CHAPTER XVII

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All local authorities, if they are to function within the limits of law must submit themselves to control from outside. The degree and nature of control over them depends on the degree of autonomy they enjoy. The universities are the creatures of the legislature. They are subject to a variety of control which may be statutory or non-statutory or both. Their daily activities are watched by the agents of Government. They live and grow as designed and ordained by the Legislature and its agents.

WHY CONTROL? A corporate organization brings into existence a number of problems. The behaviour of one corporate authority may affect the rights and liberties of another. The activities of one university may cause harm to another. The standard of education may be affected. The liberties of the individual may be curtailed. Disputes may arise. There should be some one to settle the disputes between two universities or between a university and an individual.
Second, individual universities are deficient in knowledge in many respects. For they live in a world of their own. The field of their observation is narrow. Their experience is limited. This deficiency may be supplied by a central organization like the University Grants Commission (U.G.C.) and the State Government whose field of observation is wider and experience greater.

Third, the university authorities may not act in a manner beneficial to the community as a whole. They may recruit, guided by parochial considerations under-qualified persons. They may impose a particular culture and particular language on a particular community or section of the community. Under these circumstances, there should be someone to restrain the university.

Fourth, there is an ever increasing awareness of a nation-wise concern with respect to certain matters that were once considered purely provincial in character. For instance, what ought to be the length of the course of study? How many years a student must spend in the school, in the college and in the post-graduate class or in the professional colleges so that a national standard may be attained. What should be the medium of instruction? How
many languages a student must know? What ought to be the syllabus of a particular branch of study? How to raise the standard of education to an acceptable level.

Fifth, there is no correlation between the capacity of a university to augment its resources and the needs of the university. The University wants to provide new courses or modernise the existing courses. For all these money is required. But the university has no money for it has no power of taxation. It can only levy fee. The University has to depend upon the Government for financial assistance which is not ordinarily given without strings.

Finally, there is the question of law and order. If there is break down of law and order, the co-operation of the State Government is necessary. For all these reasons control of university administration is inevitable.

We shall now discuss the various means by which university administration is controlled and the various agencies which control the university.
The legal relations between the universities and the State Legislature have been stated by many a jurist. They argue that the universities owe their origin to and derive their powers and functions wholly from the legislature. The legislature breathes into the university the breath of their life without which they cannot exist. As it creates so it may destroy; it may abridge and control. Unless there is some constitutional limitation, the legislature may, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all the universities.

This statement may be challenged. It may be said that the State may mould universities according to its policy as Curzon tried to do. But university autonomy is a matter of right and the State Legislature cannot take it away. It would be the boldest mockery to speak of a university possessing autonomy where the State Legislature not only shapes its policy and infrastructure but sends its own agents to administer it. It is therefore argued that the right to
autonomy is an inherent right of a university. But it may be noted that the doctrine of inherent right has never been recognised by the State Legislature and the State Government. Further, the word autonomy has been differently interpreted by the parties concerned. However, the State Legislature may not go to the extreme point of abolishing the universities.

**Sources of legislative control:**

The sources of legislative control are various. The first is local pressures for the amendment of the University Act. Prominent citizens and associations may feel the necessity for changes in the university Act. At their request a prominent member of the Legislature may frame a bill and introduce it in the Legislature as Munnawwar Ali had done on several occasions. Since the chances of a private bill being enacted into law are remote, they may persuade the Minister for Education to undertake legislation.

Or the Department itself may suggest amendments to the existing legislation. Nine-tenths of the amendments emanate from the Education Department.
The formal means by which the State Legislature exercised control over the universities are four. The first is the question hour. By this means a member of the Legislative Assembly may not only elicit answers to his questions from the Minister but also induce him to a particular course of action. The question house is a deadly weapon in the hands of the legislators before which even the dictators begin to quail. It is the search light focussing the attention of the public on the dark spots of university administration. Still it may be said that it is of limited value as a means of control. A minister who has massive support in the legislature may refuse to give information or refuse to admit the existence of a grievance.

Let us make a case study of the question hour. Bell Ram Das asked the Minister for Education why the Principal of the Cotton College was appointed a member of the Executive Council of Gauhati University without election. The Minister replied that a report was called for (1).

Bhdrakanta Gogoi put a question to the Minister about

(1) Proceedings of the Assam Legislative Assembly.
the amount collected for the establishment of Gauhati University, the expenditure incurred on various examinations conducted by the Gauhati University and the amount of fee collected from students. The Minister replied that a sum of Rs. 5,82,117 was collected for the establishment of the Gauhati University (2).

On 22 March 1950, Gauri Kanta Talukdar asked the Minister for Education about the site selected for the construction of the Gauhati University and the cost of construction of houses for teachers in Bamuni Maidan (3). The Minister promised to look into the matter. There was a good deal of criticism on these two points in the press and platform. These questions seemed to have influenced the Government to amend the Gauhati University Act in 1949 and bring into existence the Development Committee for the construction of all structures for the University. This amendment deprived the University of the power to construct any structure.

(2) Ibid.
(3) Ibid.
On 5 October 1950, Dalbir Singh Lohar asked about the Principal of the Law College (4). There was a belief that S.K. Dutta the Principal of the Law College was a part-time politician. Therefore Dalbir Singh Lohar was prompted to put the question.

There were several questions on the construction of buildings for the University. The frequent questioning in the legislature must have induced the Development Committee to be active and therefore some buildings were completed by 1956 and the University was shifted to the present site in that year.

On 31 March 1958, Khagendra Nath Barbora asked the Education Minister about the activities of the Development Committee (5). There was already criticism in the press about the Development Committee. The question must have influenced the Minister to abolish the Development Committee and create the Construction Committee in its place.

On 2 March 1958, Sarat Chandra Goswami (6) asked the

(4) Ibid.
(5) Ibid.
(6) Ibid.
Education Minister about the Assamese Department and whether the university would open diploma courses in social sciences and labour welfare. Assamese Department was already created and post-graduate Departments in Social Sciences were already established.

From 1947 to 1967 there were only ten questions about university administration. Some of these questions were put without any aim. Further they were not important. Above all the ministers gave evasive answers to these questions. Therefore the question hour was not effective.

The second means of legislative control is adjournment motion. By means of an adjournment motion a member may spotlight the activities of the University. But there were no adjournment motions.

The third means of legislative control is that the legislature may order an enquiry into the working of any university. There were no doubt enquiries but they were not ordered by the legislature.

The final means of legislative control is the amendment of the Act. The legislature may repeal or amend the
existing Act. It may add or reduce the powers and functions of the university. Here the legislature appears to have been very active. During the period 1948 to 1977, the Act was amended on ten occasions. Let us look into the details of the amendments. In 1949, the Act was amended by which the Gauhati University was deprived of the power to undertake the construction of buildings. The original Act authorised the University to undertake the construction of buildings but it was found that the University had neither the funds nor the machinery to undertake extensive constructions at the initial stages. Therefore, the Executive Council, in view of the scarcity of material and inflation, requested the Government of Assam to undertake the work. The Act was amended at the instance of the University itself and the construction work was entrusted to an independent body, the Development Committee (7). Thus the first amendment to the Gauhati University was at the instance of the University.

By another provision in the same amendment was the legislature imposed a restriction on the university, namely, if at any time the Government of Assam is of the opinion that

(7) Assam Act VI of 1949.
the affairs of the University are not managed in furtherance of the objects and purposes of the university or in accordance with the provisions of the Act, Statutes, or regulations, or in furtherance of the objects for which any grant or donation is specifically made by Government or public bodies or individuals, the Government of Assam may indicate to the Executive Council such matters in regard to which the Government desires explanation. This amendment was moved by the Chief Minister Gopinath Bardoloi. One of the members of the opposition opposed the amendment but the Chief Minister pointed out that a similar provision existed in the University Acts of Annamalai and Allahabad. Then the member withdrew his objection.

The second amendment was in 1960 (8). This amendment was introduced with a view to make the University more autonomous. We had already noted that in 1949, at the instance of the Gauhati University, it was divested of the power to undertake the construction of buildings. In 1960, the Government thought that the University should have the power to undertake the construction of buildings and houses. Further

the amendment provided for the appointment of the Vice-
Chancellor by the Chancellor and for the appointment of
the Registrar for two consecutive terms. Again, the amend-
ment included the Chief Justice of the Assam High Court as
a member of the Court. The Court was authorised to amend
or modify the statutes and ordinances framed by the Execu-
tive Council. Before 1960, the Court had no power to amend
the statutes or ordinances. It had power to accept or reject
them. Finally, the amendment provided for the increase of
the statutory grant from Rs. 8 lakhs to Rs. 10 lakhs. The
powers and functions of the Court contained in the Statutes
and ordinances were incorporated in the Act itself.

Ho had already noted that in 1949, a Development
Committee was established but it offended the principle of
university autonomy. Therefore, in 1960, by an amendement
to the Act, the Development Committee was abolished and its
powers and functions were transferred to the Construction
Committee to be constituted by the University.

Again, the Controller of Examinations was not a mem-
er of the Court although he was a member of the Executive
Council. Lilakanta Bora suggested that the Controller should
be a member of the Court. The suggestion was accepted.
The 1960 amendment also determined the composition of the Court. The Radhakrishnan Commission recommended that the Court should consist of the representatives of the university staff, affiliated colleges and others. The Government accepted the recommendation of the Commission and increased the representation of all interests.

The 1960 amendment also determined the composition of the Executive Council. Here also it followed the recommendation of the Commission.

Before 1960, the Court 'elected' the Vice-Chancellor though it had no such power. In 1960, the Court was deprived of this power and it was required to prepare a panel of names of three persons out of whom one was selected by the Chancellor. This amendment was opposed by Phani Bora on the ground that it would bring about party politics. Therefore he suggested that the Court alone should have the power to elect the Vice-Chancellor. The Legislature did not accept the suggestion.

The Dibrugarh University Act also was amended on several occasions. Whenever the Gauhati University Act was amended, the Dibrugarh University Act was also amended on similar lines (9).

Although the University Acts were amended from time to time, the legislative control was not very effective. The reasons were obvious. First, power is dispersed. The volume of business is so great that the legislature is not in a position to look into the details. Even if it can do that there is no adequate machinery to see that the local authorities conform to the laws passed by legislature. Again, the legislature itself is not competent to enforce the laws it makes. Further, the effectiveness of the legislative control depends on the extent to which the judges interpret the laws. Inspite of these defects, the legislative control in the past produced good results.

A university is like an individual. In the discharge of its functions, it may injure the rights of the individual or a body of persons. Therefore, the individual must have the right to take legal action against the university. But it may be noted that the university occupies a privileged position as compared with individuals. For, it is expressly given the power to do certain things which ordinarily involve liability but the University is exempted from it. This is necessary in order to enable it to perform its functions. If a private individual compels another to hand over his wealth even for such a laudable purpose as the construction of a building for an elementary school or dispensary, he will be offending the property right of the latter and therefore legally liable (10). But the University has power to compel the students to pay fee and commit no wrong. Further, the university is endowed with power to do

certain things which may injure the lands in the neighbour­
bourhood. If a private individual does the same thing he is liable to legal action. So it is necessary to examine the powers of the university to ascertain in what matters and to what extent it is exempt from liability and whether the action of the university is ultravires or in­tra­vires. Who should perform this function? The answer is ob­vious, the Courts. Thus, the purpose of judicial control is to ensure the legality of the action of this university.

The necessity for judicial control has arisen for other reasons also. The university is endowed with immense powers to decide questions of a kind which were formerly referred to Courts of Law. The university deals with matters of vital nature and in very many cases, their decisions are as conclusive and binding as those of the Courts of Law. The State Government and the State Legislature may not like to interfere with the administration of the university on the ground that universities are autonomous bodies. Or the university matters may appear to be trifling to the Government. It is therefore essential that there should be an independent authority like the Judiciary to see that law is properly interpreted and that the indivi­dual is protected from petty tyrannies of the university.
Thus, the university is in no better and in no worse position than a commercial corporation. Nonetheless unlike the commercial agencies the university enjoys certain amount of immunity from legal action by virtue of its statutory position. We are often told by Courts that the University is not liable for non-feasance as in the case of non-statutory bodies. That is, if any private person suffers any special damage because of the failure of a university to perform its statutory functions he cannot sue it. This does not mean that the university is completely immune from all legal action. It is liable for non-feasance when it takes the form of an omission to act when it is duty bound to act. In such cases the negligence takes the form of misfeasance and the university be sued for damages.

It may be argued that the University has no power except those given by the legislature and the legislature had given it no authority to commit wrongs. Therefore, the university cannot be held responsible for the acts of its servants. But as the university is a fictitious person, distinct in law from its members, it is not capable of acting without its agents. All the acts and therefore all the
wrongful acts of the agents are the acts of the university. From this it follows that the university is liable to legal action.

Basic principles of Judicial control:

From the above we should not jump to the conclusion that the Courts have unbridled freedom to interfere in the affairs of the university. They do not have such a power. They must observe certain principles. First, as long as the University has acted or appears to have acted within the authority given to it by statute the Courts should refrain from enquiring whether it has exercised its discretionary powers soundly. This principle has been clearly stated in Roberts Vs Hopwood (11). Lord Sumner said, 'Much was said at the Bar about the wide discretion conferred by Act on the university. 'In a sense this is true but the meaning of the term needs careful examination. There are many matters which the courts are indisposed to question. Though they are the ultimate judges of what is lawful and what is unlawful, they often accept the decision of the local authorities

because they are themselves ill equipped to weigh the merits of one solution of a practical question as against another. This, however, is not a recognition of the absolute character of the university's discretion but the limits within which it is wise to question it.

Second, where the University is entrusted with judicial functions, has exercised them bonafide, not influenced by extraneous or irrelevant consideration, the Court will not interfere. This principle was laid down by Lord Loreburn in the Board of Education Vs. Rice (12). Lord Loreburn said, 'I need not add that the board of education must act in good faith and fairly listen to both sides for that is a duty lying upon any one who decides anything. But if the Court is satisfied that the Board has not acted judiciously in the way I have described above or have not determined the question according to law the Court may interfere'.

This principle has been restated by Viscount Haldane in Local Government Board Vs. Alridge (13). Haldane said,

(12) Board of Education Vs. Rice. 1911 A.C. 179.
(13) Local Government Board Vs. Alridge. 1915 A.C. 120.
Where the duty of deciding an appeal is imposed on those whose duty it is to decide it must act judiciously. They must deal with the question referred to them without bias and they must give to each of the parties the opportunity of adequately presenting the case. The decision must be arrived at in the spirit and with the sense of responsibility of a tribunal whose duty it is to mete out justice. But where discretion is exercised in an arbitrary manner or without jurisdiction the Courts may step in and check the authorities. This principle has been emphasised by Justice Blackburn in Metropolitan Asylum District Vs. Hill (14).

Statutes creating duties frequently prescribe the procedure to be followed for the performance of those duties. As long as the authority concerned observes the procedure and acts within its jurisdiction it is immune from judicial interference. But as soon as it ventures outside its jurisdiction it immediately becomes exposed to the chill winds of legal liability and the immunity fades away more quickly than the setting sun.

Fourthly, the Courts do not interfere as long as the University does not commit acts of misfeasance.

Finally, the Court ought not to interfere with the decision of a university on the ground that the reports and records, on the basis on which orders were issued, were not disclosed and that the procedure usually followed in the Courts of law was not followed in deciding the case. In Local Government Board Vs. Alridge, Lord Shaw said that the university need not follow the procedure usually followed in Courts of law. They may follow any procedure they think fit. They need not administer oath and examine witnesses. They may obtain information in any manner they like so long as the parties are given an opportunity to cover and contradict statements likely to prejudice them. Lord Shaw said 'I feel certain that if it were laid down in Courts of Law that such a disclosure should be compelled a serious impediment might be placed upon the frankness which ought to obtain among a staff accustomed to elaborately detailed and often most delicate and difficult tasks. The very same argument would lead to the disclosure of the file. It may contain and does contain frequently the views of the inspectors, secretaries, assistants and several others but opinions may differ but all of which forms the material for
The ultimate decision and the disclosures of such reports would be inconsistent with efficiency, with practice and with true theory of complete parliamentary responsibility (15),

**Means of Judicial Control:**

The judicial remedies available to the public are of two kinds, ordinary and prerogative. The Ordinary remedies are Declaration, Injunction and Damages. Prerogative remedies are Certiorari and Mandamus (16).

**Declaration:**

Any person entitled to any legal character or to any right as to any property may institute a suit against any person interested in denying his title to such character or right with a view to perpetuate and strengthen his title

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(15) *Local Govt. Board vs. Alridge* 1915 A.C. 120 see also Metropolitan Asylum District vs. Hill. 6 A.C. 2058.

so that any adverse attack may not weaken it. The policy of the legislature is not only to secure to an aggrieved party a right taken away from him but also to see that he is allowed to enjoy the right peacefully. In other words, if a cloud is cast upon his title or legal character he is entitled to seek the aid of the Court to dispel it. If some step is not taken at once to have all the doubt and difficulty removed it may at a latter time be difficult for the plaintiff to prove his title. Evidence now forthcoming may not be available hereafter. This remedy is, therefore, designed to make things clear and prevent future litigation. It confers no new rights. All that it does is it clears up the mist that has been gathering round the plaintiff's title.

The conditions under which a declaratory decree may be granted are, the plaintiff should, at the time of filing the suit be entitled to any legal character or to any right as to any property and the defendant should have denied or be interested in denying this character or right. Therefore the Plaintiff should show to the satisfaction of the Court that he is entitled to the legal right and character.

It should, however, be said, that the issue of
Declaratory decree is within the discretion of the Courts. It is not granted as a matter of right. The Courts may refuse to pass a declaratory decree where the real object of the plaintiff is to evade stamp laws, or when he is entitled to get relief in some other effective way; or where the case is of such a nature that if the decree if passed might immediately be rendered nugatory by an action of the defendant; or where it is not of practical use or when it does not render substantial relief or where the suit is filed with a fraudulent intention.

Injunction:

An injunction is a judicial process by which one has invaded or is threatening to invade the rights, legal or equitable, of another is restrained from committing such wrongful acts. Injunctions have been classified into two, temporary and perpetual. Temporary injunctions are issued to preserve the property in dispute in status quo, until further orders. Perpetual injunctions are issued after considering the merits of the case. It prohibits the defendant from asserting a right. It is in effect a decree and conclude a right.
The conditions under which an injunction may be granted are as follows. The Plaintiff asking for an injunction must make out a case and satisfy the Court that its interference is necessary to protect him from irreparable damage that will result if the injunction is not granted. The mere prospect or the apprehension of injury or mere belief that the act complained of may or will be done is insufficient. There are two ways by which a strong prima facie case can be made out. There must be an indisputable proof of imminent danger. Second, it should be shown that the apprehended damage will, if it comes, be very substantial and irreparable. That is, the injury would be material and not adequately reparable by damages.

The issue of injunction, is however, subject to certain limitations. They are, first, an injunction should not be granted to persons whose conduct and dealings in the matter have been unfair and dishonest; or when a particular procedure had already been prescribed for the trial of the case and if that procedure excluded the issue of injunction or when an equally efficacious relief could be obtained by some other means when the courts were prohibited by a statutory provision.
Damages

Damages are rupees and paise won by an encounter at law. The loss or injury for which compensation is expected may be irreparable or it may be so personal or vital that a pecuniary equivalent is unthinkable. And yet the device of righting a wrong by the payment of money is as old as any other human institution. Just as gods are appeased by sacrifice and offerings for the removal of the guilt of sin the person injured is appeased by the payment of damages.

At one time it was held that Corporate bodies should not be sued for acts of negligence or torts committed by their servants. It was contended that if the thing done is within the statute no compensation can be afforded for any damage sustained thereby, except so far as the Statute has provided it. If the thing done is not within the statute why should the public funds be liable to make good private error or misconduct. This contention was not accepted by Courts. They held 'If the legislature directs or authorises the doings of a particular thing, the doing of it cannot be wrongful; if damage results from the doings of that thing it is just and proper that compensation should be made for it. It is therefore, an established fact that public funds
may be made liable for the injury caused in the exercise of the powers conferred by statutes. Provision is, therefore, made in the Act for the award of damages.

The underlying principle by which the Courts should be guided in awarding damages is that the law shall endeavour so far as money can do it to place the injured person in the same position as if the contract had been performed or in the position he occupied before the occurrence of the tort which adversely affects him. It should however, be remembered that this is an ideal which is very rarely attained in practice because the damages awarded are not always commensurate with the loss sustained.

An action for damages can be brought against a university only when it has done something which causes injury in the legal sense. That is, a person who claims compensation should prove three things. That the authority has exercised its powers; that he was not in default; that he has suffered damages and the amount of damages should be expressed in terms of money. It should however be said that compensation should be paid out of public funds only when the authority concerned caused damage while performing acts authorised by the Act.
Certiorari

The writ of certiorari is issued by a higher Court to a lower Court commanding it to send up all records of a specific proceeding before it to the higher Court so that the legality may be tested or that more speedy justice may be done. Certiorari may be issued to quash the judicial decision of an inferior Court.

The issue of a writ of certiorari subject to certain conditions. First, it should be seen that there is no statutory prohibition; second, when a particular procedure has been fixed for performance of certain acts and so long the public bodies observe the procedure and act within their jurisdiction, no writ of certiorary should be issued.

The circumstances in which the writ of certiorary may be issued are, if it appears that the determination of an inferior court is wrong in law, a writ may be issued. But where the proceedings are regular on the face and the Court has had jurisdiction the superior Court will not grant the writ of certiorary on the ground that the court below has misconceived the point of law. It comes to this, that where a court or a similar authority gives to itself a
But where Courts have acted in excess of their jurisdiction, the writ was issued. It is the policy of law to keep the inferior courts strictly within their jurisdiction. Whether the courts have acted within their jurisdiction or not depends upon the preliminary question of law or fact and this should be decided before issuing a writ of certiorari. If the High Court is satisfied that the inferior courts have exceeded their jurisdiction a writ may be issued.

Again, sometimes the aggrieved persons are given the right of appeal to a higher court against the decision of the university. Where this provision is made in the Act or in the Statutes or Ordinances made thereunder, the High Court is prohibited from issuing a writ.

Mandamus:

The High Court may issue an order requiring any person holding a public office to do a specific act which he
ought to have done. In other words, the principle governing the issue of a writ of mandamus applies to a large extent to the granting of relief under section 45 of the specific Relief Act. The writ of Mandamus is an order issued by the Court commanding a person holding a public office to do a specific thing.

The petitioner praying for the issue of a writ of mandamus should show that he had a specific legal right but that it has been refused; that a duty towards the applicant had been imposed upon the public servant and finally, that he was acting with a bonafide intention for the enforcement of the right and not with any ulterior motive.

Ordinarily the writ was not issued when there are other specific and equally effective means for enforcing the right. That is, where the Statute creates a duty and at the same time prescribes the method by which the duty is to be enforced the performance of the duty would not be enforced by any other method than that prescribed nor is it issued to enforce a general law of the land or where the remedy afforded would be incomplete and ineffective or to compel a university or its servants to carry out a duty which was merely permissive and not obligatory or as long as the uni-
versity acted within its jurisdiction.

It should however be noted that a writ of mandamus may be issued even though a remedy equally convenient and beneficial exists provided public policy requires it. Or when a public authority is refusing or neglecting to carry out its duties or where it is acting in a deliberate contempt and defiance of the legislature or where the alternative method is not as convenient as a writ of Mandamus would be. So while exercising their discretion the Courts should not lose sight of the principle of general expediency.

The high Court alone has power to issue a writ of Mandamus. Under the specific Relief Act, the jurisdiction of the Court was confined to the Acts done or proposed to be done within the limits of the ordinary original civil jurisdiction of the Court. The High Court was prohibited from issuing the writ of Mandamus to the Acts without the ordinary original civil jurisdiction. At present there is no such limitation.

Operation of Judicial control:

During the period 1948 to 1974, suits were filed
against the Gauhati University on 15 occasions, against the Dibrugarh University on three occasions and no suit was filed against other universities in this region. We shall now make a case study of the suits filed against the universities. One of the suits related to the interpretation of the word 're-examination'. The High Court of Assam ruled that re-examination meant 're-valuation' and the Court was of opinion that the request of the petitioner, for the revaluation of the scripts was just. That is, every one of his scripts should be re-examined and revalued as to the number of marks that should be given to the particular answer on its merits. This decision would have acted as a spanner in the midst of a delicate machinery. It would have caused immense administrative inconvenience. Therefore, an appeal was filed against the decision of the Gauhati High Court before the Supreme Court which held that re-examination of the scripts does not mean their revaluation but re-calculation and set aside the decision of the lower court. The Supreme Court looked at the whole matter from the point of administrative convenience.

In Hemchandra Das Vs. Gauhati University a writ of Mandamus was issued to the University directing it to
declare or announce appropriately that the petitioner passed the B.Sc. examination in Agricultural Science of the Gauhati University in 1952, and was placed in the second division and the result of the subsequent compartmental examination was infructuous.

In Nripendranath Goswami Vs. Registrar, Gauhati University the respondent expelled the petitioner and withdrew his B.A. degree. The petitioner contended that the action of the University was illegal. The Court set aside the order of the Gauhati University and restored the B.A. degree to the petitioner.

The Gauhati University resolved that the medium of instruction in the colleges should be in Assamese in addition to English. This decision was challenged by a resident of Cachar District. The Supreme Court held that the Academic Council of the University had power to declare Assamese as the medium of instruction and examination.

All other cases were not important. Several of the petitions filed against the Gauhati University were dismissed. Judicial control was not effective for obvious reasons. Judiciary never takes the initiative to remedy a
The initiative must be taken by a private citizen or by someone interested in the affair. The consequence is that innumerable cases of mismanagement and misapplication of rules and acts of favouritism are not brought to its notice for various reasons. First, litigation is expensive and the aggrieved party poor. He cannot afford the luxury of a civil suit against the university. Second, an aggrieved party does not want to incur the displeasure of the university authorities or of another citizen. Third, the university may refuse to produce certain documents before the Court on the ground that it is not in public interest. Fourth, the university has better financial resources that it need not hesitate, as most private citizens do, to appeal to the High Court or even to the Supreme Court when the decision of the lower Court is not in its favour. Fifth there is a time limit within which the legal action should be taken against the university and the aggrieved party may not be in a position to take action within the prescribed period. If the University defends itself successfully, the person who started the attack may be made to pay the costs to the university. Seventh, the delays and technicalities which beset the progress of cases in Courts seriously diminish the usefulness of the judiciary as a means of
control. Thus, the judiciary though useful to some extent as a means of protection it is not very useful to private citizens.

SECTION C

Administrative Control:

Of the three controls, legislative, judicial and administrative, the last is the most effective for obvious reasons. The legislature in the nature of things is a partisan body, political in nature and therefore the control exercised by it over the university may also be partisan and political. Judicial control is ineffective. But administrative control need not necessarily be partisan in nature. It is admitted that the administrative system permeated by partisan policies, may be influenced by improper political considerations. Further, administrative control is exercised by a body of officials, who are professional, permanent and non-political. They may not be influenced by political considerations when they control the university.

Before we proceed further, we ought to remember the
fact that the relationship between the Departments of Finance and Education of the Government of Assam on the one side and the University on the other is not the one that exists between the police and the potential criminal. The legal requirement that the university must submit certain schemes to a departmental head for approval is clearly a form of control. But it can be viewed as a form of consultation between the two bodies in order to produce the best scheme. The power to approve a scheme prepared by the university may be regarded by the Department as an opportunity to assist the university with its advice. Or the Department may consider it an opportunity to impose its will on the university. Generally, the Departments adopt the latter attitude. It is uncommon among the ministers and civil servants to regard a university on a footing of equality and yet ministers and civil servants do not have sweeping powers over the university. Both of them are bound by the Acts. This is an obvious point that requires no emphasis. Further, there is the personality of the Vice-Chancellor. A Vice-Chancellor like Radhakrishan, Pandit Madan Mohan Malviya in Banaras, A.L. Mudaliar in Madras, Handiqui in Gauhati were venerated and respected by the Government. Their views were accepted by the Government. Further, there is public opinion and party pressure which prevented the
minister from exercising his legal powers. There are also students unions which lobby for a particular decision.

State supervision of the university has three outstanding features. The State Government may exercise supervision in two ways, over particular services or the Government and its officers have a general power of supervision over the administration of the university. Section 3 of the Gauhati University Act 1947, as amended says,

(5) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct of the university, its buildings, laboratories and equipments and of every institution maintained by the university, and also of the examinations teaching and other work conducted or done by the university and to cause an enquiry to be made in a like manner in respect of any matter connected with the university.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and enquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action if any as it is proposed to take or has been taken upon the result of such inspection or enquiry.

(9) When the Executive Council does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may after
considering any explanation furnished or representation made by the Executive Council issue such directions as it may think fit and the Executive Council shall be bound to comply with such directions.

This is a significant provision to be found both in the Gauhati University Act and in the Assam Municipal Act. It is found in the Dibrugarh and the Hill University Acts. Therefore the Universities have been reduced to the position of a municipal board. It may be of interest to note, that this provision was not in the original Act of the Gauhati University. It was inserted by the Ordinance of 1965. The Minister in charge of the bill justified this provision on the ground that the university administration was not carried on efficiently and that there was a great deal of infructuous expenditure.

Second, the degree of supervision varied widely as between the services. It may not exercise any control over academic matters but on non-academic matters it does exercise great control.

Third, a high degree of initiative may be coupled with extensive control. For instance, the university has complete discretion with regard to the supply of water,
construction of roads and drainage. At the same time the university is subject to detailed control when it obtains grant-in-aid for the purpose from the State Government.

Let me illustrate the point. When the Gauhati University applied for a grant for the construction of a water supply system, the State Government while sanctioning the grant, entrusted the preparation and the execution of the scheme to the Public Health Engineering Department. The entire amount was placed at its disposal and the University had no voice in the matter. When the Gauhati University applied to the U.G.C. for a grant for the construction of a Library Building, while sanctioning the grant, the U.G.C. sent its own experts to 'advise' the University as regards the site plans etc. and ultimately the U.G.C. team selected the site and prepared the plans and the construction was entrusted to the approved body. Again the Government of Assam directed the university to conform to the standards laid down by the Assam P.W.D. Let us now consider the means by which the university is controlled.

Administrative area:

The legislature determines the administrative area of the university. Under Section 5 of the Dibrugarh Univer-
University Act, 1965, the two districts of Sibsagar and Lakhimpur now Dibrugarh and Lakhimpur have been transferred from the jurisdiction of the Gauhati University to the Dibrugarh University. When the Hill University was created all the Hill Districts except the Mikir Hills and North Cachar Hills went over to the Hill University. When the Agriculture University was created the Veterinary and Agricultural Colleges were transferred to the control of the Assam Agricultural University. Thus, the administration may at any time alter the jurisdiction of the university. It may create another university in any area or abolish it.

Agency functions:

The Act does not specifically provide the transfer of any of its functions to the university by the Government and direct it to carry it out. But the university may be requested to undertake any function on its behalf. The university may refuse to do so. If it agrees it may act as the agent of the State Government or the U.G.C. or of the Union Government. In recent years the Government has been entrusting the university with the investigation of certain schemes. The Railway Board requested the Gauhati University to study the feasibility or otherwise of a broad
suage line from Bongalgaon to Gauhati. The Board placed certain funds at the disposal of the university. But it had complete discretion to accept the report or reject it or direct the university to undertake a fresh survey.

Appeals:

The Acts have provided specifically the right of appeal in certain cases to the Chancellor. For instance, election disputes may be taken to the Chancellor. An aggrieved person may take the case to the Chancellor and the Chancellor hears these appeals and gives his decision.

Appointment of members:

Under all the Acts, the Chancellor/Visitor and the Government have got power to nominate members to various bodies. This we had already noted while dealing with various university authorities. There is no need to repeat what had already been said in the previous chapters.

Audit:

It is specifically laid down in the Acts that the
accounts of the University shall be audited at least once in a year by the Examiner of Local Fund Accounts in the case of the Gauhati, Dibrugarh and Agricultural Universities and by the Comptroller and Auditor General of India in the case of the Hill University (17). The audit must cover all accounts of the university. The auditor points out all infructuous expenditure and excess payments. The auditor may order the recovery of excess payments. The audit report is an excellent instrument in the hands of the critics of university administration. It is a search light which exposes the weakness of financial administration of the university.

Confirmation:

Certain decisions of the university authorities shall be placed before the Chancellor for his confirmation. Every proposal, for instance, to confer an honourary degree shall be subject to confirmation of the Chancellor (18). There are other matters also which have already been mentioned in the previous chapter.

(17) G.U.Act 1947, Sec. 20 (1) and (2)
D.U.Act 1965, Sec. 34 (1) and (2)
NEHU Act 1973, Sec. 29
(18) G.U.Act 1947 Sec. 8(4).
Decision of disputes:

The Chancellor is the final authority in deciding certain disputes. For instance, all cases in which the Executive Council does not agree with the Selection Committee must be referred to the Chancellor (19). This also we have already considered in the previous chapters.

Removal of members:

If a member of the Executive Council does not attend meetings of the Court or the Executive Council regularly, the Chancellor may call upon him to explain the reasons for non-attendance. If the member fails to give a satisfactory explanation he may be removed from the membership of the Court or the Executive Council as the case may be (20).

Grant-in-aid:

Grant-in-aid is another means by which university

(20) G.J. Act 1947; Sec. 32.
administration is controlled. It is the most effective method of control of the universities. It is bread knife which cuts the autonomy of the university slowly and stealthily. A grant may be refused and the refusal may take three forms. A university may provide a service but not to the satisfaction of the authority concerned and therefore the grant may be refused either in part or the whole of it until it is satisfied. If a grant is paid for a part of the work approved by Government, it may after scrutinising the scheme prepared by the University may refuse to pay the amount if it does not approve it. If the grant is a percentage grant, the authority concerned may refuse to recognise particular items of the proposed expenditure. A refusal of the grant may bring the university into financial difficulties. A university might have already provided a service and its inability to continue the service may make it unpopular in eyes of the students and the staff. Necessarily the university is compelled to accept unquestioningly the conditions laid down by the Government.

Investment:

The Government insists that university funds ought
to be deposited with the recognised banks like the State Bank and the P. F. amount with the Post Office. The surplus money if any must be invested in securities approved by Government.

**Inspection:**

There is no regular means by which universities are inspected. But the State Government has the power to cause an inspection to be made by its own men, of the buildings, laboratories, libraries, museums, press establishment, workshops and of the institutions maintained by the university, and all its activities other than purely academic activities of the university and cause an enquiry to be made into the income expenditure, assets and liabilities of the university. The State Government may communicate the results of the inspection to the university together with its views on the inspection report and advise it on the action to be taken by it. It may also specify the time within which the action is to be taken. The university is bound to take such action. It may be noted that this provision was not made in the 1947 Act. It was included in the 1960 amendment.

Doubts have been expressed about the necessity of
Government supervision over the activities of the university. It is argued that State supervision of the university is not at all necessary. But there are convincing reasons for supervision by the State Government of the universities. First, the major purpose of inspection is to secure the efficient administration of certain services. Or to save the university from infructuous expenditure. For instance, the Chancellor ordered the inspection of the accounts of a university when there were complaints that there was financial maladministration. Second, State supervision tries to eliminate confusion resulting from the existence of diversities in the administration of certain services. Thirdly, it is the duty of the Government to see that the amounts placed at the disposal of the university are well spent. Fourth, selfish and powerful interests within the university may seek their own advantages at the expense of public good. The interests of the minorities may have to be protected. Fifth, state control provides opportunities for the pooling of experience. The university may not have the requisite expertise at its disposal. Sixth, the resources of a university are not sufficient to finance their services. It has no power to levy and collect taxes. It can levy fees but that does not constitute even 25 percent of the total income. So the university must
depend on grants from Government, U.G.C. and other bodies. Grants are always given with strings. There must be inspection to see whether the conditions under which grants were given have been observed. Finally, state inspection has become imperative with the introduction of democratic processes. Without effective supervision university administration may degenerate.

If inspection is to be effective there should be legal means available for ensuring information from the university. Any attempt to supervise the activities of the university without legal authority is doomed to failure. It is inconceivable that intelligent supervision can be exercised unless the Government possesses detailed information and statistical data from the university. The Government must have the legal power to secure the data.

It may be noted that statutory provision for inspection of the universities was not provided in the 1947 Act. It was provided in the 1960 amendment. Though provision has been made for the inspection of the universities they were not inspected at any time. Only on two occasions commissions were appointed by the Chancellor.
Suspension:

The State Government has been endowed with power to suspend all or any of the powers of the university. In other words, the State Government has power to dissolve any of the university authorities and appoint its own officers to manage the university affairs. This power was assumed in 1975 (21). Before taking any such action the State Government shall consult the Chancellor. Thus, the State Government has in its hands a sledge hammer. From 1947 to 1975 this provision did not exist in the Acts. It is not to be found in the Hill University Act. At one time the Government was in favour of supersession of the university but the Chancellor was not in favour of the proposed action. Therefore the Government amended the Act and provision was made for the suspension of the university in consultation with the Chancellor. The Government may or may not accept Chancellor's opinion. By this provision the university has been reduced to the status of a municipal board.

(21) G.J.(Amendment) Act, 1975; Sec. 42 A.
The consequences of suspension are serious. All the authorities like the Court, the Academic Council and the Executive Council may be dissolved and the Government may constitute an Advisory Board of three eminent educationists to advise the Government on the administration of the university. The administration may be entrusted to a senior IAS officer who shall carry on the administration as in Utkal University in consultation and with advice of the three eminent educationists. The university may be suspended for an indefinite period. The Act does not prescribe the period within which the university authorities should be reconstituted.

So far this power has not been exercised in any place where provision is made for this.

Suspension by Chancellor:

The Chancellor has been endowed with power to suspend and finally set aside any activity of any university authority. Not only the Chancellor had this power, he could

(22) G.J. Act 1947 as amended upto 1976; Sec. 8(12).
also prohibit the doing of any act which would affect university interests.

Apart from all these methods by which control is exercised, there is a subtle means by which the Chancellor and the Minister may influence the Vice-Chancellor. He may advise the Vice-Chancellor what should be done. The Executive Council may arrive at a decision which is repugnant to the Chancellor. The latter could set aside the decision. But he does not do that. He calls for the Vice-Chancellor and renders sound advice. The Executive Council meets and reverses its decision. Or the Chancellor invites the Vice-Chancellor for a personal talk and tells what should be done. Behind the door the Chancellor plays a vital part in the administration of a university.

We have so far noted the various means by which the Government, the U.G.C. and the Chancellor control university administration. We come to the conclusion that in 1947, there was very little control over the university administration. But by 1975, the administrative control over university administration gradually developed. At present there is a sledge hammer in the hand of Government. Who is responsible for such a state of affairs. The univer-
sities themselves must be held responsible. If the administration had been impartial and efficient, free from criticism there would have been less administrative control. However, the power to suspend a university, the power to suspend a resolution of a university authority are like guns behind the door. A university which promotes higher education efficiently and free from narrow prejudices need not be afraid of these powers.

SECTION D

U.G.C. and Universities:

The University Grants Commission, though an advisory body so far as the state universities are concerned, plays a decisive role in the administration of higher education. One of the most effective instruments through which it plays its role is by grants-in-aid which we shall see in a subsequent chapter. The universities and the colleges are affected by the influence of the U.G.C. It adopts all methods from gentle persuasion to the application of economic sanctions against a recalcitrant university or college.

Before we consider the role of the U.G.C. in the
promotion of higher education we shall examine the aims and objects for which the U.G.C. was established by an Act of Parliament.

The U.G.C. came into existence in 1956 for the promotion and co-ordination of university education and determination and maintenance of standards of teaching, examination and research in the universities. The Commission is empowered -

First - to enquire into the financial needs of universities
Second - to allocate and disburse grants to the universities established under a Central Government Act for the maintenance and development of such universities or any other general or specified purpose.
Third - to allocate and disburse such grants to other universities for the development of such universities or for any other general or specified purpose.
Fourth - to recommended to any university the measures necessary for the improvement of university education and advise the university upon the action to be taken for the purpose of implementing such recommendations
Fifth - to advise the Central Government or any State
Government on the allocation of any grants to universities for any general or specified purpose out of the consolidated fund of India or the consolidated fund of the State as the case may be.

Sixth - to advise any authority, if such advice is sought for, on the establishment of a new university or on proposals connected with the expansion of the activities of any university.

Seventh - to require a university to furnish it with such information as may be needed relating to the financial position of the university or the studies in the various branches of learning undertaken in that university together with all the rules and regulations relating to the standard of teaching and examination in that university respecting each of such branches of learning. For the purpose of ascertaining the financial needs of a university or its standards of teaching, examination and research, the Commission may after consultation with the university cause an inspection of any of its departments.

If a university fails within a reasonable time to comply with any recommendation made by the Commission it
may withhold from the university the grants proposed to be made out of the Commission's fund.

The Commission has further been authorized to make regulations defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of the university, having regard to the branch of education in which he is expected to give instruction. It is also empowered to regulate the maintenance of standards and the co-ordination of work or facilities in the universities (23).

The University Grants Commission has a tremendous amount of control over the universities and the colleges brought under its purview. The North Eastern Hill University is a central university and it is directly financed by the U.G.C. The other universities, namely, Gauhati and Dibrugarh are state universities recognised by the Commission. The Agricultural University is given development grants by the Indian Council of Agricultural Research. We shall

now consider in detail the role of the U.G.C. in the promotion of higher education.

As a first step towards improvement of higher education the Commission offered financial assistance to the universities for upgrading the pay scales of university and college teachers on condition that 80% of the additional expenditure on the revision would be borne by the UGC and 20% will have to be borne by the State Government. Further the revised pay scales would be maintained through additional grant-in-aid by the State Government after the five year plan. This was accepted by the Gauhati University and the Government of Assam in 1958 and the salaries of the college and university teachers were placed at par with other universities in the country. The successive revisions of salary of teachers of universities and colleges since 1958 have involved the State Governments and the universities in North East India. In the case of the revision in 1973, the Manipur Government has accepted the conditions laid down by the U.G.C. and the Government of India. The salaries of teachers in Manipur are revised. But the Government of Assam have not accepted the conditions in respect of the college teachers and the Government of India has not released any fund.
The Commission has laid down qualifications of teachers in universities and colleges from time to time. The U.G.C. advised the universities to set up a college development council consisting of representatives from the university, the colleges and the State Government. The Dibrugarh University accordingly set up a Development Council consisting of the Vice-Chancellor as the Chairman, Registrar as member-secretary, Inspector of Colleges, one teacher from the Faculty of Arts and another from the Faculty of Science, five principals of the affiliated colleges and three representatives of the State Government. The North Eastern Hill University has also set up a Development Council. The Gauhati University is yet to set up one. The Development Council meets periodically, discusses and decides problems common to both the colleges and the university. The decisions of the Development Council involving financial implications are sent to the State Government and to the U.G.C. for necessary action. The Development Council was responsible for establishing harmonious relationship between the university and the colleges.

Secondly, the U.G.C. advised the universities to organise workshops for the principals of the colleges for explaining the objectives and details of various schemes
formulated by the U.G.C. for implementation by those colleges and the universities. The North Eastern Hill University has conducted such workshops at which the principals of the selected colleges were present.

Third, the U.G.C. laid down the norms and conditions to be observed for the introduction of post-graduate classes in colleges. The universities have accepted these norms and conditions.

Fourth, the U.G.C. has restrained the establishment of new universities and new colleges. Under Section 12(a) of the U.G.C. amended Act, no University so established after 17th June 1972 can receive assistance from the Central Government or from any other organization receiving Central Government Funds unless the Commission has declared such institutions to be necessary and fit to receive central assistance.

Fifth, for the majority of the students seeking university level education, the first degree is the terminal stage. It is therefore important that the first degree courses offered by and large in the colleges should be strengthened, diversified and made relevant to the fast
changing needs of the society. The Commission has asked colleges to send proposals within a ceiling of assistance of Rs. 5 lakhs from the Commission. But the Commission fixed the percentage of expenditure on certain items. In other words the colleges are directed how the Rs. 5 lakhs should be spent.

Sixth in addition to the above a number of special programmes such as the college science improvement programme and college humanities and social science improvement programme for under-graduate colleges were formulated for implementation by the colleges and the expenditure incurred in this connection was paid as grant-in-aid to them through the University concerned.

Seventh the U.G.C. formulated separate programmes for the development of post-graduate colleges and for giving autonomous status to the existing colleges. Guide lines were issued in this connection to the colleges and the universities.

Eight the U.G.C. financed establishment of non-resident student centres and canteens, study centres and health centres for benefit of college and university students.
Ninth the U.G.C. provided funds for the construction of hostels for students in the universities and colleges subject to the condition that fifty percent of the cost in the case of boys' hostels and twenty five percent in the case of girls' hostels would be borne by the university or the State Government.

Tenth the U.G.C. provided funds to help poor students.

Eleventh the U.G.C. provided funds for the establishment of book banks in the colleges subject to certain conditions.

Twelfth the Commission instituted senior and junior fellowships to enable bright students to carry on research in universities subject to certain conditions, certain number of scholarships are reserved to the Scheduled Castes and Scheduled Tribes.

Thirteenth the U.G.C. gave assistance to universities and colleges for the development of playgrounds and for the purchase of accessories for games and sports.
Fourteenth the U.G.C. has taken a number of important steps for the maintenance of and co-ordination of standards of teaching, research and examination which is one of its statutory responsibilities. To achieve this end, pay scales and the minimum qualifications of the university and college teachers have been revised. They were sent to the Union Ministry of Education for implementation by the States. The new scales of pay and the higher qualifications for teachers laid down are intended to raise the social status of the teachers and particularly for attracting people of better calibre into the teaching profession.

Fifteenth the U.G.C. organised a number of programmes of summer institutes and seminars, teacher fellowships and associateships with a view to train the existing teachers.

Sixteenth the U.G.C. attempted to reform the existing system of examinations. That is it emphasised on continuous internal assessment, semester system, question banks and grading in the place of numerical marks. Gauhati University is one of the twelve universities selected for this purpose. By and large the other universities in this region accepted the recommendation of the U.G.C. with regard
Seventeenth, the Commission had taken up measures for the implementation of the National Policy of Education by the Central Advisory Board of Education. The Commission accepted the view that a three year course at the undergraduate level should be the norm. A three year honours course would be the pre-requisite for admission to Master's course. The Commission requested the Universities to select colleges carefully where the Honours courses could be provided.

Eighteenth, in 1974, the U.G.C. constituted panels in various disciplines or groups of disciplines in the Humanities and Social Sciences, Natural Science and Technology to advise on matters relating to the improvement of teaching and research in the respective areas. The panels have reviewed the under-graduate and post-graduate courses and came to the conclusion that the existing courses should be upgraded and revised. The panels also suggested that with a view to modernise and upgrade the courses in Humanities and Social Sciences, regional workshops consisting of teachers of universities should be held. Accordingly a number of regional workshops have been held. Besides the
regional workshops national workshops also were held. The recommendations of the U.G.C. on this subject have not been received so far by the Universities.

Nineteenth, the U.G.C. has formulated a set of guidelines for the introduction of courses of study which would help rural development. The U.G.C. provided assistance for the purchase of equipment, setting up of workshops and laboratories, pilot plants, for the purchase of books and journals and appointment of extra staff.

Twentieth, the U.G.C. is not in favour of vocational rising of higher education since it considered that the fundamental purpose of higher education is the training of a critical faculty and the grasp of the concepts at a high level. Yet the U.G.C. provided assistance to a number of universities for instituting part-time vocational courses.

Twentyfirst, Universities are well equipped to be the main focus of research and training activities in the country. Realising this the U.G.C. desires to strengthen the research activities of the universities by establishing viable research schools capable of continuous and sustained research for the purpose of training as well as
for solving problems of scientific, technological and regional or national relevance. For this purpose the U.G.C. supports individual research workers, group of research workers and provides core support for research to every university. The U.G.C. has encouraged and supported science research. It invites from the universities and colleges proposals for research and finances them. With a view to encourage advanced study and research in humanities and social sciences, the U.G.C. provides financial assistance to university and college teachers for research and learned works.

Twenty second, in addition to providing support for individual or group research the U.G.C. established Centres for Advanced Studies and provided funds for their support. It reviews the programmes of the Centres and if the work is unsatisfactory it discontinues financial support. It continues assistance to those centres whose work has been rated as excellent. So far no centre of Advanced Studies has been established in North East India.

Twenty third, again the U.G.C. initiated a programme of special assistance to selected departments in order to strengthen their teaching and research programmes. Assis-
tance is continued if the work of the department is satisfactory.

Twenty fourth, in order to provide facilities of general and sophisticated instrumentation, workshop and library facilities for advanced training and research programmes, the U.G.C. has provided assistance on 100 percent basis to universities and colleges for the development of workshops. In addition it developed regional centres of instrumentation for use by a number of institutions within the region. The regional instrumentation centres are financially supported by the U.G.C.

The U.G.C. set up a committee on continuing education. It prepared programmes on the subject and these programmes have been sent to the universities for necessary action.

The U.G.C. provided funds for publication of learned works. It has provided funds to universities for the development of computer facilities and science education centres on a regional basis. Gauhati and Dibrugarh universities have set up computers with U.G.C. assistance.
In order that there may be a better understanding and appreciation of the problems of the various countries in the world particularly developing countries and countries in our neighbourhood, the Commission provides assistance to universities for developing programmes of Area Studies. No centre for Area Studies has been established in North East India.

The U.G.C. has been attaching great importance to the Faculty Improvement Programme by providing opportunities for teachers to keep abreast of modern developments in their respective fields of study and research and to exchange ideas with experts in similar fields. The U.G.C. has agreed to provide financial assistance for raising the professional competence of teachers in the affiliated colleges with the following programmes.

First, it is proposed that every university which has more than 25 affiliated colleges providing under-graduate education may be invited to take up a university leadership project in each of the major subjects where it has strong viable departments.

Second, the U.G.C. suggested refresher courses and
short term institutes. Third, the establishment of all India level Institutes in specialised topics to enable teachers from universities and colleges from different regions to avail the opportunities of getting acquainted with the latest development in the subject concerned through lectures, seminars, discussions and project work.

Next, the U.G.C. proposes to establish English language teaching institutes on an All India level, for the benefit of teachers in colleges. These institutes will be located in different regions which will cover all the colleges in the region concerned. Fifth, the U.G.C. awards fellowships for teachers in affiliated colleges so that they may carry on research for M.Phil, M.Litt or Ph.D. degree. Sixth, short term fellowships of one year duration and long term fellowships of three years were awarded to them. The U.G.C. awards National Associateships for one year to enable teachers to visit specialised laboratories or institutions for research work. It awards National Fellowships to teachers of outstanding eminence to take a year or two off from their duties to devote themselves exclusively to research and writing of results of their work. In addition to National Fellowships, the U.G.C. awarded national lecturerships to enable outstanding
teachers and research scholars to visit different universities for delivering series of lectures in their special fields and to participate in academic programmes of the host universities. National Associateships also awarded to teachers engaged in research. Travel grants are made available to the teachers in the universities for attending international conferences abroad, for visiting centres of research or for attending academic conferences in India. For this purpose an unassigned grant is placed at the disposal of the universities. Finally the U.G.C. provides funds to universities and colleges to utilise the services of outstanding teachers who have retired from service.

The U.G.C. framed a Model Act for the Governance of the universities. It also appointed a committee on the Governance of the Universities and colleges. The recommendations of the committee and the model Act have been accepted by and large.

The U.G.C. held a seminar on examination reform. The recommendations of the seminar have been embodied in a report called 'Examination Reform - A Plan of Action. Several universities have accepted the recommendations and are implementing them.
The U.G.C. recommended the reservation of seats in the Departments and teaching posts for the members of the Scheduled Castes and the Scheduled Tribes in the making of appointments. All the Universities have accepted this principle.

The U.G.C. calls for a variety of information from the universities and colleges for incorporation in their annual reports and for that purpose has provided funds to the universities to set up U.G.C. Units.

The U.G.C. requested the Universities to observe the Human Rights Day and they were also requested to report whether it was observed. Some of the universities to do observe but it is not systematically done. The Department of Political Science organises the function. Human rights must be the concern of all, and not of the department of political science.

The U.G.C. appoints Visiting Committees to visit the universities and study their problems on the spot and report thereon. On the basis of the report the U.G.C. provides funds for development of higher education and research. The reports of the Visiting Committees have contributed to
organised teaching and research.

The U.G.C. laid down the conditions for instituting readerships in the colleges. If a college wants to institute a readership in any department it should apply to the university to which it is affiliated and make appointments in accordance with the conditions laid down by the U.G.C.

We have so far noted the control exercised by the U.G.C. over the universities. But it should also be said that the degree of control exercised depends on the degree of interest that the university takes in the enforcement of the conditions laid down by the U.G.C. The U.G.C. has no special machinery to see whether the schemes formulated by it have been carried out; whether the amounts sanctioned by it have been utilised effectively on purposes for which they were sanctioned. This is done through the universities in the case of colleges. But by and large the universities have always accepted the recommendations of the U.G.C. and have availed the benefit of grant in-aid.
Colleges are controlled by universities by a variety of means. It may even be said that the University under certain circumstances has life and death power over colleges. The colleges grow as designed and ordained by the University. What are the various means by which colleges are controlled by universities? The first is affiliation. At first university had unrestricted freedom to grant or withhold affiliation. Whenever a college is to be started or a new discipline is to be introduced the permission of the university must be obtained. In the initial stage of Gauhati University there were no rules regulating the affiliation of colleges. The result was that there was much room for growth of colleges, particularly arts colleges. Colleges were started even without providing the minimum requirements. Often the teachers were not paid any salary. The fee collected from the students was distributed among the teachers. These colleges were like the law classes held in the 19th century when law teachers were remunerated by the fee paid by students. Gauhati University had jurisdiction over 17 colleges in 1948. But during the period 1948 to 1965...
colleges were established in North East India. In order to regulate the unplanned growth of colleges and for maintaining standards an Ordinance was issued in 1966 which laid down conditions to be fulfilled by a college seeking affiliation. Even then there was no check over the growth of colleges. Further, a college after affiliation applied to the Government for a grant. The situation was embarrassing to the Government. Therefore in the amended Act of 1975 Government laid down the condition that no affiliation should be granted without its prior concurrence. Thus, the universities have now no unrestricted power to grant permission for establishment of a college or its affiliation.

The courses of study in the colleges are determined by the Academic Council. The Academic Council also prescribes the text books the various courses of studies in the colleges.

The qualifications for the teachers of the affiliated colleges are laid down by the university. The colleges have no option to alter them under any circumstances.

The examination at the end of various courses in the colleges is conducted by the University.
The colleges are inspected periodically by Inspectors of Colleges deputed by the University. The recommendations of the Inspectors of Colleges approved by the University are to be implemented by the Colleges.

The candidates who adopt unfair means at the time of examination are disciplined by the University.

Lastly, grants sanctioned by the U.G.C. are routed through the University and the accounts of the grants-in-aid received from the U.G.C. are verified by the University.

Although the universities exercise power over the colleges it has been done without any political pressure. The Principals and teachers of colleges are members of various bodies of the University and they can participate in decision making at the university level. The control is of an academic nature. On the other hand control exercised by the Government is both administrative and financial.

The universities being responsible for higher education should be empowered to exercise necessary control
over collegiate education. Gauhati University conducted two surveys on the need for establishment of new colleges in Arts, Sciences and Commerce. For these surveys a representative of the Government was included in the committees. Permission to start new colleges in the areas recommended by the university was given during the period 1971 to 1975.

SECTION F

Government and Colleges:

The Government colleges are established and directly administered by the Government through the Director of Public Instruction in the case of colleges on general education, the Director of Technical Education in the case of Engineering colleges and Director of Health Services in the case of Medical colleges. The Principals and teachers are selected by the Public Service Commission of the respective States. The Governing Bodies act in an advisory capacity. Grants in aid from the Central Government, the U.G.C. and other Central Agencies are routed through the Government of the State. The Universities have no control over the management of the Government colleges.
The Gauhati University Act of 1947 empowered the University to lay down conditions on the mode of appointment and recognition of teachers and conditions of affiliation of colleges. In 1951 the University passed a Statute for management of all colleges not maintained by the Government. The Statute laid down that there shall be a Governing Body with the Principal as Secretary, Vice-Principal as a member, two representatives of the teachers, two nominees of the Government, two nominees of the university and five co-opted members. In addition the donors who contributed Rs.10,000 or more shall be life members. The President is elected by the members from among them. The Statute also laid down the conditions of service and minimum emoluments of teachers. It also empowered the university to settle disputes between teachers and the Governing bodies. The amendment of 1965 took away this power from the university in the case of colleges which received grant-in-aid from the Government and the Government was empowered to make rules in consultation with the university. The rules made by the Government in 1965 made the colleges fully responsible to the Government for administration and finance and to the universities for academic matters. The proceedings of the governing bodies are to be sent to the D.P.I. and the University and no final decision on appoint-
ment, promotion and dismissal of the teaching staff including the Principal or construction involving Rs. 5000 or more shall be taken without prior approval of the Director. On the recommendation of the D.P.I. the State Government after due notice and enquiry can take over the control and management of a college and ask the Principal to carry on the day to day administration under orders of the Director for a maximum period of three months.