CHAPTER VII

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The Executive Council is the hub on which the entire university administration revolves. The efficiency or the inefficiency of a university depends on the vigour and whim of the Executive Council. Since the Executive Council is the most important university authority, exercising executive power and authority, we shall study in depth, its constitutional structure, its functions, its composition and the actual working of the Council.

Composition:

The composition of the Executive Council of all the universities varied from time to time. In the Agricultural University it is called the Board of Management and performs the same functions which the executive Councils of other universities perform.

The composition of the Executive Council of Gauhati University was as follows: It consisted of three types of members, ex-officio, nominated and elected. The Vice-Chancellor is an ex-officio member and chairman of the Council. Besides the Vice-Chancellor, the Director of Public Instruc-
tion was always a member of the Council. In 1960, the Director of Technical Education, Assam was made an ex-officio member. In 1975, the Director of Health Services and the Chairman of the Assam Board of Secondary Education were made members ex-officio of the Council. In 1947, the Registrar and the Treasurer were ex-officio members. In 1960, the Controller of examinations was made an ex-officio member. Thus all the principal officers of the University were ex-officio members of the Council. In 1962, the Court passed a resolution that officers of the University should be removed from the membership of the Council. The Government amended the Act by which all officers of the University except the Vice-Chancellor were removed from the membership of the executive Council. The Registrar attends the meetings of the Council not as a member but as Secretary to the Council. The other officers are summoned to its meetings whenever required.

The other members of the Council are two Principals of degree colleges affiliated to the Gauhati University, elected by the Principals of the Degree colleges. In 1975, the representation of principals was increased to three, of whom two must be from private colleges and one from Government Colleges. The two from private colleges are elected by the
principals of the private colleges and the principal from the Government College is elected by the principals of the Government colleges. But it is of interest to note that the number of Government colleges is ten only.

Deans are also represented in the Executive Council but their number varied from time to time. Under the Act of 1947, the Deans were represented by three of their number. They were elected by the Deans themselves. But it was found that Deans were over represented. There were only six Deans and there were three representatives from the Deans' group. Therefore the number of representatives from the Deans' Constituency was reduced in 1960 to two and in 1965 to one. The senior most Dean becomes the member of the Executive Council and holds membership as long as he is Dean. Sometimes he holds office for a period shorter than three years. We think that there is no need for any representation of the Deans. Deans are also heads of departments who are already represented in the Council. By providing for the representation of Deans we are providing for double membership for the same class of persons under a different designation.

Besides the Deans, the Heads of the Departments are represented by two of them. But they should not be Deans of
the Faculties in the University. They must be Professors and are chosen by the Vice-Chancellor. But the Vice-Chancellor has no discretion in the selection of any Professors for the membership of the Executive Council. He must select the senior most Professor. After his term is over the next senior most Professor is selected.

The Court is represented in the Executive Council. In 1947 one member was to be elected by it at its annual meeting. In 1961 this member was increased to two and in 1975 to three. The persons elected by the Court should not be employees or students of the university or of any college affiliated to the university.

The Academic Council is represented in the Executive Council by one member. In 1975, the representation of the Academic Council was increased from one to two. But the person elected by the Academic Council shall not be a principal of a college or Dean of a Faculty because these two categories have already secured representation in the Council.

Under the Act of 1947, the Professors of the University were represented by one member in the Executive Council.
In 1960, the representation of Professors in the Executive Council has been abolished.

The Chancellor has been authorised to nominate two members to the Executive Council. But in 1960, it was laid down that at least one of them must be a woman. In 1975, the number was increased to three of whom one must be a woman.

In 1947, the Government of Assam was not represented in the Executive Council. But in 1960, the Government was authorised to nominate two members to the Executive Council, and in 1965 the number was increased to three.

In 1947, there was no Rector in the University. In 1965 the post of Rector was created and he was made a member of the Executive Council. In Gauhati and Dibrugarh this office has not been filled up.

The composition of the Executive Council in Dibrugarh is the same as in Gauhati with slight differences. It consists of the Vice-Chancellor, the Rector, the D.P.I., the Director of Technical Education, the Chairman of the Assam Board of Secondary Education, the Director of Health Services, two heads of the Departments of the university who are Professors,
to be chosen by the Vice-Chancellor by rotation in order of seniority, two Principals of non-Government degree college affiliated to the university to be elected from amongst themselves, one Principal of Government degree colleges to be elected from amongst themselves, four members of the Court other than employees and students of the university elected by the Court, two persons nominated by the Chancellor of whom at least one must be a woman, two persons to be nominated by the Government of Assam and one Dean of Faculty to be selected by the Vice-Chancellor in order of seniority.

The Executive Council of the Hill University consists of the Vice-Chancellor, ex-officio, Pro-Vice-Chancellor, four Deans of Schools by rotation according to seniority, one Professor other than Dean in order of seniority, one Reader in order of seniority, three Principals one each from the colleges located in the States of Meghalaya, Nagaland and the Union Territory of Mizoram according to seniority. Directors of Education of all the States within the jurisdiction of the University, two members of the Court to be nominated by the Visitor, and four persons to be nominated by the Visitor.

The Board of Management of the Agricultural University
consists of the Vice-Chancellor, three Secretaries to the Government of Assam, Finance, Community Development and Agriculture and Veterinary, one eminent agricultural Scientist to be nominated by the Chancellor, two Progressive Farmers or livestock breeders, a distinguished industrialist or manufacturer, one outstanding woman social worker nominated by the State Government, three members of the Assam Legislative Assembly to be elected by the members of the Assembly, two teachers one from Agriculture and another from Veterinary, Director of Agriculture, the Director of Veterinary and Animal Husbandry and a representative of the Indian Council of Agricultural Research. The Vice-Chancellor is the ex-officio member and chairman of the Board of Management.

We have so far considered the composition of the Executive Councils of the four universities. What ought to be the composition of the Executive Council? It has been suggested that the Executive Council should consist of not more than 20 members with the Vice-Chancellor as the Chairman, Pro-Vice-Chancellor or Rector as member. Besides these two, the rest 18 may be as follows, three members elected by the Court, three elected by the Academic Council, two nominated by the Government, two nominated by the
Chancellor, two Deans according to seniority, one Professor other than Deans according to seniority, three Principals of affiliated degree colleges selected according to seniority in different faculties by rotation and two social workers nominated by the Chancellor. We also suggest that one and the same person should not be a member of the Council for more than two terms.

Powers and functions:

The powers and functions of the Executive Council are various. Law has laid down that the Executive Council shall hold, control and administer the property and funds of the university. It must appoint a Finance Committee consisting of six members of whom the Vice-Chancellor shall be the Chairman to advise it on matters of financial policy.

The Executive Council is responsible for the construction of buildings, roads, tanks, pipelines and other structures of the university. It determines the form and regulates the use of Common Seal of the university. It must prepare the financial statement of the university for submission to the Court. It is responsible for the efficient administration of the Trust Funds. It is also responsible
for the efficient personnel administration. It creates posts, determines their emoluments, terms of office and conditions of service, probation and promotion, discipline and retirement. It receives donations, endowments and bequests. It has also the power to transfer or dispose of any property of the university. It is also responsible for the grant and withdrawal of recognition of colleges and Hostels maintained by private bodies, for the conduct of examinations and publication of results.

These are the powers and functions of all the Executive Councils. There is only one difference between the Board of Management of the Agricultural University and the Executive Councils of other universities. The Board of Management has power to borrow money and make arrangements for its payment. The Executive Councils have no such power. But of course the Board has no unrestricted freedom to borrow money. It must borrow money for capital works only.

The powers and functions entrusted to the Executive Council are adequate. We only suggest that the Executive Council may constitute some standing committees, consisting of some members of the Executive Council and delegate certain functions to them.
Term of Office:

The term of office of the members of the Executive Councils and the Board of Management is three years from the date of election or nomination as the case may be. But 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 of the Executive Council or Board of Management after he ceases to be a member of that body or holder of that appointment as the case may be. For instance, the Chairman of the Board of Secondary Education is an ex-officio member of the Council. When he ceases to be the Chairman of the Board he automatically ceases to be a member of the Executive Council. Similarly a member of the Court elected to the Executive Council ceases to be a member of the Executive Council when he ceases to be a member of the Court. Further, when a person ceases to be a member of the Executive Council he automatically ceases to be a member of any other body to which he has been elected by virtue of his membership of the Executive Council. For instance, a member of the Executive Council may be elected to the Finance Committee of the Executive Council. When he ceases to be a member of the Executive Council he automatically ceases to be a member
Chairmanship:

All the University Acts have provided that the Vice-Chancellor shall be the Chairman of the Executive Council or Board of Management. There is however no provision for a Chairman in the absence of the Vice-Chancellor. We suggest that in the absence of the Vice-Chancellor the Seniormost Dean should preside over a meeting of the Executive Council or Board of Management.

Meetings:

The Act or the Statutes made thereunder do not say anything about the meetings. They are completely silent on this point. But the Executive Council may meet at any time. Generally it met once a month. When Dr. M.N.Goswami was the Vice-Chancellor he laid down a convention that the Executive Council should invariably meet on the last Saturday of the month so that there may not be any delay in the disposal of business. In addition to the saturday meetings the Executive Council met whenever necessary. When the students went on strike on the issue of enhancement of fee the Executive
Council met almost every day for sometime. WHENEVER there was a crisis the Executive Council met immediately to resolve it. If the Executive Council is to function effectively we suggest the constitution of a strong committee system.

The Assam Agricultural University Act made an excellent provision for consultation of experts. That is the Board of Management may, for the purpose of consultation, invite any person having experience or special knowledge on any subject under consideration to attend its meetings. Such persons had a voice but not vote. They were paid allowances for attending its meetings. In other universities, the Vice-Chancellor may invite any officer for the purpose of consultation to the meetings of the Executive Council.

Quorum

The quorum of the meetings of the Executive Councils of Guwahati and Dibrugarh has not been prescribed by the Act. But by convention at least one-fourth of the members must be present. In the Hill University it is seven and in the Agricultural University it is one third of the sanctioned strength of the Board of Management.
Membership of the Councils:

Some of the members of the Executive Councils and Board of Management were men of eminence. The first executive council of the Gauhati University consisted of eminent men and women. Amal Prova Das, an eminent social worker who was respected throughout Assam for her commendable work, Kaka Saheb Kalelkar, a famous indologist, Surya Kumar Bhuyan, Bani Kanta Kakati, R.R. Thomas eminent educationists were members of the Executive Council. Later on B.K. Baruah, H.C. Bhuyan, S.K. Dutta were members of the Executive Council. All of them made substantial contribution to the proceedings of the Executive Council. Gauri Shankar Bhattacharjee, M.L.A. with his long experience as a member and leader of the opposition in the Assam Legislative Assembly made substantial contribution to the Proceedings of the Executive Council of the Gauhati University. As a member of several Committees constituted by the Executive Council he did commendable work. Similarly the Executive Council of the Hill University consists of eminent scholars and administrators. So also the Board of Management of the Agricultural University.

Functioning of the Executive Councils:

Let us now consider the actual functioning of the
Executive Councils. First the Executive Councils of the Assam Universities were generous enough in passing condolence resolutions. The first resolution of the first Executive Council of Gauhati was the condolence resolution on the assassination of the Mahatma. But it passed such resolutions on the death of persons who were not even remotely connected with the University and who were certainly not eminent. It is therefore desirable that this privilege is restricted to those who are intimately connected with the university and who have made notable contribution to the advancement of learning.

Second, the Executive Council requested the Government for additional grants. At its first meeting held on 3 February 1948, the Executive Council requested the Government for a 'substantial non-recurring grant of Rs. 11 lakhs besides the statutory grant of Rs. 5 lakhs'. The Government readily acceded to the request. True the University was just established and the immediate development programme required money. Since Assam got a university after a long struggle, the Government gave the amount.

Third, the Executive Council is not the competent body for the preparation of syllabus. This is the function
of the Faculty and the Academic Council; but the Executive Council exercised this function. On 31 March 1948 it adopted the syllabus of the Calcutta University in the first instance with such modifications as were necessary. It also approved the syllabus for the B.A. Honours degree examination.

Fourth, it appointed a special officer for the Gauhati University and he was subsequently appointed Deputy Registrar of the University of Gauhati.

Fifth it decided to establish post-graduate departments. On 28 February 1948, the Executive Council decided to start post-graduate classes in three subjects, History, Pure Mathematics and Commerce and sanctioned Rs. 4200 for the purchase of books. The Registrar was authorised to start a post-graduate students' hostel. The Government of Assam was requested not to start any more post-graduate classes in the Cotton College. But it may be noted that the Executive Council was not the competent body to establish post-graduate teaching departments. Nor was it competent to create teaching posts. Yet it did all these things.

Sixth, the Executive Council admitted private candidates to the various university examinations in different
subjects although this was not its function. The Academic Council should lay down the rules as to who should be admitted to the various examinations and under what conditions. The Registrar should implement these rules. Yet the Executive Council performed the functions of the Academic Council and of the Registrar.

Seventh, until the constitution of the Board of Secondary Education, the University was managing the High Schools. Therefore the Executive Council was concerned with the recognition and non-recognition of High Schools. At present the Executive Council is concerned with the affiliation of Colleges and subjects. The Secondary and Higher Secondary Schools have been brought under the purview of the Secondary Education Boards.

Eighth, the Executive Council has been authorised to expel students from examinations for adopting unfair means in answering the question papers in public examinations. Before expelling students, the Executive Council must satisfy itself that there was conclusive proof that unfair means have been adopted by the students concerned.

Ninth, the Executive Council alone can open centres
for examinations. If it is proved that unfair practices are adopted in any particular centre, it may cancel that centre and direct the students to go to a nearby centre. Further the Executive Council may send its own officers to conduct the examination in a particular centre; it may depute its own officers to supervise the conduct of examinations.

Tenth, the Executive Council is responsible for the conduct of examinations. It determines the date on which the examinations should be held. It may cancel an examination and hold fresh examinations. Or it may refuse to hold fresh examinations if the students adopt an unreasonable attitude.

Eleventh, the Executive Council is the proper authority for the appointment of personnel, for their promotion, probation and punishment. It may constitute a committee for the selection of candidates but the Executive Council is the final authority for appointment; but it must observe the procedure laid down in the Act or in the statutes made thereunder.

Twelfth, the Executive Council determines the salaries and other emoluments and allowances for the teaching and administrative personnel. In the case of teachers the
emoluments should be determined in consultation with the Academic Council. The Executive Council accepted the pay scales prescribed by the U.G.C. on the recommendation of the Academic Council from time to time. In the case of others it appointed pay committees in 1961, 1966 and 1973 and laid down the rates of emoluments on their recommendations.

Thirteenth, it is the authority for the recruitment of teachers. It must however, act on the recommendations of the selection committee. Though by and large the Executive Council accepted the decisions of the selection committee, sometimes it did not accept such recommendations. In a few cases the decisions of the Executive Council were set aside by the Chancellor on the ground that it did not act according to law (1).

Fourteenth, the Executive Council determined the various kinds of fees to be paid by students and examinees. It also determined the last date for the payment of fees and the dates on which examinations would be held.

(1) See Chapter III for details.
Fifteenth, the Executive Council granted leave to the teachers and officers and sanctioned loans to its employees.

Sixteenth, the Executive Council caused an enquiry through a tribunal of arbitration whenever there was a dispute between the Governing body of a college and its teachers. This authority was taken away by the 1960 amendment of the Gauhati University Act in respect of Government aided colleges.

Seventeenth, the Executive Council constituted standing committee and ad hoc committees whenever necessary. It was also responsible for the construction of buildings. During the period 1949 to 1962, there was a development Committee in the Gauhati University; but it was abolished in 1962 and the entire powers of construction was exercised by the Executive Council through the Construction or Building Committee.

We have so far considered the actual working of the Executive Councils in North East India. By and large this functioned effectively and impartially.

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