



Particulars of organization, functions duties

PART I : ACTS, RULES, REGULATIONS THE BIHAR STATE UNIVERSITIES ACT, 1976 [BIHAR ACT XXIII OF 1976]¹ AN ACT

To establish and incorporate Affiliating-cum-Teaching Universities at Muzaffarpur, Bhagalpur, Ranchi, Gaya (Bodhgaya) and Darbhanga in the State of Bihar.

Be it enacted by the Legislature of the State of Bihar in the twenty-seventh year of the Republic of India as follows :-

[Comments. – This Act has undergone various changes from time to time. While some amendment have been brought by the Act of Legislature, many amendments were introduced through Ordinances and continued for a long period, before being given the shape of an Act of Legislature. Reference may be made to Amending Acts 68 of 1982, 3 of 1990, 9 of 1992, 17 of 1993, 12 of 1995, 16 of 1996, 8 of 1998 & 14 of 1998, while some of the Amending Acts were in both, Hindi and English languages, some of them were published only in Hindi, since some of the Ordinances preceding such Acts as were published only in Hindi. Where having both the texts Hindi and English, by comparing the Hindi text of the Act with the Hindi text of the Ordinance English text could be extracted, where the two Hindi texts tallied exactly or involved minor translation. But where the two texts did not tally, Hindi version of the amendment has been incorporated.]

1. Short title and commencement.- (1) This Act may be called the Bihar Universities Act, 1976.

(2) It shall come into force atonce.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context :-

- (a) “annual meeting” means one of the meeting of the Senate to be held every year under sub-section (1) of section 18 and declared by the statutes to be the annual meeting of the Senate;
- (b) “autonomous institution” means any institution declared as such under this Act and includes a College also;
- (c) “affiliated College” means educational institution having received privileges of the University according to the provisions of this Act and University Statutes relating thereto;
- (d) “Academic Council” means the Academic Council of the University;
- (e) “Chancellor” means the Chancellor of the University;

- ²[(f) ‘College’ means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given subject: to the provisions contained in clause (16) of section 4 to the students of the University up to or below the post-graduate standard under conditions prescribed in the Statutes:]
- ³[Provided that till separate arrangement is made for Intermediate Education, teaching of this standard also shall continue to be imparted in the same College, under the general direction of the Intermediate Education Council and that College shall be deemed to be an institution imparting education of Intermediate standard also.]
- (g) “Head of college Department” means the head of any department of the College;
- (h) “Head of a University Department” means the head of any department maintained by the University for imparting instruction to the students of the University in the post-graduate standard under conditions prescribed in the Statutes and includes the Director of any institute maintained by the University ¹[or the Government] for the promotion of research or for imparting instruction to the students of the University in the post-graduate standard;
- (i) “Constituent College” means a teaching institution maintained or controlled by the University;
- (i) “Hostel” means a place of residence for students of the University maintained or recognized by the University either as part of or separate from a College, in accordance with the provisions of this Act;
- (k) “Institution” means an institution maintained or recognised by the University;
- (i) “Prescribed” means prescribed by this Act or by the Statutes, the Ordinance, the Regulations or the Rules framed thereunder;
- (m) “Principal” means the head of a College;
- (n) “Pro-Vice-Chancellor” means the Pro-Vice-Chancellor of the University;
- (o) “Professor” means a teacher of a College possessing such qualification as may be prescribed by the Statutes;
- ²[(p) ‘Commission’ means Bihar University Service Commission.”]
- (q) “Registered graduate” means a graduate of the University who has received a degree from the University and whose name has been entered in the register of registered graduates maintained under the provisions of his Act on payment of a registration fee of rupees ten to the University. It also includes a graduate of the Patna University established and incorporated under the Patna University Act, 1917 (Bihar Act XVI of 1917) who has made a proper application together with a fee of rupees ten for being registered as a registered graduate of the University :
- Provided that a person, who was or was deemed to be a registered graduate under the Bihar State Universities

(Bihar, Bhagalpur and Ranchi Universities) Act, 1960 (Bihar Act XIV of 1960), the Magadh University Act, 1961 (Bihar Act IV of 1962) or the Lalit Narain Mithila University (second) Ordinance, 1976 (Bihar Ordinance No. LXXXVII of 1976), shall be deemed to be a registered graduate of the University subject to the condition that the College from which he graduated falls within the jurisdiction to the University.

Explanation.- A person, who has received more than one degree of the University, shall not be required to pay such registration fee more than once ;

- (r) “Reader” means a teacher of a College or the University possessing such qualifications as may be prescribed by the Statutes;
- (s) “Lecture” means a teacher of a College or University possessing such qualification as may be prescribed by the Statutes;
- (t) “Senate” means the Senate of the University;
- (u) “Statues”, “Ordinances”, “Regulations” and Rules means respectively the Statutes, the Ordinances, the Regulations and the Rules of the University for the time being in force;
- ²[(v) “Teacher” means person holding the post of only University Professor/Professor, Principal, Associate Professor (Reader) and Assistant Professor (Lecturer) and such sanctioned post in the teacher’s grade on the basis of regulations issued by the U.G.C. from time to time.
- (w) “University Professor” means a teacher engaged in giving instruction in any department or institute maintained by the University for imparting instruction to the students of the University in the post-graduate standard or for guiding research work or both and possessing such qualifications as may be prescribed by the Statutes;
- (x) “Syndicate” means the Syndicate of the University;
- (y) “University” means the University established and incorporated under section 3 of this Act;
- (z) “University Fund” means the fund of the University established under section 45 of this Act ;
- (aa) “Vice-Chancellor” means the Vice-Chancellor of the University ;
- (ab) “Acharya” means a person on whom a degree of Acharya has been conferred by the University, and includes a person possessing any such degree conferred by the Bihar Sanskrit Association of any equivalent degree recognised by the University ;
- (ac) “Bihar Sanskrit Association” means the Sanskrit Association constituted by the State Government as referred to in Chapter 8 of the Bihar Education Code (Seventh Edition) ;
- (ad) “Sanskrit Education Board” means the Board constituted by the State Government for control and supervision of

- ¹[Sanskrit Schools/Tol] for conducting examinations
¹[upto Madhyama standard];
- (ae) “Director” means head of any institute ;
- (af) “Faculty” means a faculty of the University ;
- (ag) “recognition” with all its grammatical variations, and cognate expressions means recognitions according to the provisions of this Act and Statutes ;
- (ah) “registered acharya” means a person registered as such according to provision of this Act and Statutes and includes an Acharya registered as such under the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965);
- (ai) “University student” means a person enrolled in any College, institute or recognized institute for the purpose of entry in any course of study for acquiring any degree, diploma or other academic distinction ;
- (aj) “Tol” means a Sanskrit institute recognized by the Bihar Sanskrit Association or the University for imparting instruction of Madhyama, Shastri or Acharya standard ;
- ¹[(aj) “The Bihar State University (Constituent Colleges) Service Commission” means the Bihar State University (Constituent Colleges) Service Commission to be constituted by the State Government for making recommendations for appointments, etc., of teachers and officers of Universities and Constituent Colleges;]
- (al) “Dean of Student’s Welfare” means the officer appointed under section 16 of this Act ;
- ²[(am) “Other equivalent post” means any other post the scale of pay of which is equivalent or as may be declared so by the State Government ;]
- ³[(an) “Other Backward Classes” shall have reference to Extremely Backward, Backward Classes and Women of Backward Classes.]

Legislative changes (after 1982)-Clauses (f) of this section originally read as follows:-

“2. (f) ‘Mahavidyalaya or College’ means an institution affiliated under the privileges of this Act or maintained or controlled by the University or institution maintained by the State Government, in which, instruction is given, subject to the provisions contained in clause (16) of Section 4 to the students of the University of graduate standard under conditions prescribed in the Statutes:

Provided that till separate arrangement is made for Intermediate Education, teaching of this standard also shall continue to be imparted in the same College, under the general direction of the Intermediate Education Council and that college shall be deemed to be an institution imparting education of Intermediate standard also.”

It was first amended by Ordinance 35 of 1986 which was continued by successive promulgations of different Ordinances and finally by Act 3 of 1990.

All the above amendments have not carried with it the “Proviso” which was attached with the original clause (f).

However since separate arrangement for imparting teaching up to Intermediate Standard has not been fully made till now, therefore it seems that "Proviso" needs to be there with clause (f).

Clause (p) was deleted by Act 17 of 1993, although Act 17 of 1993 broke the chain of preceding Ordinances the deletion of this clause was first taken up in Act 17 of 1993 and none of the preceding Ordinances contained its deletion. Therefore the effective date of deletion of this clause is the date of Act 17 of 1993.

Clause (ak) as originally introduced and prior to its substitution by Ordinance 4 of 1985 and finally by Act 3 of 1990 read as follows:-

(ak) "College Service Commission" means the College Service Commission constituted under the College Service Commission Act 1976."

Clause (an) was inserted by Act 17 of 1993, so the effective date from which clause (an) came into existence is the date when Act 17 of 1993 came in to force.

¹[3. Establishment and incorporation of Universities.-

⁴[(1) The following Universities shall be established from the date of commencement of this Act :-

(a) Baba Saheb Bhimrao Ambedkar Bihar University having the headquarters at Muzaffarpur and the jurisdiction over the whole of the Tirhut Division.

(b) Jai Prakash University having the headquarter at Chapra and the jurisdiction over the whole of the Saran Division.

(c) Tilka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.

¹(d) "The Magadh University headquarters of which will be at Bodhgaya (Gaya), and territorial jurisdiction of which will be the whole of the Magadh Division.

²[(e) Vir Kunwar Singh University having the headquarters at Arrah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.

²[(f) Lalit Narain Mithila University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.

³[(f) The Bhupendra Narain Mandal University headquarters of which will be at Madhepura and territorial jurisdiction of which will be the whole of the Koshi Division."

(g) ²[x x x]

⁴[(h) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Darbhanga and the jurisdiction over the whole of the State of Bihar.

⁴[(i) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State

Government with effect from the date of notification in the Official Gazette :

⁵[(i) Patliputra University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Patna and territorial jurisdiction of which will be territorial jurisdiction of Patna and Nalanda district of Patna Division except the colleges falling within the jurisdiction of the Patna University.]

⁵[(k) Purnia University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Purnia and the territorial jurisdiction of which will be the whole of territorial jurisdiction of Purnia Division.]

6[(L)Munger University may be established by division of Tilka Manjhi Bhagalpur University, Bhagalpur from the date notified in the Official Gazette by the State Government, by notification, headquarters of which will be at Munger and the territorial jurisdiction of which will be effective in the whole of Munger Division.]

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of this University :

Provided further that the State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities.]

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter becomes such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official gazette, from a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.

अधिसूचना

¹[अधिसूचना सं० 15/ एम० 1-160/1990-मा०-884 दि० 22.11.1990]-बिहार विश्वविद्यालय (संशोधन) अधिनियम, 1990 (बिहार अधिनियम सं० 3,1990) की धारा 3 (छ) में किए गये प्रावधान के अन्तर्गत बिहार विश्वविद्यालय, मुजफ्फरपुर की प्रादेशिक अधिकारिता में परिवर्तन करते हुए अधिसूचना निर्गत करने की तिथि से जय प्रकाश विश्वविद्यालय छपरा की स्थापना की जाती है जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी। इसके फलस्वरूप बिहार विश्वविद्यालय की अधिकारिता केवल तिरहुत प्रमण्डल पर रह जायेगी।

2[सं० 15/ व 3 - 109/92 - मा० सं० वि० 502 दिनांक 3.8.1992]-बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976 तथा बिहार अधिनियम, 9/1992 द्वारा संशोधित) की उप-धारा 3 के अधीन स्थापित बिहार विश्वविद्यालय, मुजफ्फरपुर एवं भागलपुर विश्वविद्यालय, भागलपुर को क्रमशः बाबा साहेब भीमराव अम्बेदकर बिहार विश्वविद्यालय, मुजफ्फरपुर एवं तिलका मांझी भागलपुर विश्वविद्यालय, भागलपुर के रूप में आदेश निर्गत की तिथि से नाम परिवर्तित किया जाता है।

सं० 15/व 3-29/91 - मा० सं० वि० 512 दिनांक 6 अगस्त 1992]-बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23/1976) तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम 9/1992 द्वारा संशोधित) की धारा 3 के अन्तर्गत स्थापित भागलपुर विश्वविद्यालय, भागलपुर की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक 10 जनवरी 1992 से सिद्धू कान्हू विश्वविद्यालय, दुमका की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी। इसके फलस्वरूप भागलपुर विश्वविद्यालय, भागलपुर की अधिकारिता दुमका प्रमण्डल को छोड़कर रह जायेगी।

सं० - 15/ व 3 - 37/91 मा० सं० वि० 513 दिनांक 6 अगस्त 1992]-बिहार राज्य विश्वविद्यालय अधिनियम 1976 (बिहार अधिनियम 23/1976 तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम 9/1992) (द्वारा संशोधित) की धारा 3 के अन्तर्गत स्थापित ललित नारायण मिथिला विश्वविद्यालय, दरभंगा की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक 10 जनवरी 1992 से भूपेन्द्र नारायण मंडल विश्वविद्यालय, मधेपुरा की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण कोषी एवं पूर्णिया प्रमण्डल पर होगी। इसके फलस्वरूप ललित नारायण मिथिला विश्वविद्यालय की अधिकारिता कोषी एवं पूर्णिया प्रमण्डल को छोड़कर रह जायेगी।]

Legislative changes (after 1982)-This section originally read as follow:-

“3. Establishment and incorporation of Universities.-(1) With effect from the commencement of this Act, there shall be established the following Universities, namely:-

- (a) the Bihar University with head-quarters at Muzaffarpur and territorial jurisdiction over the whole of the Tirhut and Saran Division;
- (b) the Bhagalpur University with head-quarters at Bhagalpur and territorial jurisdiction over the whole of the Bhagalpur Division;
- (c) the Ranchi University with headquarters at Ranchi and territorial jurisdiction over the whole of the North and South Chhotanagpur Division;
- (d) the Magadh University with headquarters at Both Gaya (Gaya) and territorial jurisdiction over the territorial jurisdiction of the Patna University as defined in section 4 of the Patna University Act, 1976;
- (e) the Lalit Narain Mithila University with headquarters at Darbhanga and territorial jurisdiction over the whole of the Darbhanga and Kosi Division ;
- (f) the Kameshwer Singh Darbhanga Sanskrit University with headquarters at Darbhanga and territorial jurisdiction over the whole of the State of Bihar:

Provided that the State Government may, by notification in the official gazette, alter the territorial jurisdiction of the University.

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office of membership shall together, constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government

published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.”

By Act 3 of 1990 this section was again substituted as follows :

3. Establishment and incorporation of Universities.- राज्य में निम्नलिखित विश्वविद्यालय स्थापित किए जायेंगे :-

(क) बिहार विश्वविद्यालय जिसका मुख्यालय मुजफ्फरपुर में होगा और जिसकी अधिकारिता सम्पूर्ण तिरहुत प्रमण्डल पर होगी;

(ख) भागलपुर विश्वविद्यालय जिसका मुख्यालय भागलपुर में होगा और जिसकी अधिकारिता सम्पूर्ण भागलपुर प्रमण्डल पर होगी;

(ग) राँची विश्वविद्यालय जिसका मुख्यालय राँची में होगा और जिसकी अधिकारिता सम्पूर्ण दक्षिण छोटानागपुर प्रमण्डल पर होगी;

(घ) मगध-विश्वविद्यालय जिसका मुख्यालय बोधगया (गया) में होगा और जिसकी अधिकारिता सम्पूर्ण मगध प्रमण्डल और पटना प्रमण्डल के पटना और नालन्दा जिलों पर होगी;

(ङ) ललित नारायण मिथिला विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण दरभंगा प्रमण्डल पर होगी;

(च) कामेश्वर सिंह दरभंगा संस्कृत विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;

(छ) जय प्रकाश विश्वविद्यालय जिसका मुख्यालय छपरा में होगा और जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी;

(ज) संथाल परगना विश्वविद्यालय जिसका मुख्यालय दुमका में होगा और जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी;

(झ) विनोवा भावे विश्वविद्यालय जिसका मुख्यालय हजारीबाग में होगा और जिसकी अधिकारिता सम्पूर्ण उत्तर छोटानागपुर प्रमण्डल पर होगी;

(ञ) वीर कुंवर सिंह विश्वविद्यालय जिसका मुख्यालय आरा में होगा और जिसकी अधिकारिता पटना प्रमण्डल के भोजपुर और रोहतास जिलों पर होगी; और

(ट) भारती-मंडल विश्वविद्यालय जिसका मुख्यालय सहरसा में होगा और जिसकी अधिकारिता सम्पूर्ण कोषी एवं पूर्णिया प्रमण्डल पर होगी;

परन्तु राज्य सरकार शासकीय गजट में अधिसूचना द्वारा विश्वविद्यालयों की प्रादेशिक अधिकारिता परिवर्तन कर सकेगी।

(ठ) मौलाना मजहूरुल हक अरबी एवं फारसी विश्वविद्यालय जिसका मुख्यालय पटना में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;

परन्तु राज्य सरकार शासकीय गजट में इस विश्वविद्यालय के कृत्य, विषयवस्तु का विवरण एवं अन्य कार्यों को निर्धारित कर सकेगी।

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall except by an order of the State Government published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be

deemed to have been withdrawn on the commencement of this Act.”

However it may be noticed that while all the sections of Amendment Act 3 of 1990 were enforced from 3.1.1990 its section 3 was to come into force from a date to be notified. This section was again substituted by Act 9 of 1992.

4. Purposes and powers of the University.-(1) There shall be the following purposes and powers of the University :-

(1)(a) to provide for imparting instruction in such branches of learning as the University may think fit including professional studies and technology; and

(b) to provided for research and for the advancement and dissemination of knowledge.

(2) to conduct examinations and to grant and confer degrees, diploma, certificate and other academic distinctions to and upon persons who-

(a) have pursued an approved course of study in the University and passed the examination of the University, under the conditions laid down in the Statues, the Ordinances or the Regulation ;

(b) are teachers, librarians and laboratory assistants in educational institutions or any other persons under such conditions as may be prescribed in the Statutes, the Ordinances and the Regulations and have passed the examination of the University under like condition; or

(c) have carried on independent research under conditions laid down in the Statutes, the Ordinances or the Regulation :

¹[Provided that for the said purpose it shall be lawful for the State Government to get the syllabus prescribed, teaching done, examinations conducted and results published upto Prathama and Madhyama standard under the Sanskrit Education Board with effect from the date of notification in the Gazettee.]

(3) to confer honorary degrees or other distinctions upon person approved in the manner prescribed in the Statutes ;

(4) to provide such lectures and instructions for, and to grant such diplomas to, persons not being members of the University, as the University may determine;

(5) to inspect all college, University departments and hostels ;

(6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(7) to institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University and to appoint qualified persons to such posts of Professor, Reader, Lecturer and teacher ;

(8) to recognise teachers as qualified to give instruction in Colleges ;

(9) to institute and award fellowships including travelling fellowships, scholarships, exhibition, medals and prizes in accordance with the Statutes, the Ordinances and the Regulations ;

(10) to establish, maintain and manage Colleges and hostels and to recognise Colleges and hostels not maintained by the University ;

(11) to demand and receive fees under the Ordinances ;

(12) to supervise and control the residence and discipline of students of Colleges and the University ;

(13) to make arrangement for promoting the health and general welfare of students and for that purpose to have powers to appoint and constitute such committees as may be prescribed in the Ordinances ;

(14) to enter into agreement with other bodies and persons for promoting the purposes of this Act and to assume the management of any institution under them and to take over its assets and liabilities ;

Provided that before entering into such an agreement the University shall obtain the sanction of the State Government, or shall do so upon receiving such a proposal from the State Government :

Provided further that if at any time any irregularity is found in determination and payment of any pay, special pay or allowances, or in any appointment in an institution taken over by the University in its management under such an agreement, then, notwithstanding anything to the contrary contained in this Act, the University shall have the powers to take decisions after reviewing it and such a decision shall be final and binding ;

(15) to hold and manage, subject to conditions and restrictions prescribed by the Statutes, any endowment, bequest, gift or any other transfer or property made to a College for its benefit just before the commencement of this Act or to get it held and managed by such agencies, which were managing the said endowment, bequest, fit or other trust property just before the commencement of this Act;

(16) to undertake the conduct of post-graduate teaching, research and work in departments maintained by the University or the State Government ;

(17) it shall be necessary for the University to arrange and provide for post-graduate teaching in any College at any time and to utilize for the said purposes, the buildings of that College or any portion thereof, and such members of the staff and the articles of furniture, library, books, stores, instruments and other equipments of that College as may be prescribed ;

(18) to centralize the conduct of undergraduate teaching in any subject or subjects with a particular standard and where the University decides to centralise the conduct of such undergraduate teaching, it shall be lawful for the University to arrange and provide for centralized delivery of lectures in such subject or subjects and to utilize the buildings, staff member, furniture, libraries, books, laboratories, stores, instruments and other equipments of one or more College as may be prescribed for that purpose ;

(19) to affiliate or disaffiliate Colleges according to Statutes subject to prior approval of the State Government :

¹[Provided that after the promulgation of Intermediate Education Council Ordinance, 1979, recognition to Intermediate Colleges shall be granted by the intermediate Education council;]

(20) to declare, subject to condition as may be prescribed in the Statutes, the existing Colleges or institutes as autonomous College or institute, as the case may be;

(21) to have powers as may be prescribed to constitute or dissolve the administrative body of an affiliated College of the University which is not a Government College ;

(22) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

(2) Powers and duties of the Kameshwar Singh Darbhanga Sanskrit University.-Subject to conditions imposed by this Act or as provided thereunder, there shall be following powers and duties to the Kameshwar Singh Darbhanga Sanskrit University :-

- (i) to confer or grant degree, diploma, certificate and other academic distinction in Sanskrit, Pali or Prakrit language or in such other branches of learning, as the University may consider fit:
- (ii) to impart instruction in subject and language referred to in clause (i) :
- (iii) to organise examination and to confer or grant degree, diploma, certificate and other academic distinction on or to such persons who fulfil the conditions as specified in the Regulations:
- (iv) to organise an examination other than the examination referred to in clause (iii) considered fit by the University, to prescribe courses of study therefor and to grant certificates on the basis of examination results thereof :
- (v) to confer honorary degrees or other distinction upon persons approved in the manner prescribed in the Statutes:
- (vi) to accept the transfer of properties or funds to the University in the form of gift, donation or trust and to use them and keep accounts thereof in accordance with the conditions of gift, donation or trust :
- (vii) to demand and receive fees as prescribed by or under this Act or the Statutes :
- (viii) to establish the University library according to provisions of the Statutes:
- (ix) to conduct post-graduate teaching and research work in University departments, Colleges and institutes :
- (x) to create posts for teaching and research work according to needs of the University and to appoint persons on such posts in the manner prescribed by or under this Act :
- (xi) to grant fellowships including travelling fellowships, scholarships, exhibition, rewards, medals, shields, cups and trophies according to provisions of this Act and the Statutes :
- (xii) to run hostels for residence of students of the University and to recognise such residence which are not run by the University ;
- (xiii) to enter into agreement with other bodies or persons for the purpose of promoting the objects of this Act, which includes taking over management of an institution under them and acquisition of its assets and liabilities :
- (xiv) to co-operate with other Universities and Institutions in the manner as may be determined by the University and to do

all such other acts and things as may be requisite in order to further the objects of the University :

- (xv) to supervise and control the residence and discipline of students of College and the University and to arrange for promoting their health and general welfare and for that purpose to have powers to appoint and constitute committee as may be prescribed in the Statutes and the Ordinances :
- (xvi) to approve the Regulations and prescribed course of study: and
- (xvii) to prepare and keep the list of books of the Sanskrit literature.

Legislative changes-A proviso each to clause (2) (c) and clause (19) have been inserted by Act 68 of 1982.

5. University open to all classes, castes and creeds.-No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, descent, class, caste or political belief. It shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a teacher or student, or to hold any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing contained in this section shall restrain the University from reserving posts and appointments in favour of ¹[scheduled castes, scheduled tribes, backward classes, women and economically weaker sections.]

Legislative changes-By Act 68 of 1982 for the words "Scheduled Castes & Scheduled Tribes", words "Scheduled Castes, Scheduled Tribes, Backward Classes, Women and Economically Weaker Sections" were substituted.

6. Teaching of the University.-(1) All recognized teaching in connection with University courses shall be conducted through the Colleges and through departments maintained by the University, subject to general control of the Vice-Chancellor, and shall include lecturing, work in laboratories or workshops, and other teaching work conducted in the University and the College by the University Professors, Readers, Lecturers and other teachers in accordance with any syllabus prescribed by the Regulations.

(2) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Regulations.

(4) In addition to recognized teaching, tutorial and other supplementary instruction shall be given in the colleges subject to the control of the University or in the department maintained by the University.

(5)(i) It shall not be lawful for the University or for any College to maintain classes for the purposes of preparing students for admission to the University.

¹[(ii) In the Faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examinations and publish results of graduate and above standards :

Provided that until separate arrangement for Intermediate Education is made, the college shall under the general direction of the Bihar Intermediate Education Council continue the teaching work etc., of this standard.

(iii) The graduate course shall be of three years' duration.]

(6) ²[x x x x]

Legislative changes (after 1982)-Clauses II and III of sub-section 5 of this section are the only provisions which has undergone changes in this section. Clauses II & III originally read as follows:-

Clause II- "In the faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching. Hold examinations and publish results upto Intermediate Standard till the Intermediate Education Council is established and notification in that respect is published in the official Gazette:

Provided that until separate arrangement is made for Intermediate Education the college shall continue the teaching work etc. of this standard as before, under the general direction of the Intermediate Education Council"

Clause III- "The graduate course shall be of two year's duration at the end of which there shall be a public examination."

Clause III- was substituted by Ordinance 14 of 1993 as follows:-

"(iii) The graduate course shall be of three years' duration. The Courses of studies and the conduct of examination shall be in accordance with statutes, rules and regulations made in this regard from time to time".

Act 17 of 1993 which repealed Ordinance 14 of 1993 substituted clause II and retained clause III (as substituted by Ordinance 14 of 1993) with some changes.

Sub-section 6 of section 6 deleted by Act 68 of 1982.

³**[7. Officers of the University.-** The following shall be the officers of the University :-

- (1) The Chancellor,
- (2) The Vice-Chancellor,
- (3) The Pro Vice-Chancellor,
- (4) The Financial Adviser,
- (5) The Dean, Students' Welfare,
- (6) Proctor,
- (7) Registrar,
- (8) Inspector of Colleges,
- (9) Finance Officer, and
- (10) Such other person or persons as may be declared officers of the University by the Statues.]

Legislative Changes-This section was substituted by Act 68 of 1982. Prior to its substitution this section read as follows:-

“7. Officers of the University:-The following shall be the Officers of the University, namely:-

- (1) the Chancellor,
- (2) the Vice-Chancellor,
- (3) the Pro-Vice-Chancellor,
- (4) the Dean, faculty of Students' Welfare,
- (5) the Registrar,
- (6) the Inspector of Colleges,
- (7) the Finance Officer,
- (8) such other persons as may be declared by the statutes to be the officers of the University.”

¹[8. **Transfer of Offices.**-Officers of the University under serial nos. 4 to 9 of section 7, may be transferred by the Chancellor to another University on the same or any other equivalent post or within the University on any other equivalent post.]

Legislative changes (after 1982)- This section was substituted by Bihar Ordinance 39 of 1986 and continued till finally Act 3 of 1990 was passed breaking the chain of Ordinances. Prior to its substitution this section read as follow :

“8. Transfer of Officers-(i) The officers of the University (excluding the Chancellor, the Vice-Chancellor, the Pro-Vice Chancellor, Dean, Students' Welfare and Proctor) may be transferred by the Chancellor on the recommendation of the Vice-Chancellor or otherwise, to an equivalent post in another University.

(ii) The Vice-Chancellor may transfer officers mentioned in serials (5) to (8) in sub-section (1) of section 7 to any equivalent post or revert them to their substantive post in the same University”.

9. The Chancellor.-(1) The Governor of Bihar shall be the Chancellor and shall, by virtue of his office, be the head of the University and the President of the Senate, and shall, when present, preside over meetings of the Senate, and at any convocation of the University.

(2) The Chancellor shall have the powers to inspect the University, its buildings, laboratories, workshops and equipment, any College or hostel, the teaching or examinations conducted, or any act done by the University, and to get such inspection done by such person or persons who may be directed by him and to inquire or to cause an inquiry made, in like manner, in respect of any matter connected with the University ²[and it shall be the duty of the officers of the concerned University and College to render necessary assistance in such inspections :]

Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or inquiry conducted and the University shall be entitled to representation therein.

(3)(a) The Chancellor may send the results of such inspection or inquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Syndicate and the Academic Council.

³[(b) The Syndicate and the Academic Council shall report to the Chancellor within the specified period, such action, if any as has been taken or is proposed to be taken upon the results of such inspection or enquiry.]

(c) where the Syndicate and the Academic Council fail to take action up to the satisfaction of the Chancellor within a reasonable time, the Chancellor may, after considering the explanation furnished or representation filed by ⁴[xxx] the Syndicate and the Academic Council, give such direction as he considers fit and the Syndicate and the Academic Council shall at once comply :

¹[Provided that notwithstanding anything contained in sub-section (3) the Chancellor, if he deems necessary, on the basis of report received from the Vice-Chancellor or otherwise, may call for explanation from any teacher or officer of the University or colleges affiliated to it and after the consideration on the charges, issue such direction as he deems fit, and the Vice-Chancellor, the Syndicate and the Academic Council or the Governing body or Ad hoc committee, as the case may be shall comply with it within the specified period.]

²[(4) The Chancellor may, by order in writing, annul any proceeding or order of the University which is not in conformity with this Act, the Statutes, the Ordinance or the Regulation or for which adequate reason is lacking :

Provided that before making any such order or direction he shall call upon the University to show cause within the time specified why such order or direction should not be made, and if any cause is shown within the said time limit, he shall consider the same.]

1[(4क) कुलाधिपति अपने द्वारा पारित किसी आदेश को पुनर्विलोपित कर सकेगा अथवा वापस ले सकेगा यदि वह ऐसा पुनर्विलोपन या वापसी न्याय की दृष्टि से उचित समझे अथवा अभिलेखों के आधार पर पूर्व में पारित आदेश को गलत पाये।]

(5) Every proposal for the conferment of an honorary degree shall be subject to confirmation of the Chancellor.

(6) Where power is conferred upon him by this Act or the Statutes to nominate persons to authorities and bodies of the University, the Chancellor shall, to the extent necessary and without prejudice to such power, nominate persons to represent interests not otherwise represented.

²[(7)(i) The Chancellor shall have power to transfer the officers and teachers of the University from one University to another or in the same University on the same post or on any other equivalent post; the transferees shall retain their respective seniority.

(ii) The Chancellor shall have the power to issue direction to the Universities in the administrative or academic interest of the Universities which he considers to be necessary. The direction issued by the Chancellor shall be implemented by the Vice-Chancellor, Syndicate, Senate and other bodies of the Universities as the case may be.

(iii) Any person aggrieved by such order of the Chancellor may file representation to the Chancellor, who on consideration of the representation shall have the power to affirm, modify or rescind his earlier order and pass such order or orders which he may deem fit and proper.]

²[(8) The Chancellor shall have such other powers as are conferred on him by this Act or the Statutes.]

Legislative changes (after 1982)-Sub-section 7 of this section was inserted and existing sub-section 7 re-numbered as sub-

section 8 by Ordinance 39 of 1986 which was continued by successive ordinances till the enactment of Act 3 of 1990.

10. ³“(1)(i) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.

(ii) The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public notification or nomination or a talent search process or in combination. The members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Chancellor.

(iii) Following shall be the constitution of the Search Committee.

(a) A member nominated by the Chancellor, who shall be an eminent Scholar/Academician of national repute or a recipient of Padma Award in the field of education and shall be the Chairman.

(b) The Director or Head of an institute or organization of national repute, such as, India Institute of Technology, Indian Institute of Science, Indian Space Research Organization, National Law University of National Research Laboratory or Vice-Chancellor of a statutory University nominated by the Chancellor as Member.

(c) A member nominated by the State Government who shall be an eminent Academician and have full knowledge of the academic structure and problems of higher education of the State.”

(2) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government.

1[(3) (a) The Vice-Chancellor shall be wholetime officer and shall hold office during the pleasure of the Chancellor.

(b) Subject to the foregoing provisions of this section the Vice-Chancellor shall ordinarily hold office for a term of three years and on the expiry of the said term he may be reappointed by the Chancellor in consultation with the State Government and he shall hold office at the pleasure of the Chancellor for a term not exceeding three years.]

1[(4) (i) उनकी नियुक्ति के अन्य बन्धेज और शर्त राज्य सरकार के परामर्ष से कुलाधिपति अवधारित करेंगे ।]

(ii) जहाँ कुलपति के रूप में नियुक्त व्यक्ति केन्द्र या राज्य सरकार या किसी विश्वविद्यालय से या किसी अन्य श्रोत से पेंशन पाता हो वहाँ उसे देय पेंशन की राशि को उसे देय पेंशन का अंश माना जायेगा ।]

(5) The Vice-Chancellor shall be the principal executive and academic officer of the University, the Chairman of the Syndicate and of the Academic Council and shall be entitled to be present and

speaking at any meeting of any authority or other body of the University and shall in the absence of the Chancellor preside over meetings of the Senate and of any convocation of the University :

(6) The Vice-Chancellor shall subject to the provisions of this Act, the Statutes and the Ordinances have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants of the University not being teachers and officers of the University and have control and full disciplinary powers over such staff and servants.

²[(7) कुलपति को सिनेट, उसकी समितियों एवं उप-समितियों, सिन्डीकेट, उसकी समितियों एवं उप-समितियों, विद्वत परिषद् एवं विष्वविद्यालय के अन्य प्राधिकारों की बैठक बुलाने की शक्ति होगी एवं वह उन बैठकों का पदेन सभापति होगा तथा अपनी अलभ्यता के कारण किसी अन्य अधिकारी को बैठक बुलाने एवं उसका सभापतित्व करने हेतु प्राधिकृत कर सकेगा।]

(8) The Vice-Chancellor shall have the powers to visit and inspect the Colleges and buildings, laboratories, workshops and equipments thereof and any other institution associated with the University, and he shall have the right of making an inquiry or causing an inquiry to be made, in like manner in respect of any matter connected with such Colleges and institutions.

(9) The Vice-Chancellor shall address the Principal of such College with reference to the result of such inspection or inquiry and, thereupon, it shall be the duty of such Principal to communicate the views of the Vice-Chancellor to the governing body of the College and to report to the Vice-Chancellor such action if any, taken or proposed to be taken upon the result of such inspection or inquiry.

(10) It shall be lawful for the Vice-Chancellor to issue, from time to time any direction to the Principal of a College in which post-graduate teaching conducted under clause (16) of section 4 and such Principal shall comply with a..... such directions accordingly.

¹[(11) The Vice-Chancellor shall exercise general control over the educational arrangement of University and shall be responsible for the discipline of the University. It shall be lawful for the Vice-Chancellor to take all steps which are necessary for maintaining the academic standard and administrative discipline of the University.]

(12) If at any time, except when the Syndicate or the Academic Council is..... in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take such immediate action involving the exercise of any power vested in the ²[Syndicate or Academic Council] by or under this Act, the Vice-Chancellor shall take such action as he deems fit, and shall report the action taken by him to such authority which may either confirm the action so taken or disapprove of it.

(13) It shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations and the Rules or not and the Vice-Chancellor shall report to the Chancellor every proceeding which is not in conformity with such provisions.

For so long as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceedings of the University is not in accordance with this Act, the Statutes, the

Ordinance, the Regulation and the Rules, The Vice-Chancellor shall have the powers to stay the proceeding reported against.

3[(14) कुलपति को विष्वविद्यालय द्वारा घोषित किसी विभाग या महाविद्यालय के किसी शिक्षक को कुलाधिपति द्वारा स्वीकृत मार्ग निर्देशक सिद्धान्त के अनुसार उस विष्वविद्यालय द्वारा घोषित किसी अन्य विभाग या महाविद्यालय के किसी समकक्ष पद पर स्थानान्तरित करने की शक्ति होगी।]

4[*Illustration*- 'equivalent post' means Reader and Principal in the pay-scale of Reader, Professor and Principal in the pay-scale of Professor.]

3[(15) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.]

4[(16) The Vice-Chancellor shall have overall responsibility in maintaining good academic standard and promoting the efficiency and good order of the University.

(17) Save as otherwise provided in the Act, or the Statutes the Vice-Chancellor of the Chancellor, and teachers and shall define their duties;

(18) The Vice-Chancellor shall have power to take disciplinary action against all employees of the University including officers and teachers of the University;

(19) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank.]

Legislative changes (after 1982)- This section has registered following changes;

- (i) Substitution of sub sections (3), (4), (11),
- (ii) Insertion of illustration to sub-section (14), and
- (iii) Insertion of sub-sections (16) to (19).

The amendments having started from Ordinance 39 of 1986 till Act 3 of 1990 provides different date of effect to the different amendments made in the section.

The date of effect for the substitution of sub-section (11), insertion of illustration to sub-section (14) and insertion of sub-sections (16) to (19) is 17.12.1986 when Ordinance 39 of 1986 was promulgate. The substitution of sub-sections (3) is effective from 18.4.1987 when Ordinance 13 of 1987 was promulgated.

The substitution of sub-section (4) is effective from 30.1.1990 being the date of enactment of Act 3 of 1990.

Sub-sections- (3), (4) and (11) originally read as follows:-

“(3) The Vice-Chancellor shall be a whole time officer and shall hold office for a period of three years with effect from the date on which he assumed charge. On the expiry of the said period, he may be re-appointed for another term not exceeding three years.”

“(4) (i) The Vice-Chancellor shall be paid a salary of three thousand rupees per mensem. Other terms and conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.

(ii) Where the person appointed as Vice-Chancellor is in receipt of a pension from Central of State Government the amount of the pension payable to him shall be treated as part of the salary specified in clause (i).”

“(11) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, transfer, dismissal or suspension of an officer or teacher of the University and shall exercise general control over the educational arrangements of the University and shall be responsible for the discipline of the University.”

11. Removal of the Vice-Chancellor.- (1) If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor-

- (i) has failed to discharge any duty imposed upon him by or under this Act, the Statutes, the Ordinances, or
- (ii) has acted in a manner prejudicial to the interests of the University, or
- (iii) is incapable in managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require, the Vice-Chancellor, by an order in writing stating the reason therefor, and after consulting the State Government, to resign his post from the date, as may be specified in the order.

(2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

(3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and the office of the Vice-Chancellor shall be deemed vacant.

12. Pro-Vice-Chancellor.-¹[(1) The Pro-Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government in the same manner as prescribed for appointment or Vice-Chancellor.”

(2) The Pro-Vice-Chancellor shall be a whole-time officer of the University. He shall hold office, on such conditions as may be determined, by the Chancellor, in consultation with the State Government, for a period not exceeding three years during the pleasure of the Chancellor.

¹[(3) Where the person appointed as Pro-Vice-Chancellor gets pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Pro-Vice-Chancellor.]

¹[(4) Subject to the provisions of this Act, the Pro-Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him, from time to time, by the Vice-Chancellor.]

¹[(5) ²[The Pro-Vice-Chancellor shall be responsible for admission and conduct of the examination up to Bachelor course and the publication of the result of the examination conducted by the University up to Bachelor course and shall be responsible for student welfare.]

³**[12A. Financial Adviser.-** (1) The Financial Adviser shall be a whole time officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Accounts Services or from any other Accounts

Service of Government of India. Until such an officer is appointed the present incumbent may continue to work as the Financial Adviser.

(2) The terms and conditions of service of the Financial Adviser shall be determined by the Chancellor in consultation with the State Government and he shall ordinarily hold the post for three years.

(3) In all proposal having financial implication the advice of the Financial Adviser shall be mandatory.

(4) The Financial Adviser shall be ex-officio member of the Finance Committee.

(5) The Financial Adviser shall work under the Administrative control of the Vice-Chancellor and Finance Officer shall work directly under the control of the Financial Adviser.

(6) It shall be the responsibility of the Registrar to obtain the advice of the Financial Adviser on all matters having financial implication. Moreover, it shall be the responsibility of the Registrar to mention specifically at the time of placing such a proposal before the Syndicate that the concurrence of the Financial Adviser has been obtained or that he has not concurred in the proposal.

(7) If in any financial proposal the Vice-Chancellor or the Syndicate takes a decision contrary to the advice of the Financial Adviser, such a decision shall not be implemented and shall be forwarded by the Vice-Chancellor to the Chancellor, whose decision in the matter shall be final and binding.

(8) Preparation of the University Budget, maintenance of accounts, audit of accounts from time to time, compliance of the audit objections, timely receipt of grants from the State Government in accordance with the approved budget and also of grants from the University Grants Commission, arrangements for keeping the same properly and timely submission of utilization certificate of the University grants in the prescribed manner shall be the responsibility of the Financial Adviser.

(9) It shall also be the responsibility of the Financial Adviser to see that all financial matters of the University are dealt with in accordance with the Act, the Ordinance, the Statutes, the University Ordinances, Regulations and Rules framed thereunder.]

¹[13. Arrangement of work during temporary absence of the Vice-Chancellor.- (1) During the temporary absence of the Vice-Chancellor by reason of leave, illness or for any other cause, the information of which shall immediately be communicated to the Chancellor by the Vice-Chancellor, the Pro-Vice-Chancellor or the Registrar, the Chancellor may make such arrangement for the performance of the duties of the office of the Vice-Chancellor as he deems fit :

Provided that until such arrangement is made, in case of the temporary absence of the Vice-Chancellor, it shall be lawful for the Pro-Vice-Chancellor, perform the duties of the Vice-Chancellor.

(2) in case of vacancy of the post of the Vice-Chancellor caused due to resignation, death, completion of the term or any other reason the Chancellor on the basis of the information received from the Pro-Vice-Chancellor or Registrar or any other source, may make such arrangements for the performance of the duties of the office of the Vice-Chancellor, as he deems fit.]

14. The Dean of Students' Welfare.-(1) The Dean of Students' Welfare shall be appointed by the Vice-Chancellor for a period of two years from amongst the University Professor, Readers or Principals :

¹[Provided that if the Vice-Chancellor thinks it necessary for administrative reasons he..... may revert the Dean to his original post and appoint another person as Dean for the unexpired Period.]

(2) The duties, powers and functions of the Dean of Students' Welfare shall be prescribed by the Statutes.

(3) The teacher appointed as the ¹[Dean, Students' Welfare] under sub-section (1) shall hold on his original post, and he shall be eligible for all the which would havewise accrued to him, in case he would not have appointed as ²[Dean, Students' Welfare].

²[14A. Proctor.-(1) The Vice-Chancellor shall appoint 'Proctor' from amongst such teachers of the University as are not below the rank of Reader.

(2) His tenure shall be of two years and on the expiry of his tenure, he may again be appointed :

Provided that if at any time the Vice-Chancellor thinks it proper on administrative grounds, he may send the Proctor back to his original post and appoint another person as Proctor for the unexpired period of his term.

(3) In case of vacancy of the Proctor caused due to resignation or illness or any other reason his duties shall be discharged by person appointed for the purpose by the Vice-Chancellor.

(4) Duties of the Proctor shall be determined by the Statutes.]

²[14B. समायोजक (को-आर्डिनेटर) कॉलेज विकास परिषद :-(i) कुलपति विश्वविद्यालय के ऐसे शिक्षकों के बीच से, जो उपाचार्य की पंक्ति से नीचे के न हों को-आर्डिनेटर कॉलेज विकास परिषद की नियुक्ति कर सकेगा।

(ii) उसकी पदावधि तीन वर्षों की होगी और पदावधि समाप्त होने के बाद दो वर्षों से अनधिक अवधि के लिए पुनर्नियुक्ति का पात्र हो सकेगा; परन्तु यदि कुलपति किसी समय प्रशासनिक कारणों से उचित समझे तो को-आर्डिनेटर को अपने मौलिक पद पर लौटा सकेगा अथवा यदि वह सेवा निवृत्ति की उम्र प्राप्त कर चुके हों तो उनकी सेवा समाप्त कर सकेगा तथा अनवसित अवधि के लिए किसी दूसरे व्यक्ति की नियुक्ति की जायेगी।

(iii) को-आर्डिनेटर की सेवा शर्तें, उनके कर्तव्य तथा वेतन परिणियमों द्वारा अवधारित किए जायेंगे।]

¹[15. The Registrar.-(1) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grants Commission or any University to send names of suitable officers including the retired officers of Bihar Administrative Services for the post of Registrar, and in that case State Government, Central Government, University Grants Commission or and University may send the name of one or more officers for consideration for appointment as Registrar under such terms and conditions of service, as he may consider fit, and then the Chancellor shall appoint the Registrar from amongst them.

(2) The Registrar shall be wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall :-

(a) be the custodian of the records, the common seal and such other properties of the University as the Vice-

Chancellor and the Syndicate shall commit to his charge

:

- (b) conduct the official correspondence of the University, and shall maintain the proper investment of the University ;
- (c) perform such other duties as may be specified in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate ;
- (d) represent the University in suits or proceedings by or against the University, sign powers of Attorney and verify pleadings or depute his representative for the purpose ;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results ;
- (f) look after the proper functioning of the institutions affiliated to the other than the Constituent Colleges and the Departments of University and shall report to the Vice-Chancellor ;
- (g) have power to take disciplinary action against the employees belonging to the Ministerial staff and to suspend them pending inquiry to administer warning to them or to impose on them the penalty of censure or the withholding of increment :

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

- (3) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of withholding the increment.
- (b) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor alongwith his recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.]

Legislative charges (after 1982)- This section originally read as follows:-

“15. The Registrar:- Registrar shall be a whole-time officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and he-

- (a) shall manage the property and investment of the University;
- (b) shall sign all contracts made on behalf of the University;
- (c) shall exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinance, the Regulations or the Rules or as may, from time to

- time, be conferred and imposed on him by the Senate, the Syndicate and the Academic Council;
- (d) shall generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties; and.
 - (e) The Registrar may, on the recommendation of the Vice-Chancellor or otherwise be transferred by the Chancellor from one University to another University on the same or any other equivalent post, or within the same University to any other equivalent post.”

The first change in this section was brought by Ordinance 29 of 1986 (w.e.f. 1.10.1986) by which a new clause (f) was inserted which reads as follows:-

- “(f) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grants Commission or any University to send names of suitable officers for the post of Registrar, and in that case the State Government, Central Government, University Grants Commission or any University may send the names of one more officer for consideration for appointment of Registrar under such terms and conditions of service as he may consider fit and then, the Chancellor may appoint the Registrar from amongst them.”

By Ordinance 39 of 1986 (w.e.f. 17.12.1986) the whole section was substituted and it read as follows:-

“15 The Registrar:- (i) The Registrar shall be a wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall,-

- (a) be the custodian of the records, the common seal and such other properties of the Universities as the Vice-Chancellor and the Syndicate shall commit to his charge;
- (b) conduct the official correspondence of the University and shall maintain the proper investment of the University;
- (c) perform such other duties as may be specified in the Statutes or prescribed in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate;
- (d) represent the University in suits or proceedings or against the University sign Powers Attorney and verify pleadings or depute his representative for the purpose;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results;
- (f) look after the proper functioning of the institutions affiliated to the University other than the Constituent Colleges and the Department of University and shall report to the Vice-Chancellor;
- (g) have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warning to

them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him;

- (ii) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment;
- (b) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor along with his recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.”

The next Ordinance in the series i.e. 13 of 1987 (w.e.f. 18.4.1987) again substituted this section and it continued till Act 3 of 1990 was passed and exists till today.

16. The Finance Officer.- The Finance officer shall be a whole-time officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinance the Regulations and the Rules or as may, from time to time, be conferred, or imposed on him by the Senate, the Syndicate, the Vice-Chancellor, the ¹[Financial Adviser] or the Registrar.

17. Authorities of the University.- The following shall be the authorities of the University, namely:-

- (1) the Senate;
- (2) the Syndicate;
- (3) the Academic Council;
- (4) the Faculties;
- (5) the examination Board;
- (6) the Finance Committee;
- (7) the Planning and Evaluation committee; and
- (8) such other authorities as may be declared to be the authorities of the

University by the Statutes.

18. The Senate.- The Senate shall consist of the following persons, namely:-

Ex-Officio Members.

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) ³[Commissioner and Secretary Higher Education]
- (5) the Director of Higher Education, Bihar;
- (6) the Director of Health Services, Bihar;
- (7) the Director of Technical Education, Bihar;
- (8) the Deans of Faculties;
- ²[(9) Half of such of the Heads of University Departments as are not Deans shall be nominated by the Chancellor in rotation.]

²[(10) Ten Principals of Colleges maintained by the University as are not Deans to be nominated by the Chancellor in rotation.]

²[(11) Five Professors/Readers admitted to the privileges of the University in the manner prescribed in the Statutes, are not Deans shall be nominated by the Chancellor in rotation.]

Life Members.

(12) all ex-Vice-Chancellors of the University;

Explanation.-¹[For the purpose of the clause, the expression Vice-Chancellor does not include any ex-Vice-Chancellor who was appointed to fill a casual or temporary vacancy ;

(13) every person who has given to the satisfaction of the Chancellor whether in one or more instalments, a sum of not less than one lac rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College:

Provided that for being a life member of the Kameshwar Singh Darbhanga Sanskrit University, the fixed amount shall be twenty-five thousand rupees;

Representative Members.

¹[(14) Ten persons to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from other Backward Classes;]

(15) four persons, to be elected by and from amongst the members of the Bihar Legislative Council in such manner as may be prescribed by the Chairman of the Council ;

¹[(16) Fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years' teaching experience, to be elected by and from amongst the teachers of the colleges and the University Departments, two of whom shall be from Scheduled Castes,two from Scheduled Tribes and three from other Backward Classes ;]

(17) One person to be elected by each of the Bihar Secondary Teachers' Association, Bihar Hindi Sahitya Sammelan, Bihar Anjuman Taraquie-Urdu, Indian Medical Association (Bihar branch), Institution of Engineers, Bihar Branch and Bihar State Lawyers' Association from the area of the concerned University ;

Provided that in the case of the Lalit Narain Mithila University and the Kameshwar Singh Darbhanga Sanskrit University, there shall be one representative of Maithili Sahitya Parishad in place of one representative of the Institution of Engineers ;

²(18) परिनिियम में विहित रीति से विष्वविद्यालय एवं महाविद्यालय के कर्मचारियों द्वारा निर्वाचित विष्वविद्यालय एवं महाविद्यालय के कर्मचारियों में से एक कर्मचारी;

²[(19) Five students from amongst the students of University to be elected in the manner prescribed in the Statutes, by the members of the Union Council of the University Students' Union;]

(20) five persons, other than ex-officio and teacher members of the Governing Body of Colleges, shall be elected by and from amongst members of the governing bodies of the University in the manner as may be prescribed in the Statutes;

Nominated Members

(21) three persons to be nominated by the Chancellor who are persons of scholarly pursuits;

(22) one meritorious student to be nominated by the Vice-Chancellor in the manner prescribed in Statutes, whose tenure will be of one year;

- (23) one student to be nominated by the Vice-Chancellor in the manner prescribed in the Statutes, who has achieved distinction in sports and extra-curricular activities, will be of one year;
- (24) one person to be nominated by the State Sports Council, who has achieved a distinction in sports;
- (25) Six such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation, to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and one from other Backward Classes.]
- ¹[(26) Such members of the Syndicate as are not members of the Senate under the above provisions.]
- ²[(27) Ten persons to be nominated by the State Government who are known for their academic interest, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from other Backward Classes.]

Legislative changes (after 1982)- The first change in this section was brought by Ordinance 39 of 1986 (w.e.f. 17.12.1986) by which sub-sections (9), (10), (11), and (16) were substituted and this continued by successive Ordinances till Act 3 of 1990 was passed by which the substitution was accorded permanency. Originally these sub-sections read as follows:-

“(9) such of the Head of University Departments as are not Deans;

(10) such of the Principals of Colleges maintained by the University as are not Deans;

(11) half of the total number of Principals of Colleges admitted to the privileges of the University in the manner prescribed in the statutes, who are not Deans, shall be nominated by rotation.

(16) thirty teachers, other than Deans, Principals and Heads of University Departments having not less than five years’ teaching experience, to be elected from and by the teaching staff of colleges, and University Departments in such manner, as may be prescribed by the statutes, so that the teaching staff of every College and the teaching staff of every University Department may be represented on the Senate under this sub-head in such number and at such intervals, as may be prescribed by the Statutes:

Provided that for the Kameshwar Singh Darbhanga Sanskrit University seven registered Acharyas of the University, seven representative teachers of the recognized institutions of Madhyama standard, four representative teachers of Tols nominated by the Chancellor, and two representatives of the Sanskrit Literature Association recognized by the State Government, shall be elected in the manner as prescribed in the Statutes;”

Thereafter a series of Ordinances amending different sections of this Act were promulgated but none had anything to do with this section. But Act 17 of 1993 which broke the chain of such Ordinances did touch this section also and substitution of some words in sub-section (4), substitutions of sub-sections (14), (16) and (25) and insertion of sub-section (27) were introduced. Prior to their substitution by Act 17 of 1993 which exist till today, these sub-section, read as follows:-

“(14) ten persons, to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;”

“(16) fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years teaching experience to be nominated by the Chancellor in such manner as may be prescribed by the Statutes;”

“(25) five such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor:

Provided that for the Kameshwar Singh Darbhanga Sanskrit University not more than three persons, out of which two having rendered notable service for Sanskrit Education, shall be nominated by the Chancellor in the manner, as may be prescribed in the Statutes;”

19. Term of office of members of the Senate.¹[(1) The term of office of members of the Senate other than the ex-officio members, the members whose terms has been specified under this Act and the Life members, shall be three years from the date of their election or nomination, as the case may be, and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election or nomination not being an election or nomination to fill up any casual vacancy under section 64 :

Provided that a member elected, or nominated as a representative of any body shall be deemed to have vacated office with effect from the date on which he ceases to be a member of the body which elected or nominated him:

²[Provided that the tenure of office of the elected members under sub-section (19) of section 18 shall be one year with effect from the date of their election.]

³[(2) The Senate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative changes (after 1982)- By Act 17 of 1993 sub-section (2) was added to this section. Since none of the preceding Ordinances chain of which was broken by this Act contained such insertion, Sub-section (2) is to take effect from the date of passing of Act 17 of 1993.

20. Meetings of the Senate.³[(1) The Senate shall meet twice a year, on dates to be fixed by the Vice-Chancellor, which shall be called ordinary meetings of the Senate and one of them shall be declared by the Statutes to be the annual meeting of the Senate in which the Budget of the University for the next year shall be passed.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of members of the Senate, ³[convene only one special meeting of the Senate in a year.]

21. Powers and duties of the Senate.- (1) Subject to the provisions of this Act and Statutes, the Senate shall be the supreme governing body of the University, and shall exercise control over all the affairs and properties of the University, and shall exercise all such powers as are not otherwise specified by this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Senate shall exercise the following powers and perform the following duties, namely-

- (a) of making the Statutes and amending or repealing the same;
- (b) of considering the Statutes and the Regulations, and amending or repealing the same;
- (c) of passing resolution after having considered the annual report, the annual account, the financial estimates and audit report on such accounts;
- (d) of exercising the powers for the purpose of control in Colleges and Tols, and of superintendence which include affiliation and disaffiliation of Colleges:

Provide that affiliation or disaffiliation of Colleges or Tols shall not take effect, unless it is approved by the State Government :

Provided further that no medical college shall be affiliated except without the prior approval of the State Government.

Before granting such an approval, the State Government shall consider the financial viability of the College, the nature and form of the proposed management of the college, the viability of the academic standard and all other conditions which are likely to have adverse effect on the interests of students admitted to such a College;

- (e) of instituting and conferring such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes;
- (f) of exercising such other powers and of performing such other duties as are conferred or imposed upon it by this Act or the Statutes.

¹[**22. The Syndicate-**(1) The Syndicate shall be the Executive Council of the University and it shall consist of the following members :-

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) Commissioner-cum-Secretary of Higher Education or his representative not below the rank of the Joint Secretary;
- (d) Director, Higher Education;
- (e) Dean, Students' Welfare, and Proctor;
- (f) Two Heads of the University Departments, to be nominated by rotaion as prescribed by the Statutes, whose term of office shall be for one year from the date of nomination;
- (g) Two Principals of Colleges maintained by the University, to be nominated by rotation as prescribed by the Statutes, whose term of office shall be for one year from the date of nomination;
- (h) Two from amongst Professors and Readers of the University other than the University Heads of Departments and two such Lectures as have a minimum of five years of teaching experience, to be elected by the teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, one of whom shall be from other Backward Classes from the rank of Professors and Readers, and one from Scheduled Castes/Scheduled Tribes from the rank of Lecturers;
- (i) Four from amongst the members of the Senate other than teachers, students and employees of University and Colleges, to be elected by the non-teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, but one of whom shall be from Scheduled Castes/Scheduled Tribes and one from the other Backward Classes;
- (j) One reputed educationist nominated by the Chancellor;
- (k) Three persons to be nominated by the State Government one of whom shall be from Scheduled Castes/Scheduled Tribes/other Backward Classes and one from women having academic interest and in social work elected in aforesaid manner.]

The following is as per the Hindi Text of the Gazette dated 28.8.1993-
राज्य सरकार द्वारा नाम निर्देशित पाँच व्यक्ति जिनमें से एक अनुसूचित जाति/अनुसूचित जनजाति/अन्य पिछड़ा वर्ग से तथा एक विद्यानुरागी और ख्याति प्राप्त समाज सेवी महिला होगी।

(2) The term of office of members, other than the ex-officio member shall be for a period of three years with effect from the date of their respective election or nomination except otherwise provided and shall include any further period which may elapse between the expiry of the said period of three years and the date of the succeeding election or nomination, except in case of an election or nomination to fill up any casual vacancy:

¹[Provided that any member elected or nomination shall be deemed to vacate office with effect from the date on which he ceases to be member of the category from which he has been elected or nominated.]

(3) सिंडीकेट की बैठक अवकाश अवधि को छोड़कर महीने में एक बार साधारणतः होगी। परन्तु यदि कुलपति उचित समझें तो सिंडीकेट की विशेष बैठक बुला सकते हैं। उप-समिति की बैठक सिंडीकेट की बैठक के तुरत पहले अथवा बाद में होगी।]

²[(4) The Syndicate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative changes (after 1982)- Ordinance 39 of 1986 brought some changes in this viz. words “Chief Executive Body” in sub-section (1) was substituted to “Executive Council” and clauses (g) and (h) of sub-section (1) and proviso to sub-section (2) were substituted. These changes continued by successive Ordinances till Act 3 of 1990 was passed. Prior to their substitution clauses (g), (h) of sub-section (1) and proviso to sub-section (2) read as follows:-

“(g) One Reader or College Professor of the University or College and two such Lecturers having at least 10 years’ teaching experience, to be elected by the Teacher Members of the Senate in accordance with the system of proportional representation by means of single transferable votes.”

“(h) Three members other than teachers, students and other employees of a college or the University, to be elected in accordance with the system of proportional representation by means of single transferable vote by the members of the Senate:

परन्तु सिनेट इसके अन्तर्गत होने वाले निर्वाचन के स्थान पर मनोनयन का अधिकार कुलपति को नहीं दे सकती है तथा यदि निर्वाचन के स्थान पर कुलपति द्वारा मनोनयन हुआ हो तो कुलाधिपति इसका पुनर्विलोकन करेंगे और इस विषय में उनका आदेश अंतिम एवं बन्धनकारी होगा।”

The section again underwent changes when Act 17 of 1993 (w.e.f. 5.8.1993) substituted the whole of sub-section (1) Prior to substitution sub-section (1) (as amended by Ordinance 39 of 1986 followed by successive Ordinances and Act 3 of 1990) read as follows:-

“(1) The Syndicate shall be the Executive Council of the University and shall consist of the following persons, namely:

Ex-officio Members

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The education Commissioner, Bihar, or his representative who shall at least be of the rank of Director (Higher Education) or Joint Secretary of the State Government;
- (d) Dean, Students’ Welfare, Proctor and Co-ordinator, College Development Council;

Other Members

- (e) Two Heads of University Department as prescribed by the Statutes and their tenure shall be one year with effect from the date of their nomination;
- (f) Two Principals of colleges under the University by rotation as prescribed by the Statutes and their tenure shall be one year;
- (g) Two from amongst the University Professors, Professors and Readers, other than heads of Departments and two such Lecturers having teaching experience of at least 10 years shall be nominated by the Chancellor;
- (h) Three from amongst the members of the Senate, other than students and employees of College or University shall be nominated by the Chancellor;

- (i) One reputed educationist nominated by the Chancellor;
- (j) If in the foregoing clauses from (a) to (i) there be no ex-officio, nominated and elected Scheduled tribe or Scheduled Caste member, the Chancellor shall nominate a Scheduled Tribe member having academic interest each for the Ranchi and the Bhagalpur University and a Scheduled Caste member having academic interest each for the Lalit Narayan Mishra Mithila, Bihar, Magadh and Kameshwar Singh Darbhanga Sanskrit University:

Provided that if at a later stage a Scheduled Tribe or Scheduled Caste member is available, the term of the Scheduled Tribe or Scheduled Caste member nominated by the Chancellor shall be deemed to have automatically ceased.”

¹[23. Powers and duties of the Syndicate.- The Syndicate shall-

- (a) hold, control and manage the property and funds of the University;
- (b) regulate the use of the common seal of the University;
- (c) subject to the powers conferred, by or under this Act, on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the Statutes and the Regulation;
- (d) manage any funds placed at the disposal of the University for specified purpose;
- (e) have power to accept transfers on behalf of the University of any movable or immovable property to and for the benefit of the University or a College;
- (f) make Ordinances, and shall amend or repeal them, and
- (g) exercise such other powers and perform such other duties as are conferred or imposed on it by this Act, or the Statutes.]

Legislative change (after 1982)- This section was substituted by Ordinance 39 of 1986 and the substitution continued by successive Ordinances till Act 3 of 1993 was enacted

Prior to its substitution this section read as follows :

“(23) Powers and duties of the Syndicate- The Syndicate-

(a) shall hold, control and manage the property and funds (together with endowments, bequests and donations) of the University and other transfer of property made to colleges for their benefit;

(b) shall regulate the form, provided for the custody and regulate the use of the common seal of the University;

(c) shall, subject to the powers conferred by or under this Act on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the Statutes, and the Regulations;

(d) shall manage any funds placed at the disposal of the University for specific purposes;

(e) save as otherwise provided in this Act or the statutes, shall appoint officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and teachers of the University and shall define their duties and provide for the filling of temporary vacancies to the posts of such office..... and teachers.

(f) shall have power, to accept transfers on behalf of the University of any movable or immovable property to and for the benefit of the University or a college;

(g) shall make the Ordinance, and shall amend or repeal them; and

(h) shall exercise such other powers and perform such other duties as are conferred or imposed on it by this Act or the Statutes;

(i) shall take appropriate decision consistent with the Act and, on all matters having financial implication only after obtaining the advice of the Financial Adviser.”

24. The Academic Council.- (1) The Academic Council shall consist of-

- (1) the Vice-Chancellor;
 - (2) the Pro-Vice-Chancellor;
 - (3) the Deans of Faculties;
 - (4) the Director, Higher Education, Bihar;
 - (5) all Heads of University Departments;
 - ¹[(6) 50 per cent of the Principals maintained by the University to be nominated by the Vice-Chancellor in rotation;]
 - (7) all Principals of colleges maintained by the State Government;
 - ¹[(8) Five Principals of affiliated colleges to be nominated by the Vice-Chancellor in rotation.]
 - (9) ¹[Six]teachers, other than Deans, Professors and Heads of University Departments, who shall in the manner prescribed by the Statues, be elected by the Senate in such a way that each Faculty may get representation;
 - (10) not more than two experts outside the University service, to be co-opted by the Academic Council for specific purposes according to need;
 - (11) the President of the University Students' Union elected under sub-section (1) of section 43.
- (2) The term of office of members, other than the ex-officio members, shall be for a period of three years with effect from the dates of their respective election or nomination and shall include any further period which may elapse between the expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up any casual vacancy :

Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

Legislative change (after 1986):- The following changes were introduced in this section by Ordinance 39 of 1986 (w.e.f. 17.12.1986) :-

- (a) Substitution of clause (6)
- (b) Substitution of clause (8)
- (c) Substitution of clause (9)

While clauses (6) & (8) prior to their substitution read as follows:-

- "(6) Seven Principals of Colleges maintained by the University who shall be nominated by rotation in the manner prescribed;
- (8) Two Principals of affiliated colleges to be nominated by the Senate by rotation."

Continued by successive Ordinances till Act 3 of 1993 was enacted the substitution of figure "6" (six) from "12" by Ordinance 39 of 1986 was again substituted to "5" by Ordinance 13 of 1987 (w.e.f. 18.4.1987), but again substituted to "6" by the next Ordinance. 21 of 1987 (w.e.f. 7.8.1987) and finally the last amendment continued till Act 3 of 1993 was enacted.

25. Powers and duties of the Academic Council.- The Academic Council shall be the Chief academic body of the University and shall-

- (a) subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Syndicate, determine and regulate all academic matters concerning the University in accordance with this Act and the Statues;
- (b) have the powers of superintendence and control over and be responsible for the maintenance of standards of instruction and education including the conduct of post-graduate teaching and the promotion of research work in the University;

(c) exercise supervision and control over the conduct of teaching in the colleges in such manner as may be prescribed by the Statutes;

(d) subject to provision of section 29, have powers of general control over the Examination Board, and may review the results of University Examination; and

(e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

26. The Faculties.- (1) The University, other than the Kameshwar Singh Darbhanga Sanskrit University, may include the Faculties of Arts, Science, Commerce, Medicine, Law, Education, Engineering and such other Faculties as may be prescribed by the Statutes:

Provided that no Faculty shall be created by the Senate in respect of any branch of learning for the instruction of which no provision exists in any department of the University or any of its colleges.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the ¹[Statutes].

(3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(4) Subject to the provisions of sub-section (3) each Faculty shall consist of-

(a) such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Senate keeping in view the qualifications of such teacher members.

(b) such members of the Senate as are not teachers, their number in any faculty not exceeding one-fifth of the total number of members of that Faculty, other than the Faculty of Agriculture, Engineering, Law, Medicine, Commerce or Veterinary Science and as may be elected from amongst and by the Senate in the manner prescribed by the Statutes:

Provided that in the case of the Faculty of Agriculture, Engineering, Law, Medicine, Commerce or Veterinary Science, the number of members of the Senate who are not teachers shall be such as may be prescribed by the Statutes; and

(c) such number of members, to be co-opted as experts by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provide that no person shall be a member of more than two Faculties.

¹[5 (i) Dean of Faculty.- (a) The Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the University Professors and the Principals of the rank of University Professors for two years by rotation in the concerned faculty in the member prescribed in the Statutes:

Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor in rotation for a term of two years from amongst the Heads of Department and the Principals of the rank of Readers in the manner prescribed by the Statutes:

Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a Principal of a College of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years in the manner prescribed in the Statutes.]

(b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.

(c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.

(d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed.

(ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for teaching and research work in that Faculty.

(6) (i) Each Faculty shall comprise of such department of teaching as may be prescribed by the Regulations.

²[(ii)- subject to the provisions of this Act and the provisions of the statute made thereunder the head of the Department shall be appointed by the Vice-Chancellor by observing, as far as possible, the principle of rotation. Such appointment's shall reported to the syndicate of the University.]

³[(iii)- The Head of the Department shall hold office for a period of three years. A person shall not ordinarily be appointed as Head of the Department for a second consecutive term.

(iv)- The principal shall hold office for a maximum period of five years in one college.]

(7) Subject to the provisions of this Act, each Faculty shall have the following powers :-

(a) to constitute the Board of courses of study of the departments allotted to it, and

(b) to exercise such powers and perform such duties as may be prescribed by the Statutes.

Legislative change (after 1982)- By Ordinance 29 of 1986 clause (i) of sub-section (5) of section 26 was substituted which continued by successive Ordinances till the passing of Act 3 of 1990.

Prior to its substitution this clause read as follows:-

“(5) (i) Dean of Faculty.- (a) The Dean of Faculty shall be appointed by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes from amongst University Professors or Principals in the rank of University Professor, for a period of two years:

Provided that if there be no University Professor or Principal in the rank of University Professor in the Faculty concerned, Head of a University Department in the rank of Reader may be appointed Dean of the Faculty by the Vice-Chancellor, by rotation in the manner prescribed by Statutes.

In case where there is no University Department, Principal of a college, below the rank of University Professor shall be appointed Dean of the Faculty, by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes.

(b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.

(c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.

(d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed.”

Subsequently in clause (ii) of sub-section (6) of section 26 words “Bihar Public Service Commission” were substituted by the words “Bihar State University (Constituent Colleges) Service Commission” by Ordinance 14 of 1993 and subsequently incorporated in Act 17 of 1993 which repealed Ordinance 14 of 1993.

27. Faculties of the Kameshwar Singh, Darbhanga Sanskrit University.-(1)
The Kameshwar Singh Darbhanga Sanskrit University may include the following Faculties and such other Faculties, as may be prescribed by the Statutes-

(i) Faculty of Vedas including Agam, Tantra dna karmkand;

- (ii) Faculty of ¹[Dershan] including Budha, Jain and Western Philosophy;
- (iii) Faculty of astrology;
- (iv) Faculty of Ayurved including modern medicine;
- (v) Faculty of Purans including Dharmshashtra, History and Geography;
- (vi) Faculty of literature and linguistics and Faculty of Grammer together with languages other than Sanskrit;
- (vii) Faculty of Sociology including Economics, Political Science and music:

Provided that the Senate shall not create any Faculty in respect of any such branch of learning for which no teaching arrangement is available in any department of the University or in any of its colleges.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the Regulations.

(3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(4) Subject to the provisions of sub-section (3) each Faculty shall consist of-

- (a) such number of members of the senate as are teachers and as may be assigned to each faculty by the Senate in accordance with the qualification of such teacher-members;
- (b) such number of members of the Senate, not exceeding one fifth of the total number of members of each Faculty as may be elected by or from the Senate in the manner prescribed by the Statutes; and
- (c) such number of members to be co-opted by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provided that no person shall be a member of more than two Faculties.

(5) (i) The Dean of Faculty.- The Dean of Faculty shall be appointed by the Vice-Chancellor by rotation, in the manner prescribed by the Statutes, for a period of two years in the Faculty concerned from amongst ¹[University Professors and Principals, Directors in the rank of University Professors]. He shall not be eligible for re-appointment, unless there is only one University Department/college:

Provided that it shall not be necessary for appointment of a Principal, as the Dean of the Faculty, to be a teacher in the same Faculty.

Provided further that if there be no such Principal, then the senior teacher of that Faculty may be appointed as the Dean of Faculty.

(ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for teaching and research work in that Faculty.

(6) There shall be as many teaching departments in each Faculty as may be prescribed by the regulations.

(7) Subject to the provisions of this Act, each Faculty shall have the following powers :-

- (a) to constitute Board of courses of study for the departments assigned to it;
- (b) to exercise such other powers and perform such other duties, as may be prescribed by the Statutes.

28. Departmental Council.- (1) There shall be Departmental Council for each University Department and each college consisting of the following members-

- (i) the Head of the Department :
- (ii) all teachers of the Department :
- (iii) two students-one nominated by the Vice-Chancellor and the another by the Head of the Department for each academic year.

(2) The Departmental Council shall, from time to time, review the activities of the Department and suggest ways of its improvement.

This Council shall meet at least thrice in a year on dates to be appointed by the Head of the Department. In between its two meeting, there shall not be an interval of more than three months.

29. The Examination Board.- ¹[(1) Subject to the provisions of the Regulation, ach..... shall be given in respect of conduct of examinations by the Examination Board. The Examination Board shall consists of the Vice-Chancellor as Chairman and Deans of the Faculties of Arts, Science and Commerce as members.

Provided that it the examination concerns any other faculty, the Dean of that Faculty shall be co-opted as a member for that meeting.]

(2) The Examination Board shall render advice to the Vice-Chancellor on conduct of examinations and appointment of examiners, setting and moderating question papers, preparation, moderation and publication of examination results, submission of such examination results to the Academic Council, and generally regulating the methods of improvement in the procedure of correct evaluation of achievements of students, and the Vice-Chancellor shall be competent to take final decision :

Provided that the Vice-Chancellor shall appoint the question setters and examiners from the panel submitted by the Examination Board.

²[Provided further that the Vice-Chancellor shall have power to order for reevaluation of the answer books and in case he is satisfied that the evaluation of the answer or answer book has not been fairly done or evaluation has been done in violation of the University Statutes, Regulations, Rules or Orders.]

Legislative changes (after 1982)- Second Proviso was added to sub-section (2) of this section by Ordinance 39 of 1986 which continued by successive Ordinances till Act 3 of 1990 was enacted.

30. Holding of examinations.- (1) The examination of the University shall be held from such date, as may be appointed by the State Government by a notification in the official Gazette :

Provided that where the State Government is satisfied that it is not possible to hold examinations in accordance with the said notification, it shall, in consultation with the Vice-Chancellor, appoint revised dates of examinations and the revised dates shall be notified in the official Gazette.

(2) Results of examinations shall be published within sixty days of the completion of the concerned examination, which may be extended to a period beyond sixty days for reasons to be recorded in writing.

¹[(3) Person appointed for invigilation or any other related work in connection with the conduct of college or University examinations shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.]

31. The Planning and Evaluation Committee.- (1) There shall be a Planning and Evaluation Committee for the purposes of preparing plan programme of development and improvements of the University and in its courses of study, examining and evaluating, from time to time, the progress achieved in such plans and programmes, testing and evolving new methods of teaching, and for consultation and exchange of informations with similar organisations, other Universities and research institutes for any of these purposes.

(2) The Committee shall consist of the following members :

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) one person to be nominated by the State Government;
- (d) three Deans of Faculties to be appointed in the manner as prescribed by the Statutes;
- (e) two members of the Syndicate to be nominated by it;
- (f) two members of the Academic Council to be nominated by it;

- (g) three heads of Departments to be nominated by the Vice-Chancellor every year, by rotation; and
 - (h) two such members representing academic interests and professions, as may be co-opted by the Committee, either by rotation every year or according to subject or subjects, as may be required.
- (3) The Registrar shall act as the Secretary to the Committee.
- (4) The term of office of members, other than ex-officio-members, shall be of three year's duration, except where otherwise provided.

32. The Research Council.- ²[(1) There shall be a separate Post-Graduate, Research Council in each faculty of the University for the registration and proper guidance of research work which shall work under the general control of the Academic Council.]

(2) The Post-Graduate Research Council shall consist of the following persons

:-

- (a) the Vice-Chancellor;
- (b) the Pro-Vice-Chancellor;
- (c) the Dean of the concerned Faculty;
- (d) all University Professors of the concerned Faculties and heads of those Departments which have no University Professors; and
- (e) four teachers of the concerned Faculty to be nominated by the Vice-Chancellor in each academic year.