
 - (9) Without prejudice to the foregoing provisions of this section the Chancellor may, by an order in writing, annul any proceeding of the University which is not in conformity with this Act, the Status or the Ordinances:
Provided that before making any such order, he shall call upon the University to show cause as to why such an order should not be made and if any cause is shown within a reasonable time he shall consider the same.
 - (10) The Chancellor shall have such other powers as may be specified by the Statutes.
9. (1) The Vice-Chancellor shall be appointed by the Chancellor in such manner, for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the principal academic and executive officer of the University and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

**The Vice-
Chancellor**

- (3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken it may refer that matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and there upon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

- (4) The Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Chancellor, as the case may be, under this subsection.

- (5) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.^{1*}

**Pro-Vice
Chancellor**

10. (1) The Pro-Vice Chancellor shall be appointed by the Chancellor in such manner, for such term and on such conditions of service as may be prescribed by the Statutes.
- (2) The Pro-Vice Chancellor shall have such powers and functions as may be prescribed by the Statutes.^{2**}

^{1*} The provisions and the Sub section under Sec. 9 in the original, as quoted below, are brought and or Sec. 10 by Assam Act IV of 2010

^{2**} The provisions and the subsections under Sec. 10 in the original, as quoted below, are brought under Sec 9 by Assam Act IV of 2010.

Pro-Vice Chancellor

9. (1) *The Pro-Vice Chancellor shall be appointed by the Chancellor in such manner, for such term and on such conditions of service as may be prescribed by the Statutes.*

(2) *The Pro-Vice Chancellor shall have such powers and functions of service as may be prescribed by the Statutes.*

- The Registrar** 11. The Registrar shall be appointed in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions as may be prescribed by the Statutes.
- The Dean** 12. Every Dean shall be appointed in such manner, on such emoluments and other conditions of services and shall exercise such powers and perform such functions as may be prescribed by the Statutes.
- The Finance Officer** 13. The Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such power and perform such functions as may be prescribed by the Statutes.
- The Director** 14. Every Director shall be appointed in such manner, on such emoluments and other conditions of services and shall exercise such powers and perform such functions as may be prescribed by the Statutes.
- Other Officers** 15. The manner of appointment emoluments, other conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITY OF THE UNIVERSITY

- Authorities of the University** 16. The following shall be the authorities of the University namely :
- (1) The Board of Management;
 - (2) The Academic Council;

The Vice-Chancellor

10. (1) *The Vice-Chancellor shall be appointed by the Chancellor in such manner, for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.*
- (2) *The Vice-Chancellor shall be the principal academic and executive officer of the University and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.*
- (3) *The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter.*
Provided that if the authority concerned is of the opinion that such action ought not to have been taken it may refer that matter to the Chancellor whose decision thereon shall be final.
Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and there upon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.
- (4) *The Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final.*
Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Chancellor, as the case may be, under this subsection.
- (5) *The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.*
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The Board of Management

- (3) The Finance Committee and
 (4) Such other authorities as may be declared by the Statutes to be the authorities of the University.
17. (1) The Board of Management shall be the principal executive body of the University consisting of the following members, namely:-
- (1) The Vice-Chancellor;
 - (2) The Registrar;
 - (3) The Commissioner and Secretary to the Government of Assam, Higher ducation Department;
 - (4) The Commissioner and Secretary to the Govt. of Assam, Finance Department;
 - (5) A Vice-Chancellor of the University in the State of Assam, nominated by the Vice-Chancellor by rotation for such a period as may be specified by the Statutes;
 - (6) The Dean (Academic)
 - (7) The Dean (Study Centres);^{1*}
 - (8) Five distinguished persons from the educational scientific and administrative field to the nominated by the Chancellor:
 Provided that from amongst the nominated persons under this clause one shall be a person belonging to Scheduled Castes or Scheduled Tribes and one shall be woman;
 - (9) Two members of the Assam Legislative Assembly elected from among themselves.

- (2) The Board of Management shall have the powers-
- (i) to manage and administer the properties and revenues of the University;
 - (ii) to conduct all administrative affairs and shall exercise-
 - (a) such other powers of the University as may be necessary, incidental or conducive to the fulfillment of the objectives of the University and
 - (b) such other powers as may be prescribed by the Statutes.

The Academic Council

18. (1) The Academic Council shall consist of the following members, namely :
- (i) The Vice-Chancellor,
 - (ii) The Registrar,
 - (iii) The Dean (Academic),
 - (iv) The Dean (Study Centres),^{2**}
 - (v) Other Dean (if any), and
 - (vi) Such other officers of the University as the University and the Academic Council may consider necessary to co-opt as members.
 - (vii) Three Professors of the University as nominated by the Vice-Chancellor with a term of three years;^{3***}

^{1*} Omitted original Cl (7), as quoted below, by the Assam Act IV of 2010 and renumbered the original Cl (8) to (10) as Cl (7) to (9)

"(7) The Dean (Administration):"

^{2**} Omitted original Cl (7) as quoted below by the Assam Act IV of 2010 and renumbered the original Cl (8) to (10) as Cl (7) to (9)

"(iv) The Dean (Administration)."

^{3***} Inserted by Assam Act IV of 2010

- (viii) Three Teachers other than Professors to be nominated by the Vice-Chancellor with a term of three years;^{1*}
 - (ix) Two academicians from outside the University to be co-opted by the Academic Council with a term of three years.^{2**}
- (2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

The Finance Committee

19. (1) The Board of Management shall constitute a Finance Committee consisting of not more than seven^{3***} members as follows :
- (i) The Vice-Chancellor, Ex-Officio Chairman,
 - (ii) The Commissioner and Secretary to the Govt. of Assam. Finance Department or his nominee,
 - (iii) The Commissioner and Secretary to the Govt. of Assam, Education (Higher) Department or his nominee;
 - (iv) Two members nominated from amongst the members of the Board of Management, by the Board of Management,
 - (v) The Registrar,
 - (vi) The Finance Officer, Ex-Officio Member Secretary;
- (2) The powers and functions of the Finance Committee shall be as follows:
- (i) scrutinize the annual budget estimates and make its recommendations to the Board of Management,
 - (ii) conduct general examination of the accounts of the University and consider the audit reports and make its recommendations thereon,
 - (iii) examine all proposals of the University involving expenditure for which no provision has been made in the budget or involving expenditure in excess of the amount provided for in the budget, and
 - (iv) such other functions as may be prescribed by the Statutes.

1* Inserted by Assam Act IV of 2010

2** Inserted by Assam Act IV of 2010

3*** Substituted the word "six" by "seven" by Assam Act IV of 2010.

**Other
authorities**

20. The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCE AND REGULATIONS

Statutes

21. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:
- (a) the manner of appointment of the Vice-Chancellor or the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him.
 - (b) the manner of appointment of Registrar, the Finance Officer and other officers, the emoluments and the conditions of their service and the powers and functions that may be exercised and performed by each of such officers.
 - (c) the terms of office of the members of the authorities, their daily and traveling allowances and the powers and functions that may be exercised and performed by such authorities;
 - (d) the appointment of teachers and other employees of the University, their emoluments and their conditions of service;
 - (e) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;
 - (f) the principles covering the seniority of service of employees of the University;
 - (g) the procedure in relation to any appeal or application for review by an employee or learner of the University against the action of any officer or authority of the University including the time within which such appeal or application for review shall be preferred or made;
 - (h) the procedure for the settlement of disputes between the employees of learners of the University and the University;
 - (i) the conferment of autonomous status on Study Centre;^{3****}
 - (j) the allocation and disbursement of grants to institutions;^{4*****}

1* Omitted the words "or student" after the word "employee" by Assam Act IV of 2010

2** Omitted the words "or student" after the word "employees" by Assam Act IV of 2010

3*** Omitted the words "Colleges and" before the words "Study Centres" by Assam Act IV of 2010

(i) the conferment of autonomous status on Colleges and Study Centre;

4**** Substituted words "College and" before the word "institutions" in the original Cl (j), as quoted below, by Assam Act IV of 2010;

(j) the allocation and disbursement of grants to colleges and institutions;

- (k) all other matters which by this Act are to be, or may be provided for by the Statutes.^{1*}

Statutes how made

22. (1) The first Statutes shall be framed by the State Government by notification in the Official Gazette.
 (2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1),

Provided that the Board of Management shall not make, amend or repeal any Statutes affecting the Status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

- (3) Every new Statutes or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observation, if any made by him.
 (4) A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has been assented to by the Chancellor.
 (5) Notwithstanding anything contained in the foregoing sub-section, the Chancellor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act.
 (6) Notwithstanding anything contained in the foregoing sub-section, the Chancellor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

^{1*} Omitted the original Cl (k), as quoted below, and cl (l) relettered as cl (k) by Assam Act IV of 2010
(k) the conditions that are required to be fulfilled for admission of the Colleges to the privileges of the University:

- Ordinances** 23. (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 learners the course of study and the fees to be charged therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grants of fellowship, awards and the like;
 - (b) the conduct of examination, including the terms and conditions and appointments of examiners and
 - (c) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.^{1*}
- (2) The first Ordinances shall be made by the Chancellor with the previous approval of the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.
- Regulations** 24. The authorities of the University may make regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committee, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

CHAPTER VI

FINANCE AND ACCOUNTS

- General fund** 25. The University shall have a general fund to which shall be credited-
- (a) its income including the fees and endowments;
 - (b) contributions or grants, if any, which may be made by the State Government on such conditions as it may impose; and
 - (c) other contributions or grants or loans raised.
- Restriction of creation of new liability and diversion of Government grant** 26. Notwithstanding anything contained in any other provisions of this Act, the University shall not create any new or additional liability which involves contribution or grants from the State Government effecting the State Exchequer or shall not divert and invest any portion of any grant given to it by the State Government in any form for any

^{1*} Omitted original Cl (c), as quoted below, and Cl (d) relettered as Cl(c) by Assam Act IV of 2010

(c) *the management of Colleges admitted to the privileges of the University; and*

other purposes other than the purposes for which the grant was given, without the prior approval of the State Government.

- Annual report** 27. (1) The annual report of the University shall be prepared under the directions of the of the Board of Management which shall include among other matters, the steps taken by the University towards the fulfillment of its objects.
- (2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.
- (3) A copy of the annual report, so prepared under sub-section (1) shall also be submitted to the State Government which shall, as soon as may be, cause the same to be laid before the Assam Legislative Assembly.
- Annual Accounts, etc.** 28. (1) The annual accounts an the balance sheets of the University shall be prepared under the directions of the Board of Management and shall, once at least every year, and at intervals of not more than fifteen moths, be audited by the Director of Local funds and Accounts or such person as the State Government may authorize in this behalf.
- (2) A copy of the accounts together with the audit report shall be submitted to the Chancellor along with the observations, if any, of the Board of Management;
- (3) Any observation made by the Chancellor on the annual accounts shall be brought to the notice of the Board of Management and the views of the Board of Management, if any, on such observation shall be submitted to the Chancellor;
- (4) A copy of the accounts together with the audit report, as submitted to the Chancellor, shall also be submitted to the State Government, which shall as soon as may be, cause the same to be laid before the Assam Legislative Assembly at its next session;
- (5) The audited annual accounts after having been laid before the State Legislative Assembly shall be published in the Official Gazette.

CHAPTER VII CONDITIONS OF SERVICE OF EMPLOYEES

- Conditions of service of employees** 29. (1) Every employee of University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions

of this Act, the Statutes and the Ordinances.

- (2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employees concerned.

Arbitration by Tribunal

30. (1) Any dispute arising out of a contract of employment referred to in section 29 between the University and an employee shall at the request of either party, be referred to an Arbitral Tribunal which shall consist of one member nominated by Board of Management one member nominated by the employees concerned and an umpire to be nominated by the Chancellor.
- (2) Every such reference shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation, 1996 and all the provisions of the Act, with the exception of section 2 thereof, shall apply accordingly.
- (3) The procedure for regulating the work of the Arbitral Tribunal shall be prescribed by the Statutes.
- (4) The decision of the Arbitral Tribunal Shall be final and binding on the parties and no suit shall lie in any court in respect of the matters decided by the Tribunal.

Provident and pension funds

31. (1) The University shall constitute for the benefit of the employees such provident and pension funds or provide such Insurance Schemes, as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.
- (2) Where such provident and pension funds has been so constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such funds, as if it were a Government Provident fund.

Disputes as to the constitution of University authorities and bodies

32. 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 Chancellor whose decision thereon shall be final.

Filling of casual vacancies

33. All the casual vacancies among the members other than ex-officio members of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who

appoints, elects or co-opts the members whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the remaining of the term for which the person whose place he fills would have continued as a member.

Proceedings of the University, authorities or bodies not invalidated by vacancies

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

Protection of action taken in good faith

35. No suit or other proceedings shall lie against any officer or employees of the University for any thing which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the Statutes or the Ordinances.

Transitory provision

36. Notwithstanding anything contained in any other provisions of this Act and the Statutes, the first Vice-Chancellor, the first Registrar and the First Officer shall be appointed by the State Government for a period not exceeding three years on such terms and conditions as the State Government may think fit :

Provided that for appointment as first Vice-Chancellor and first Registrar and first Finance Officer the person shall hold such qualifications and experience as are require for appointment in the similar posts in other Universities of the State:

Provided further that the first Vice-Chancellor shall retire from his office if during the term of his office he completes the age of sixty-five years and first Registrar and the first Finance Officer shall retire from their respective office if during the term of their office they complete the age of sixty¹ years.

Transitory powers of the first Vice-Chancellor

37. (1) It shall be duty of the first Vice-Chancellor to make arrangements for constituting the Board of Management, the Academic Council and such other authorities of the University within six months of

¹* Substituted the word "fifty eight" by Assam Act IV of 2010.

**first Registrar
and first
Finance
Officer**

- coming into force of this Act or such longer period not exceeding one year as the Government may by notification direct.
- (2) The First Vice-Chancellor shall, in consultation with the State Government, make such rules as may be necessary for the functioning of the University.
 - (3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date as the Government may by notification, specify in this behalf.
 - (4) It shall be the duty of the first Vice-Chancellor to draft such Statutes as may be necessary for the purposes under sub-section (3) of section 22 and submit them to the Board of Management for their approval. Such Statutes when framed shall be published in the Official Gazette.
 - (5) Notwithstanding anything contained in this Act and the Statutes and until such time an authority is duly constituted, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under this Act and the Statutes.
 - (6) The first Registrar and the first Finance Officer and other officers and staff shall function as per orders or instructions issued by the first Vice-Chancellor from time to time in accordance with rules framed under sub-section (2), Statutes and Ordinances.

**Power to
remove
difficulties**

38. (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the date of coming into force of this Act or otherwise on giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provision, not inconsistent with the provisions of this Act as may appear to it be necessary or expedient for removing such difficulty:

Provided that no such notification shall be issued after the expiry of five years from the date of establishment of the University under section (3).
- (2) Every notification issued under sub-section (1) or under any other provisions of this Act shall be laid, as soon as may be after it is issued, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the said period the State Legislative Assembly makes any modification in any notification or directs that any notification shall not have effect, and such notification 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 notification.

**Statutes,
Ordinances
and
Regulations to
be published in
the Official
Gazette and to
be laid before
Legislative
Assembly**

- 39.(1) Every Statutes, Ordinances or Regulations made under this Act shall be published in the Official Gazette.
- (2) Every Statutes, Ordinance or Regulations made under this Act shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in session, for a total period of fourteen days which maybe comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following the Assam Legislative Assembly agree in making any modification in the Statutes, Ordinances or Regulations or the Assam Legislative Assembly agree that the Statutes, Ordinances or Regulations should not be made, the Statutes, Ordinances or Regulations shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that Statutes, Ordinances or Regulations.

**THE SCHEDULE
(SEE SECTION 4)**

The objects of the University

- (1) The University shall endeavour through education, research, training and extension to play a positive role in the development of the country and based on the rich heritage of the country, to promote and advance the culture of the people of Assam and its human resources. Towards this end it shall-
- (a) strengthen and diversity the degree, certificate and diploma courses related to the needs of employment and necessary for building the economy of the country on the basis of its natural and human resources;
- (b) provide access to higher education for large segments of the population, and in particular the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;

- (c) promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour;
 - (d) provide an innovative system of university level education, flexible and open, in regard to methods and place of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in new fields of knowledge;
 - (e) contribute to the improvement of the educational system in the State by providing a non-formal channel complementary in the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software development by the University;
 - (f) provide education and training in the various arts, crafts and skills of the country, raising their quality and improving the availability to the people;
 - (g) provide or arrange training of teachers required for such activities or
 - (h) provide suitable post-graduate courses of study and promote research;
 - (i) provide the counselling and guidance to its students and
 - (j) promote national integration and the integrated development of the human personality through its policies and programmes.
- (2) The University shall strive to fulfill the above objects by a diversity of means of distance and continuing education and shall function in operation with the existing universities and institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education, which matches contemporary needs.

M.K. Deka,
Commissioner & Secy. to the Govt. of Assam,
Legislative Department, Dispur.

পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No. 768/97

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 17 দিশপুৰ, বুধবাৰ, 20 জানুৱাৰী, 2010, 30 পূহ 1931 (শক)
 No. 17 Dispur, Wednesday, 20 January, 2010, 30th Pausha, 1931 (S.E.)

GOVERNMENT OF ASSAM
 ORDERS BY THE GOVERNOR
 LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 20th January, 2010

No. LGL.20/2005/114. – The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. IV OF 2010
 (Received the assent of the Governor on 18th January, 2010)

**THE KRISHNA KANTA HANDIQUE STATE OPEN UNIVERSITY
 (AMENDMENT) ACT, 2009**

AN
ACT

to amend the Krishna Kanta Handique State
Open University Act, 2005

Whereas it is expedient to amend the Krishna Kanta Handique State Open University Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act No.
XXXVII of
2005

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

- | | | |
|---|----|--|
| Short title,
extent and
commencement | 1. | (1) This Act may be called the Krishna kanta Handique State Open University (Amendment) Act, 2009.
(2) It shall have the like extent as the principal Act
(3) It shall come into force at once. |
| Substitution of
the word
"Handique" | 2. | In the principal Act for the word "Handiue" wherever it occurs, the word "Handiqui" shall be substituted and the word "Handique" as they appear in the Statutes, Ordinance and Regulations made under the principal Act shall stand modified as "Handiqui". |
| Amendment of
section 2 | 3. | In the principal Act, in section 2, –
(i) clause (d) shall be deleted and clauses (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) shall be renumbered respectively as (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n);
(ii) for clause (j) as so renumbered, the following shall be substituted, namely–
“(j) “Learner” means a student of the University and includes any person who has enrolled himself for pursuing any course of Study of the University.” |
| Amendment of
section 3 | 4. | In the principal Act, in section 3, in sub-section (2), the word “Colleges” shall be deleted. |

- Amendment of section 5** 5. In the principal Act, in section 5, –
- (i) in sub-section (1), in clause (XX), the words “the students and” shall be deleted;
 - (ii) in sub-section (1), in clause (XXVI), the words “a college or” shall be deleted;
 - (iii) in sub-section (1), clause (XXVII) shall be deleted and existing clause (XXVIII) shall be renumbered as (xxvii);
 - (iv) in sub-section (2), for the word ‘benefit’ appearing in between the words “it may” and “for the promotion”, the words “deem fit” shall be substituted;
 - (v) in sub-section (2), the words “whether admitted to its privileges or not”. appearing in between the words “Colleges” and “or to any” shall be deleted.
- Amendment of section 6** 6. In the principal Act, in section 6, in sub-section (1), the word “student” shall be deleted.
- Amendment of section 7** 7. In the principal Act, in section 7, for the existing clauses (2) and (3), the following shall be substituted, namely :-
- “(2) The Vice-Chancellor
 - (3) The Pro Vice-Chancellor
- Amendment of section 8** 8. In the principal Act in section 8, in sub-section (2), the word “College” shall be deleted.
- Re-numbering of sections 9 and 10** 9. In the principal Act, the existing section 9 shall be renumbered as section 10 and the existing section 10 shall be renumbered as section 9 respectively and the provisions of section 10 as so renumbered shall be inserted after clause (5) of renumbered section 9.
- Amendment of section 17** 10. In the principal Act, in section 17, clause (7) shall be deleted and clauses (8), (9) and (10) shall be renumbered respectively as (7), (8) and (9).
- Amendment of section 18** 11. In the principal Act, in section 18, in sub-section (1),-
- (i) clause (iv) shall be deleted and clauses (v), (vi), (vii) shall be renumbered respectively as (iv), (v) ad (vi);

- (ii) after clause (vi) so renumbered, the following new clauses shall be inserted, namely :-
- (vii) Three Professors of the University as nominated the Vice-Chancellor with a term of three years;
- (viii) Three Teachers other than Professors to be nominated by the Vice-Chancellor with a term of three years;
- (ix) Two academicians from outside the University to be co-opted by the Academic Council with a term of three Years."

- Amendment of section 19** 12. In the principal Act in section 19, in sub-section (1) for the word "six" appearing in between the words "more than" and "members", the word "seven" shall be substituted.
- Amendment of section 21.** 13. In the principal Act, in section 21, -
- (i) in clauses (g) and (h) the words "or student" and "or students" respectively shall be deleted.
 - (ii) in clauses (i) and (j), the words "Colleges and" shall be deleted;
 - (iii) clause (k) shall be deleted and the existing clause (l) shall be renumbered as clause (k).
- Amendment of section 23** 14. In the principal Act, in section 23, in sub-section (1) -
- (i) in clause (a), the word "students" shall be deleted;
 - (ii) clause (c) shall be deleted and existing clause (d) shall be renumbered as clause (c)
- Amendment of section 36** 15. In the principal Act in section 36, in the second proviso for the words "fifty-eight" the word "sixty" shall be substituted.

MOHD. A. HAQUE
Secretary to the Government of Assam
Legislative Department, Dispur