CHAPTER VI

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We have so far considered the officers of the universities. We shall now consider the authorities. One of the authorities brought into existence for the implementation of the aims and objects of a university is the Court. All the universities in North East India have a court except the Agricultural University. We shall now consider the composition of the Court, its powers and functions and its actual working.

Composition:

The composition of the Court varied from time to time. In Guwahati the Court consisted of three distinct classes of members during the period 1948 to 1965 - ex-officio members, life members and others. Since 1965 there are only two classes, ex-officio members and others.

In Guwahati, the Chancellor, the Vice-Chancellor, the Registrar, the Treasurer and the Director of Public Instruction were members of the Court throughout the period under review. In 1965, all the Vice-Chancellors of all universities
In the State of Assam we were made members of the Court. But they did not attend its meetings.

From 1947 to 1965, the Minister for Education, Assam was the ex-officio member of the Court. But in 1965, the Minister for Education was made the Pro-Chancellor and a member of the Court. The Ministers for Education of other States to which the jurisdiction of the Act was extended were made members of the Court. It is a fact that the Minister or Ministers for Education do not attend the meetings of the Court. On one occasion a Deputy Minister for Education attended the meeting of the Gauhati University Court but it was objected to and since then no Minister for Education attended the meetings of the Court.

In 1947, the Chief Justice of the Assam High Court was not a member of the Court. In 1960, he or his nominee was made an ex-officio member. The Chief Justice attended the meetings of the Court and actively participated in the proceedings. There was criticism that he ought not to be a member of the Court because if a decision of the Court was challenged in the High Court, this might create an embarrassment for him. Since then he did not attend the meetings of the Court. In 1965, he was eliminated from the membership
In 1947, there was no Controller of Examinations. In 1960, the need for this office was felt and it was created. The bill amending the Act did not make him an ex-officio member of the Court though he was an ex-officio member of the Executive Council. One of the members of the Assembly suggested that the Controller should be a member of the Court ex-officio. The Minister for Education accepted the suggestion and the Controller was made a member of the Court. In 1965, he was removed from its membership.

In 1947, there was no officer known as Rector. The series of incidents that occurred from 1962 to 1965 in the University Campus put a tremendous burden on the Vice-Chancellor. As a consequence some of the Vice-Chancellors left office before completing their terms. The legislature came to the conclusion that there should be a buffer to receive the shocks in between the Vice-Chancellor and the students. Therefore the office of Rector was created in 1965. But it was not filled up for obvious reasons which we had already noted in the fifth chapter. It was filled up in Dibrugarh but there also it proved to be ineffective and therefore it was abolished. In 1975, it was revived but not filled up.
In 1947, the Deans of all the Faculties were members of the Court; but in 1965, the Deans were eliminated from the membership because it was presumed that all the Deans were also heads of departments and therefore automatically members of the court.

In 1947, the Secretary to the Government of Assam, Education Department was not an ex-officio member of the Court. But in 1965, he was made a member so that he might render effective advice to the Court on educational policies and also express Government's view on such matters.

Since 1947, the Director of Public Instruction is a member of the Court. In 1960, the Director of Technical Education also was made an ex-officio member. In 1965, the Additional Director of Public Instruction was included as a member of the Court. Thus at present all the three Directors of Education are members of the Court.

Before 1965, the Directors of Public Instruction of other States to which the jurisdiction of the Gauhati University was extended were not members of the Court. In 1965 they were made ex-officio members.
In 1947, all the University Readers were made ex-officio members of the Court, because many departments had only Readers as their heads. In 1960, not all Readers, but University Readers who were Heads of the Teaching Departments were made members. In 1965, all University Professors and Heads of Departments were made ex-officio members. Thus all Readers are not members of the Court but all Professors are members even though they may not be heads of Departments. In 1975, the composition of the Court was changed. First, only ten of the Heads of departments and Professors of the University were made members of the Court. The Executive Council was authorised to allot them facultywise by rotation. The Executive Council adopted a simple formula four from Arts Faculty, four from the Science Faculty and one each from the Faculties of Commerce and Law.

In 1947, a number of officers of the State Government were appointed ex-officio members of the Court. They were the Inspector General of Civil Hospitals, the Director of Agriculture, the Conservator of Forests, the Chief Engineer, the Director of Industries and the Director of Public Health all of the Assam Government. In 1960, the Inspector General of Civil Hospitals, the Conservator of Forests, the Director of Industries were eliminated. The Director of Health Services,
the Director of Agriculture, the Director of Veterinary Services and the Chief Engineer, Roads and Buildings, were made members of the Court. In 1965, the Chief Engineer, Roads and Buildings was eliminated. At present, there are six Directors as members of the Court.

In 1947, the President of the Assam Sahitya Sabha was not a member of the Court. The Sabha made a representation to that effect. In 1960, the President of the Sabha was made a member of the Court. In 1965, he was removed from the list of members because the Chancellor was authorised to nominate ten persons distinguished in literature, law, medicine, engineering, technology, commerce and public life. One of the ten might be nominated to represent the Sabha.

In 1947, Principals of all Colleges were made ex-officio members of the Court. In 1960, the Principals of the Degree colleges affiliated to Guwahati University alone were made members because there was a tremendous increase in the number of colleges.

In 1965, the Principals of the constituent colleges also were made members of the Court. In 1975, the Principals of four Government Colleges were made members and one third
of the Principals of the degree colleges, other than Government Colleges are to be elected by the Principals of the non-Government degree colleges to the Court. Let us now consider the number of members nominated by the Chancellor. In 1947, the Chancellor had power to nominate persons on the recommendation of the Executive Council to be life members on the ground that they rendered great service to the cause of higher education or on the ground that they made substantial donation to the university. There was no limit to the number of members that might be nominated by the Chancellor. In 1960, this provision was modified. The Chancellor could nominate a person only on the ground that he rendered eminent service to the cause of education. Thus substantial monetary contribution as the basis of nomination was eliminated. But the initiative to nominate persons should be taken by the Executive Council. The Chancellor himself had no power to initiate the proposal. The number of persons that could be nominated was not fixed.

In 1947, the Chancellor could nominate not more than nine members to the Court to secure the representation of interests, not otherwise in his opinion adequately represented and to secure the advice of distinguished educators of other Provinces. In 1960, this number was reduced
to five. In 1965, the Chancellor was empowered to nominate not more than ten from amongst the donors, provided each of them had contributed a sum of not less than five lakhs of rupees to the funds of the university. Again, he could nominate another ten persons distinguished in literature, law, medicine, engineering, technology, industry, commerce and public life. He could also nominate two persons to represent those interests not otherwise represented. Thus the Chancellor had power to nominate as many as 22 persons. The Chancellor exercised this power usually on the advice of the Minister for Education.

In 1947, there was no provision in the Act for the representation of the ex-vice-chancellors to be members of the Court. But in 1965 it was provided. This provision is practically useless. No ex-Vice-Chancellor ever attended the meetings of the Court. Although the experience of ex-Vice-Chancellors would be helpful to the University, the number has to be restricted and one or a maximum of two of them could be nominated by the Chancellor.

In 1947, all Doctors of Philosophy of the university were made ex-officio members of the court to encourage research. The Framers of the Act did not envisage that the
Court could be flooded with Doctors of Philosophy in course of time. So in 1960, it was laid down that not more than five doctors of philosophy chosen by themselves shall be members of the court. In 1965, it was felt rightly that there was no need for the special representation of Doctors of Philosophy in the Court as they were already represented by the Graduates' Constituency. At present there is no separate representation of the Doctors of Philosophy.

The framers of the Gauhati University Act thought that the Assam Legislative Assembly had some legitimate interest in the university. Therefore in 1947, provision was made for the representation of the Legislature in the Court by five members. In 1975 their strength was increased to seven. They are elected by the members of the legislature from amongst themselves.

We shall now consider the representation of the graduates. The graduates of the university are represented in the Court. In 1947 there were seven representatives from this constituency. In 1960, the number was reduced to five and in 1965 to 2. The two representatives from the graduates' constituency should not be employees or students of the university or of the affiliated colleges. We are unable to
understand the need for this class of persons in the court. Graduates as such have no special interest apart from the common man. Further, almost all the members of the Court are themselves graduates. Why graduates should again be represented in the Court? It is therefore suggested that the graduates' constituency should be abolished.

Teachers of the university and colleges are also represented in the court. Under the 1947 Act, teachers who were not Professors and Readers of the university should be represented by three of their number. In 1960, their number was increased to seven but at least two of them must be teachers of the professional colleges, so that Law, Engineering, Medical and Veterinary Colleges might secure representation in the Court, which they could not without reservation of seats. According to convention one of the five shall be a university teacher who was not a Professor or head of a Department. In 1975, the representation of the teachers in the court was increased to ten, of whom at least two must be from the Professional degree colleges to be elected by teachers who are not Heads and Professors of the teaching departments of the University and Principals of the constituent and affiliated colleges from amongst themselves.
In 1947, provision was made for the representation of associations and bodies recognised by the Chancellor on the recommendation of the Executive Council. Their number was four. But in 1965, this was abolished.

In 1947, provision was made for the representation of the governing body of each of the affiliated colleges by one member in the Court. In 1960, this was restricted to seven governing bodies to be selected by rotation by the Executive Council. In 1965, the representation of the governing bodies was abolished.

The 1947 Act did not provide for the representation of the Board of Secondary Education, because there was no Board of Secondary Education at that time. In 1960, the Board was represented by three members and they were nominated by the Board. Of the three at least one should be a Headmaster of a High School. In 1965, the representation of the Board was reduced to two and the board was authorised to nominate any one. In 1975, it was laid down that the two representatives should be elected by the members of the Board.

The 1947 Act did not provide for the representation of students in the Court. On 29 October 1960, Hiralal Patwari
moved an amendment in the Assam Legislative Assembly that students should be given representation in the Court on the ground that they have a stake and interest in university administration. The Deputy Minister for Education opposed the amendment but did not give reasons for the same. He simply repeated several times 'I do not find any logic behind this amendment'. Patwari therefore withdrew the amendment. Later on the cause of the students was taken up by the Union Minister for Education V.K.R.V.Rao. There was agitation by the students for their representation in the academic bodies. On 21 February 1969, Madhu Limaye M.P. introduced a Bill providing for the representation of students in the university bodies. The bill was circulated to elicit public opinion. Madhu Limaye introduced another bill for the amendment of the University Grants Commission Act, making it compulsory for all universities to set up students' unions and to set up joint committees consisting of teachers and students at the university and college levels. A new dimension was added to the problem of governance of universities as a result of the claim made by the university students for participation in the university administration both in academic and nonacademic matters. A beginning was made in Kerala where provision was made for the representation of the students in the Court. In Gauhati also there was
agitation for the representation of students in the university bodies. It was conceded in 1972 by an amendment to the University Acts. The 1972 amendment provided for the representation of post-graduate students by five and law students by one. In 1975 the strength of students' representation was increased to seven for the post-graduate students and three for law students of the University. The students' representatives must be elected by students from amongst themselves.

A student to be elected to the Court must have been a student of the university for at least one year prior to his election. But a student who does not pass the previous examination in the first year itself shall not be permitted to contest the election.

The concept of participation of students is to help make university education richer and more significant and meaningful. The contribution of students in determining the shape and pattern of the academic life of the university can be very substantial. When the students desire to participate in the academic life of the university and to be intensively involved in their education, when they want to be joint partners in the pursuit of knowledge and want to
develop a sense of belonging to the university, both in academic and non-academic life it is desirable and necessary to promote and strengthen student participation in the administration of the university. It must however, be noted that the participation of students in the administration of the university is not based on principles of democracy. It is based on the principle of sense of belonging. Therefore, we suggest that student participation should be admitted. At the same time we think that it should be limited to the membership of the court. We do not think that we have arrived at a time to permit students to have share in all aspects of administration such as the conduct of examination and allotment of funds for several disciplines. These are highly technical matters which ought to be left to the experts.

Dibrugarh University:

We shall now consider the composition of the Dibrugarh University Court. There is practically not much difference between Gauhati and Dibrugarh in regard to the composition of the Court, except that Rector was not a member of the Court in 1965. In 1975 he was made a member of the Court. So at present the Dibrugarh University Court consists
of the Chancellor, the Vice-Chancellor, the Rector, the Registrar, the Secretary to Government of Assam in the Education Department, the Director of Public Instruction, Assam, the Additional Director of Public Instruction, the Director of Technical Education and the D.P.I. of other states to which the jurisdiction of the University is extended, the Principals of the Jorhat Engineering College and the Assam Medical College, the Vice-Chancellors of all universities in the State, the Principals of the constituent colleges, one third of the Principals of degree colleges affiliated to the university by election from amongst themselves, ten heads of departments of the university divided amongst the faculties by the Executive Council, ten persons nominated by the Chancellor from among donors each of whom has contributed a sum of Rs. five lakhs or more to the University; seven persons elected by the members of the Assam Assembly from amongst themselves, two members of the Board of Secondary Education, Assam, ten representatives of the teachers, ten persons distinguished for their contribution nominated by the Chancellor, two persons nominated by the Chancellor to represent interests not already represented, seven students elected by the post-graduate students and two elected by law students and finally two elected by the registered graduates.
North Eastern Hill University:

The Hill University Court has three classes of members, ex-officio, representatives of Schools and Departments of the university and representatives of the affiliated colleges.

The ex-officio members are, the Chancellor, the Vice-Chancellor, Pro-Vice-Chancellor, if any, Dean of Students' Welfare, if any, Registrar, Librarian and Proctor. Of the seven ex-officio members there is only one, the Vice-Chancellor. The others are yet to be appointed.

As regards the representatives of Schools and Departments, there are five Deans, all Professors, Heads of the Departments who are not Professors and two Readers who are Heads of the Departments and two lecturers.

As regards the representatives of the affiliated colleges, seven principals of the colleges in the State of Meghalaya, four principals of colleges in the State of Nagaland, three Principals of the colleges in the Union Territory of Mizoram by rotation according to seniority are nominated by the Vice-Chancellor. Besides six teachers from the affi-
liated colleges out of whom three will be from colleges in the State of Meghalaya, two from colleges in the State of Nagaland and one from Mizoram are appointed as members of the Court by the Visitor on the recommendation of the Vice-Chancellor.

The Agricultural University has no Court. It is desirable that this University also has a court.

The composition of the court should be proportionate to the interest of the various communities it serves. Over representation of any community will make its policy lopsided. The numerical strength of the Court should be about one hundred. This should be divided into two main categories, internal and external. The internal members are those who work in the University and its constituent and affiliated colleges. The external members are those representing different sections of the general community who have an interest in the development of higher education and who can use the products of higher education. The members of the Legislature or Legislatures of the State or States to which the jurisdiction of the University extends, the Government of the such state or states should get a representation in the Court. Representatives of the other sister institutions of higher education like Universities, reco-
nised research centres, situated within the region and relevant to the aims of the University should be represented in the Court. Representatives of learned professions, industry, commerce, banking and other employing agencies should be included.

Amongst the internal members there should be the Vice-Chancellor, Pro-Vice-Chancellor or Rector, if any, Deans of Faculties, the Registrar, Chairman, Students' Council, a representative number of heads of teaching departments, a representative number of principals of colleges affiliated to the University and a representative number of students of the University departments.

We feel that there is no need of including representatives of graduates or Doctors of Philosophy produced by the University as their number goes on increasing and they are represented through the other members. It is also not necessary to include the Ministers of Education of any State or Judges of the High Court. It is not necessary to have the Vice-Chancellors of the sister Universities or ex-Vice-Chancellors of the same University as inclusion of such members does not serve any useful purpose, rather it may create embarrassment for some of them. We feel that all
heads of teaching and research departments of the University and all Principals can not be made members on account of their increasing number. Some younger teachers of the University and of the affiliated and constituent colleges should be nominated to the court.

**Term of office:**

Except the ex-officio members all others hold office for a term of three years. This is a reasonable term. The three year term is subject to several limitations. No person nominated or elected in his capacity as a member of a particular body or as a holder of a particular appointment shall be a member after he ceases to be a member of that body or holder of that appointment as the case may be. Further, student representatives shall hold office for one year only.

**Chairmanship of the Court:**

The 1947 Act is silent on this point as to who should be the chairman of the Court. The 1960 Act specifically stated that the Vice-Chancellor shall, in the absence of the Chancellor, preside over the meetings of the Court.
Before 1972 the Chancellor presided over the meetings. Since 1972 he is not presiding and this we had already discussed in Chapter III. We suggest that the Chancellor need not preside over the meetings of the Court. The Vice-Chancellor alone should preside. We also suggest that the Court may elect a vice-Chairman to preside over the meetings of the Court in the absence of the Vice-Chancellor.

Removal of Members:

The University Acts except that of 1975 did not provide for the removal of members. The 1975 Act provides for the removal of a student member by the Vice-Chancellor with the approval of the Court, if such a student member does not fulfil the prescribed conditions.

Powers and Functions:

Under the 1947 Act, the Court was authorised to approve or reject the draft statutes or the draft amendments to the statutes prepared by the Executive Council, to consider and cancel ordinances, to pass annual accounts, annual reports the financial estimates of the coming year and to consider resolutions if any.
In 1960, the Act was amended and the powers of the Court were increased. The Act declared that the Court shall be the Supreme body of the university. It shall have the power of general supervision over the affairs of the university, concerns and properties of the university and shall exercise all the powers of the university and give effect to all the provisions of the University Act. Further, the Court was specifically authorised to discuss all matters of administration of the university and to request the Chancellor to cause an enquiry into the affairs of the university if in the opinion of the Court, there be any matter requiring such enquiry to be made into all or any of the points referred to him by the Court.

In 1965, the powers and functions of the Court were curtailed. It is no longer the supreme body nor is it a supervising body. It is not responsible for the enforcement of the provisions of the Act. The Court shall have the power to review from time to time the broad policies and programmes of the university. It may also suggest measures for the improvement and development of such policies, programmes, works and other affairs. It must also consider the annual reports, the annual statements of accounts, the audit reports and the budget of the university for the next financial year and
approve the budget and express its views on the annual reports and financial statements and audit reports and suggest measures as it deems proper on matters covered by them and to approve the statutes submitted by the Executive Council.

Prior to 1965, the Court had power to prepare a panel of names for the office of Vice-Chancellor for the consideration of the Chancellor. Actually however, it selected the candidate for the post of Vice-Chancellor. In 1965, the court's power to select candidates for the office was taken away. It was authorised to elect a person to sit in the Advisory Committee for the preparation of a panel of names for the office of Vice-Chancellor for the consideration of the Chancellor. In 1975, even this little power was taken away and vested in the Government.

The Court has power to elect certain number of members to the Executive Council, the Academic Council and the Indian Medical Council. The number of members to be elected varied from time to time. At present the Court has to elect three members to the Executive Council from among its members. But they should not be students and employees of the university. It has also power to elect two persons to the Academic
Council but they shall not be employees or students of the university.

The main function of the Court is the consideration of the annual administration report, the estimate of receipts and expenditure for the coming year and the revised estimates for the current year, the audit report and relevant resolutions.

Thus the Court is not a sovereign body. It is not even a supreme body. It is a coordinate authority with definite functions and powers which may be increased or decreased by the legislature at any time. It lives as ordered by the legislature.

What ought to be the powers and functions of the Court? The Court performs a vital function. It provides a forum where a cross section of those interested in higher education meet periodically, discuss, review and consider the broad policies and programmes of the university. It may suggest measures for the improvement of the university administration. It expresses its views on the annual reports and annual accounts. If the Court confines itself to the basic issues it can influence the administration of the university. Therefore the Court
should remain essentially a deliberative body. It should have no power to overrule the decisions of the Academic Council or the Executive Council and other academic bodies. It should have three powers, power to encourage if the administration is efficient, power to remonstrate if it is inefficient and power to criticise if the policies of other academic bodies are wrong. It should not enter into the holy of holies, policy making. If the deliberations of the Court are rational and objective its views on broad policies and programmes of the university will naturally carry great weight with different university authorities as well as with the Government. If it acts in a light hearted manner no one will show any respect to it. Thus, the powers and functions at present entrusted to it are rational and there is no need to increase them.

Meetings of the Court:

Under the Act of 1947, the Court met once in a year. The annual meeting of the court was held in October. Special meetings of the Court could be called for by the Vice-Chancellor. It was found that the meeting of the court once in a year was not sufficient to discuss all matters. It was felt that the Court should meet twice a year. One of them
should be held in January and it may be the annual general meeting and the second meeting may be in December. Meetings of the Court could be requisitioned by the members of the Court provided one third of the members of the Court signed a requisition for the purpose.

**Quorum:**

The quorum was one fourth of the total strength of the Court. Adjourned meetings do not require quorum.

**Attendance:**

Attendance at the meetings of the Courts was generally good. At all times there was quorum. But attendance of the ex-officio members such as the Directors of the State Government was not good. The members of the legislature attended the meetings regularly. So also the Principals of the Colleges.

During the first five years, the Gauhati University Court met once in a year in October. But it was found out that October was not a convenient month. Therefore the Registrar suggested that the court might meet in December. The suggestion has been accepted and the Court meets in December.
At first, there was no question hour. It was introduced later on. The question hour was a deadly weapon in the hands of the critics of the administration. Several members sought to make use of it to expose the lapses of some officers and to throw additional light on the shortcomings of the administration.

A close study of the proceedings of the Courts of Gauhati, Dibrugarh and Hill Universities leads us to certain conclusions. While attendance was always good, almost 75 percent, participation was not equally good. It was not even 25 percent. A vast majority of the members were silent spectators, though they are well educated and constitute the cream of the society. One of the members expressed his opinion that he did not like to participate in the proceedings because they were not strictly relevant. Some of those who participated in the proceedings spoke irrelevantly. They did not abide by the constitutional position of the Court and as a consequence they did not confine themselves to the matters with which the Court was concerned. On 5th October, 1952,
one of the members of the Court moved a resolution that English and Bengali Departments should be opened in Gauhati University post-graduate department although the proper authority to deal with this subject was the Academic Council. It was specifically stated in the Act that the members of the Court could table motions on the Annual Report, Annual Accounts and Financial Estimates and not on any other subject. The Chairman was very often compelled to disallow motions on the ground that the Court was not competent to deal with such matters.

Again, the behaviour of the Court was unpredictable. On 16 September 1961, the Gauhati University Court met and decided to request the Chancellor to cause an inquiry into the affairs of the university. The principal person against whom charges were levelled was the Registrar. On 23 January 1962, 130 days after this decision, the same Court elected the same person as the Vice-Chancellor of the University by an absolute majority of the votes polled. The Court should not have elected a person against whom serious charges were levelled and being enquired into. It should have waited for the report of the Enquiry Commission and determine whether the person was guilty of the charges. Six months later the Court demanded his resignation and threw him out.
Again, the Gauhati University Court met to discuss the annual report and the budget estimates. Instead of concerning itself with the business for which the meeting was summoned, it went on discussing for seven hours for the demands of the students, the abolition of compulsory attendance and revision of qualifications of the teachers in the affiliated colleges. These are the matters with which the Academic Council is concerned. The Court has no jurisdiction over these matters. But some of the members insisted that the Court should discuss these matters on the ground that the Court is the Supreme Body which was not a fact. Here again the Court yielded to pressure politics. Remarkably enough the budget and the annual report for the consideration of which the court meeting was held were passed with no discussion and no comment.

In 1974, several events had taken place and the court met at frequent intervals. On 25 June 1974, there was a hartal. Some students of the university stopped some buses and took them into the campus and would not release them even after the Vice-Chancellor pleaded for their release. The police waited for four hours but suddenly without the permission of the Vice-Chancellor the police entered the hostels
and belaboured the students and some employees. The Court met on 2 July and demanded that all the arrested students should be released, that the GRP should be withdrawn from the vicinity of the university campus and that compensation should be paid to the university and the students for damaging their property. Finally, it also demanded an assurance that the Government would preserve and protect the autonomy of the University. The Government was asked to concede these demands within 10 July failing which the Court would resign collectively. The Government did not concede any of these demands. On the other hand it arrested some more persons. The Court met on the 14th July to consider the situation. In the meanwhile the Vice-Chancellor resigned and another person was appointed Vice-Chancellor. In order to enable the new Vice-Chancellor to take suitable steps, the Court decided to meet again on the 25th July. Of the 129 members forty members were present on the 25th July. The Government did not concede any of the demands. Nor did it release the teachers, students and workers who had been arrested. Therefore, the Court resigned collectively (1). Had the Court got the right to resign collectively? The members of the Court knew very

well that collective resignation was ineffective. Let us examine this issue.

It must be remembered that only 40 members out of 129 attended the meeting. Let us examine the issue in some detail and from all aspects. Collective resignation is a possibility where the principle of joint responsibility operates. For example, the council of ministers have a joint responsibility under the constitution. There is no such responsibility in the case of the Court. Therefore, no resolution of the Court calling upon collective resignation is binding upon the individual members. At the most, it may be advisory in character. Further, ex-officio members cannot resign unless they resign their parent post. The parent post and the ex-officio membership of the court go together. One cannot be separated from the other. They are Siamese twins. Therefore an incumbent of a parent post, so long as he continues to hold it, cannot resign from his ex-officio post. If it is argued that he is entitled to resign his ex-officio post while still holding the parent post his resignation will create a resulting vacancy and in that case as the resigning member is still holding the parent post, it will be impossible to fill the vacancy as there will be none to have the required capacity. Thus if the Vice-Chancellor resigns his membership of the
court while still holding the post of the Vice-Chancellor, there will be none to fill up the vacancy caused by his resignation.

The Act supports this contention. The Act prescribes the tenure of office of the members other than the ex-officio members and fixes it at three years. It however prescribes no tenure for the ex-officio members. The Act lays down that an ex-officio member loses his membership as soon as he ceases to hold the parent office. In other words, the tenure of office of the ex-officio members is co-existent with the period for which he holds the parent post. Thus, an ex-officio member is not entitled to resign while still continuing to hold the parent post. He must stay on or resign both the offices or resign the parent office which automatically brings about their exit. This applies to all the members who are ex-officio members including the Vice-Chancellor. The former Vice-Chancellors hold office for life tenure and they do not have the option to resign.

As regards the other members, they are classified into two categories, some nominated by the Chancellor and some elected by various constituencies. The nominated members may intimate the Chancellor who had appointed them that they are
no longer interested in the matter and the Chancellor may relieve them and appoint others. The Act has not authorised them to resign because they are appointed by the Chancellor in his discretion. Since they accepted the membership from the Chancellor they should submit their resignation to the Chancellor and not to the Vice-Chancellor or any other person.

As regards elected members, the Act gives them the right to hold office for three years and they cannot be divested of this right except by the authority of law.

Thus the Court do not have the power to adopt a resolution for collective resignation. Such a resignation has no binding force on the individual members whether present or absent. The resolution of the Court was therefore of the nature of a strong protest against the attitude of the Government. Ultimately the Government at the intervention of the Chancellor released all the arrested students and employees and withdrew the criminal cases instituted against them. The Government further gave an assurance that police would not enter into the University campus without information to the Vice-Chancellor,
Sometimes the meetings of the Court were noisy. The minutes of the meeting of the Court of Dibrugarh University noted as follows:

A number of members were noisy and did not obey the Chair despite repeated requests. At times a number of them wanted to speak simultaneously. One member brought a resolution, left it on the Chairman's table and after some time withdrew it .......... scribbled something on a piece of paper and left it with the Chairman and wanted to leave the meeting. The atmosphere was anything but academic and in that rowdy atmosphere some members stood up and put various questions ... There were shouts and counter shouts from members.

Such things did not happen in any other Court meeting. The Court meetings of the Hill University were conducted very smoothly.

Conclusion:

We have so far considered the court, its powers and functions. The Court should be reformed and its membership should be rational. It should not exceed 100. All sections of the society concerned with higher education should be represented proportionately. But there is no need for increasing the powers and functions of the Court.