



MINISTRY OF EDUCATION ● GOVERNMENT OF INDIA

**Report  
of  
the Committee  
on**

**Model Act for Universities'**

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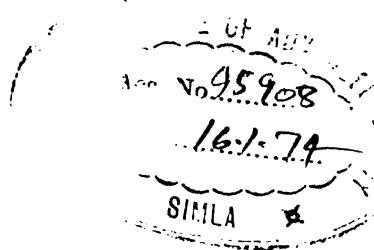
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# CONTENTS

CHAPTER	PAGE
I Introduction	1
II General Constitution underlying University Organisation	6
III Visitor and Officers of the University	10
IV Authorities of the University	19
V Colleges, Students' Welfare, etc.	26
VI Summary of Recommendations	32
Note of dissent by Shri S.R. Das	36
Appendix Powers of the University	42

## CHAPTER I

### INTRODUCTION

#### **Appointment of the Committee, Terms of Reference and Meetings of the Committee**

The Ministry of Education appointed in December 1961 a Committee with the following members to consider broadly the organisational structure of the Universities in India and to prepare the outline of a 'Model Act' suited to their role and functions in the present context of our fast developing society :

Dr. D.S. Kothari Chairman University Grants Commission	..	<i>Chairman</i>
Shri S.R. Das Vice-Chancellor Visva-Bharati (appointed in September 1962)	..	Member
Prof. A.A.A. Fyzee Formerly Vice-Chancellor Jammu & Kashmir University (resigned in August 1962)	..	„
Shri S. Govindarajulu Vice-Chancellor Sri Venkateswara University	..	„
Shri Prem Kirpal Secretary Ministry of Education	..	„
Shri Samuel Mathai Vice-Chancellor Kerala University	..	„
Prof. N.K. Sidhanta Vice-Chancellor University of Delhi	..	„
Prof. M.N. Srinivas Department of Sociology Delhi School of Economics University of Delhi	..	„
Shri T.S. Bhatia Deputy Secretary Ministry of Education	..	<i>Secretary</i>



The committee had the misfortune of losing the valuable assistance of Professor N.K. Sidhanta who passed away shortly after the committee was set up.

In August 1962 Prof. A.A.A. Fyze resigned from the committee as he was going out of country for some time. Shri S.R. Das, Vice-Chancellor, Visva-Bharati, joined the committee in September 1962. Professor M.N. Srinivas could not attend meetings of the committee held after March 1964 as he was out of India.

Shri K.L. Joshi, Secretary, University Grants Commission was also associated with the work of the committee at the instance of the Chairman.

The committee met 17 times at Delhi; the meetings were on 16th, 18th and 22nd January, 13th March, 26th April, 21st August, 4th October, 6th November and 4th December 1962, 5th March, 7th July, 9th August, 3rd September 1963, 2nd March, 6th August, 4th December and 30th December 1964.

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The committee regrets that because of changes in the membership of the committee and owing to other unavoidable reasons there has been considerable delay in submitting the report.

The nature of the problem covering a wide range of activities and functions that the committee was asked to consider is, as is well recognised, too complex and involved to admit of any simple or clear-cut solution. An inherent difficulty is that in the case of universities, as indeed of any large self-governing institution, the actual functioning sometimes differs markedly from the spirit and intention of the written constitution. In many important respects the written constitution does not reflect correctly the practice that has developed. For this reason, a comparative study of written constitutions of universities by itself may not be a sufficient guide in the preparation of a new Act. The respect for law and the manner in which a constitution is worked are factors of the utmost importance. Any constitution, if worked with reasonableness and understanding can be made a success within fairly wide limits, and it is equally true that no constitution, howsoever carefully and elaborately drawn up, can altogether prevent abuse or inefficiency. This, however, does not dispense with the need for modifying and improving existing university constitutions in the light of our own experience and the experience of universities in other countries. The implications of several of the questions with which the committee was concerned required a considerable amount of discussion, sometimes at several meetings, before it was possible to arrive at agreed conclusions. The committee hopes that its examination of the relative merits of different types of organisation and its recommendations, will be of value to the authorities concerned with the formulation or revision of University Acts, confronted as they might be with conflicting views on

more than one important matter relating to university organisation. The committee realises that any particular suggestion made by it would require re-examination periodically in view of the developments taking place in the country.

The committee was faced at the outset with the words "*Model Act*" which occur in the terms of reference of the committee. The committee felt that it would hardly be useful and it may not even be possible, to prepare what could be properly described as a "*Model Act*". The existing University Acts contain many detailed provisions. The details differ widely from Act to Act even though there is a broad agreement in the organisational patterns of most of the Indian universities. The preparation of a Model Act with as many details as in the existing Acts would involve the undesirable task of choosing some of these details and modifying or discarding others without fully knowing the varying local circumstances. These details vary also because historically the development of university education in different States has not been uniform. While the London University had been taken more or less as the model for many of the Universities before 1947, the recommendations made in the University Education (Radhakrishnan) Commission's Report, 1949, influenced to some extent the constitutions of universities established after 1950. There were various other circumstances, both educational and social, which led to certain distinct features in the constitutions of some of the new universities. Also, some of the older universities modified their Acts to cope with new requirements.

A certain amount of variety in the pattern and organisation of universities may be desirable in the interest of the development and progress of higher education in a large country like India. The committee has, therefore, not attempted to formulate a 'Model Act' as such, applicable to all universities, but has given considerable thought and attention to the formulation of general principles that should govern the formation of the principal "authorities" of a university and which may be thought of as the core of an Act. In other words, the committee's recommendations deal with only the most important aspects of the organisation of a University and even here, alternatives are sometimes suggested, so as to make it possible to preserve practices and traditions which may have been found satisfactory in any existing university. In fact, any attempt to stereotype a constitution and provide for too many safeguards, may tend to make the constitution rigid and cumbersome, and it may even interfere with the normal growth and progress of the institution. *It is necessary that the constitution of a University should be formulated in sufficiently general terms so as to permit innovation and experimentation.* The committee hopes that its recommendations will provide sufficient guide-lines in framing constitutions for new universities and also help the older universities to change their organisations in the context of the present requirements of the country.



The committee has made some "negative suggestions" also. These are, in the view of the committee, as important as its positive recommendations. There are practices and methods to be avoided and it may be desirable to provide safeguards against them in the constitutions to be framed.

The expansion and development of university education during the last 15 years or so have been of great magnitude. While there were only 25 universities in 1949, in 1961 there were 44 and in 1964, 62; in addition there are 8 institutions of national importance and 9 institutions deemed to be universities under section 3 of the University Grants Commission Act, 1956, all of which are empowered to grant their own degrees. Numbers in all universities have increased. In 1950, the total number of students in the universities was about 3 lakhs; it has risen to about 14 lakhs in 1964. The Calcutta University had an enrolment of 45,000 in 1947 and this has now risen to 1,17,000. Madras which had an enrolment of 29,000 in 1947 has today an enrolment of 64,000 in spite of a reduction in its area. Delhi which had an enrolment of 4,000 in 1947 has increased to about 27,000. Large numbers affect not only the quality and standard of teaching, but also put an undue strain on the organisational and administrative machinery of universities and colleges.

The rapid expansion of knowledge in recent years, specially in science and technology, necessitates frequent regrouping of subjects of study, and changes in syllabuses and fresh adaptations and adjustments in laboratory and library become necessary. Also, new techniques of teaching and examination have to be adopted from time to time. These call for a modification of the somewhat rigid structure prevailing in many of our universities. In other words, the constitution should allow for an adequate process of adaptation in response to a dynamic situation. It should not tend to freeze existing things in their present form. It should keep open avenues for improvement and provide every incentive and encouragement for the pursuit of excellence instead of seeking uniformity at a mediocre level. The laws made for the functioning of a university should allow sufficient scope for the development of healthy practices and conventions which are often stronger than legal enactments and are particularly suited to institutions pursuing higher learning and research. *The main Act of a University should lay down the structure and organisation in broad terms and the relevant details may be prescribed by statutes and ordinances.*

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It is perhaps unnecessary to state that the organisation of a university must above all be designed to achieve the objective in view which is the dissemination and discovery of knowledge and the intellectual training and discipline of youth. It can happen that laws made to govern public statutory bodies may thwart the realisation of its true objectives.

Shri Jawaharlal Nehru said some time ago in a convocation address :  
“*A University stands for humanism, for tolerance, for reason, for progress, for the adventure of ideas and for the search of truth. It stands for the onward march of the human race towards even higher objectives. If the universities discharge their duty adequately, then, it is well with the nation and the people*”. The function of the university is not only to preserve, disseminate and advance knowledge but also to furnish intellectual leadership and moral tone to society. No less important is the role of universities in promoting national integration and a common culture, and in bringing about the social transformation that is desired. Finally, universities have also to provide trained personnel to advance the country's prosperity by making full use of modern knowledge. The organisational pattern must enable the universities to achieve these objectives.

## CHAPTER II

### GENERAL CONSTITUTION UNDERLYING UNIVERSITY ORGANISATION

The preamble to the Acts establishing the first Presidency Universities of Calcutta, Bombay and Madras in 1857, stated that the primary function of the universities was to “encourage” education and to grant degrees on the basis of proficiency determined by examinations :

Whereas, for the better encouragement of Her Majesty’s subjects of all classes and denominations...in the pursuit of a regular and liberal course of education, it has been determined to establish a University...for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science and Arts, and of rewarding them by Academic Degrees as evidence of their respective attainments, and marks of honour proportioned thereunto; and whereas, for effectuating the purpose aforesaid, it is expedient that such university should be incorporated : it is enacted as follows”.

These Presidency Universities were instituted as primarily examination conducting bodies on the model of the University of London as it then was; and though the London University underwent almost a radical transformation soon after, the Indian universities continued to function largely on their original basis.

The University Acts of 1857 laid down the pattern of administration in Indian universities; they provided for a Chancellor, a Vice-Chancellor and a body of Fellows. The Chancellor’s office was *ex-officio*. The Vice-Chancellors were honorary; they were appointed for a term of two years by the Governor-General in Council in Calcutta and by Governor in Council in Madras and Bombay. Broadly the administrative arrangements of Indian universities have retained the pattern established in 1857, although important changes have been made in the first universities themselves and in the universities established later.

#### **General Organisational Pattern**

The following is in general the organisational pattern of universities in India :

The three main “authorities” of the universities are (a) the *Court*; in some universities this body is called the Senate; (the word “Court” in this report will apply to the Senate also); (b) the *Executive Council*; in some universities this body is called the Syndicate; (the words “Executive Council”

in this report will apply to the Syndicate also); and (c) the *Academic Council*. These consist of ex-officio, elected, and nominated members. The other authorities in many universities are the Faculties, the Boards of Studies, the Finance Committee and the Selection Committee.

The principal officers of a University are the Chancellor, the Vice-Chancellor and the Registrar. Other officers are Pro-Chancellor, Treasurer, Rector, Principal, Dean, Librarian and Proctor; all these however do not exist in all the universities. In the Central Universities, the Chancellor is elected, and most of the functions of the Chancellor in a State University are performed by the Visitor. The Visitor in all Central Universities and in Rajasthan University is the President of India in an *ex-officio* capacity. In most State universities the Governor of the State is ex-officio Chancellor of the universities in the State. Vice-Chancellors are the academic and executive heads of universities and are in all cases except Bombay, Nagpur and Poona whole-time salaried officers.

In the "Agricultural Universities" established in recent years a different pattern of administration has been provided, to suit their more limited and compact character.

### **Different Types of Universities**

The universities in India today fall into two broad types. (The second of these is capable of being again sub-divided into two kinds). The first type is the oldest, following the model established by the Presidency Universities under the Acts of 1857. This is the affiliating type of university which in the beginning was doing no more than prescribing syllabuses and holding examinations for students in affiliated colleges which were wholly responsible for teaching. But during the last 40 years even these universities have developed postgraduate teaching departments and research centres. Calcutta and Madras are universities of this type. They function in two parts—teaching and examining. The teaching part is concentrated generally at the headquarters or at one or two centres. The university exercises control in varying measure over the large number of affiliated colleges, which are scattered over several thousands of square miles, to secure certain minimum conditions, but this main service it renders is still that of providing syllabuses and holding examinations. Several of the new universities are also of the affiliating type although from the very beginning they have had a teaching and research side also. Andhra and Kerala are examples of this.

The second type is a unitary or a federal university. Both unitary and federal universities are restricted to a single town or its immediate neighbourhood. In a unitary university almost the entire teaching is done by the university in its own departments and as far as possible students reside on the campus. The federal type is a variation of this; while this is also restricted to a town, there are a number of colleges which work under the

direction of and in cooperation with the university as constituent members. Delhi is an example of a federal university, while among the unitary universities may be mentioned Allahabad, Annamalai, Banaras, Visva-Bharati, etc.

### Two Important Considerations

As already stated constitutions by themselves cannot ensure a good organisation, and written constitutions need the support of good conventions. While the committee is offering certain suggestions as guides for improving and modifying the organisational pattern, it is convinced that the proper functioning of a university depends on the all-round acceptance of two basic principles. These are *autonomy for universities from external control together with a democratic administrative system, and effective participation of the academic community in the formation and implementation of university policy and programmes.*

Autonomy for a university is not a matter of fundamental right as it were, but is a condition for its efficient functioning and for enabling it to achieve the true ideals and aims of a university. A university needs autonomy if it is to discharge properly its functions and obligations to society and play an effective part in the development and progress of the country. Universities which are established by law can have only the rights given to them by that law; but if the university is to foster and stand 'for humanism, for tolerance, for reason, for progress, for the adventure of ideas and for the search of truth', it must be an "autonomous institution". An autonomous institution may not always achieve these ideals; but it is certain that a university which is not autonomous is hardly likely ever to achieve these great objectives. Autonomy does not mean isolation or aloofness from national purposes or a claim for some superior status or position; but it does imply that the university ought not to be harnessed for securing regimentation of ideas or drawn into the ambit of party or power politics.

The second principle of importance is that the university constitution should place certain responsibilities clearly and squarely upon the academic staff. Autonomy from external control is important, but it is equally or even more important that the administration internally is not autocratic or bureaucratic and insensitive to the real needs and interests of the academic community (staff and students). The university above all is a community of teachers and students dedicated to the common pursuit of learning. If such a community is to discharge adequately its duties to itself and the nation, its governance of the university must essentially be in its own hands. The teachers should have in practice an effective voice in the determination of the policies and the management of the affairs of the university; their participation should be real and meaningful and not merely formal and constitutional. The committee recognised that parti-

cipation of the layman in university policy-making and in administration is also important and very desirable, but if the university is to derive real benefit from such association, the representation of the academic community on the various bodies of the university should be effective and adequate.

## CHAPTER III

### VISITOR AND OFFICERS OF THE UNIVERSITY

The principal officers and authorities of the university should be the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor or the Rector, the Court (or the Senate), the Executive Council (or the Syndicate), the Academic Council, the Faculties, Board of Studies and Research Committees.

The committee after carefully considering the matter came to the conclusion that it would be desirable for a university to have a Visitor: He will not be an officer of the university. The functions and powers of the Visitor should be similar to those exercised by the President of India in his capacity as Visitor of the Central Universities.

#### **The Visitor**

The President of India in the case of Central Universities and the Governor of the State concerned in the case of State Universities should be the Visitor of the universities. The Visitor should not be included in the list of officers of the university but should have an independent position constituting a link between the Government and the university. The Visitor should have the powers to direct inspection of or inquiry into the affairs of the university, its buildings, laboratories, and equipment and of any institution maintained by the university and also of the examinations, teaching and other work conducted by the university. The procedure for such inspection or inquiry or for annulling proceedings may be laid down appropriately by the Act and Statutes. The power of the Visitor should be regarded as a special power to be used sparingly and not for the day-to-day working of the university.

The powers now suggested for the Visitor are already vested in the President of India as Visitor of the Central Universities. In the case of most of the State Universities, the power of enquiring into the affairs of the university when things go wrong is vested directly in the State Governments. The recommendation now made is that it should not be the State Government but the Governor in his capacity as Visitor that should exercise this power. It should be in keeping with the status of a university that action of this type when needed, would be taken by the Visitor.

### OFFICERS OF THE UNIVERSITY

#### **The Chancellor**

The Chancellorship should be an office of honour to which a person may be elected by the Court. It might be desirable to establish a convention



under which, say the Chief Justice of the High Court or a person held in similar esteem is elected to this office. In the University of Delhi, for example, the Chancellor is elected by the Court but by convention, the Court has always been electing the Vice-President of India as Chancellor. In certain circumstances it might be possible to elect a distinguished former Vice-Chancellor to this office. The Chancellor may preside at convocations of the University and other ceremonial functions. The terms of office and other details pertaining to the Chancellorship may be determined by Statutes.

The Chancellor, by virtue of his position and eminence in public life, could be of assistance to the university in settling conflicts and smoothing generally the relationship between various authorities of the universities.

### **The Vice-Chancellor**

The Vice-Chancellor is by far the most important\*functionary in a university, not only on the administrative side but also for securing the right atmosphere for the teachers and the students to do their work effectively and in the right spirit. His duties and responsibilities and the qualities needed for bearing them have been described as follows in the Report by the Committee on Higher Education appointed by Prime Minister under the chairmanship of Lord Robbins in the United Kingdom :

“676. This leads us to the position of the Vice-Chancellor or Principal. His is a role which, probably unfortunately, is seldom precisely spelt out in written constitutions. Yet it would be difficult to overstate its importance, particularly in a period of expansion, which calls for imagination and continuous initiative. There is a grave danger that the needs of expansion and the increasingly complex relations between institutions of higher education and government will impose upon the heads of universities a quite insupportable burden. There are certain duties of which the Vice-Chancellor cannot divest himself. He is at once a member of the governing body and the chairman of the main academic councils. He must therefore be at the centre of all discussions involving broad questions of internal policy or relations with the outside world. He must represent his institution in all formal or informal relations with the University Grants Committee; he must be present at meeting of the Committee of Vice-Chancellors and Principals; he must keep in touch with potential benefactors, and he must be aware, in general, of developments in the various branches of learning. No other enterprise would impose on its chairman the variety and burden of work that the modern university requires of its Vice-Chancellor.

677. The selection of a vice-chancellor or a principal is perhaps the most important single decision that the governing body of a university may be called upon to make; and arrangements for doing so are not made easier by the fact that such a decision may arise only once in ten to twenty years."

The responsibilities of a Vice-Chancellor are no less heavy in this country than in the United Kingdom or anywhere else. In certain respects the burden of a Vice-Chancellor in Indian universities is even greater. Among other things, he is the chairman not only of the academic body which determines the courses of study but he is also the chairman of the executive body. He also presides at the meetings of the Court. One of the most important questions to be determined in the light of past experience is with regard to the mode of appointment of the Vice-Chancellor.

### **Mode of Appointment of Vice-Chancellor**

The committee considered the different practices prevalent in various countries for the appointment of Vice-Chancellor. The following are some of the ways in which a Vice-Chancellor is chosen in Indian universities :

- (i) According to the pattern which is followed in Delhi University and which has been incorporated in the Acts governing several other universities, the appointment is made by the Visitor from a panel of three names prepared by a committee consisting of three persons, two of whom are nominated by the Executive Council from persons not connected with the university or any of its colleges, and the other is nominated by the Visitor who also appoints one of them as chairman of the committee. In the case of Delhi University, a Vice-Chancellor is appointed for a term of five years and the person thus appointed is not eligible for re-appointment.
- (ii) In Bombay University, the Vice-Chancellor is appointed by the Chancellor. He is appointed for three years and is eligible for re-appointment. He is honorary but is given a sumptuary allowance. He is assisted by a Rector who is a whole-time salaried officer of the university.
- (iii) In Calcutta University, the Vice-Chancellor is appointed by the Chancellor in consultation with the Education Minister from among three names recommended by the Executive Council, of whom not more than one shall be a member of the Syndicate. His term is four years and he is eligible for re-appointment.
- (iv) In Madras University, the Court elects a panel of three persons out of whom the Chancellor appoints one as Vice-Chancellor. The term of office is three years and there is no bar against re-appointment.

- (v) According to another procedure obtaining in some other universities the Vice-Chancellor is appointed by the Chancellor in consultation with the Education Minister (or a Pro-Chancellor representing the Founder's family).
- (vi) In some universities (e.g. Karnatak) the election of the Vice-Chancellor is by the Court from among three members recommended by a majority of the members of the Executive Council, provided the appointment is confirmed by the Chancellor (which is generally done). His term is three years and he is eligible for re-appointment.
- (vii) Another practice is that the Vice-Chancellor is directly elected by the Senate. The Andhra and Sri Venkateswara Universities had this system till 1957, and it still prevails in S.N.D.T. Women's University.

The Vice-Chancellor being the chief academic and executive officer of the university must enjoy the confidence of the Court as well as the Executive Council. It is important that for this key office, it should be known clearly who is responsible for making the choice. We feel that this responsibility should be squarely placed either on the university or on the Visitor/Government. The committee is not in favour of a procedure under which no one agency or individual can be held responsible for the choice. We, therefore, do not favour in its present form what is usually called the "Delhi pattern" for selecting a Vice-Chancellor. The committee, however, is unable to suggest any one pattern as the most suitable one for all the universities in India. Circumstances in different universities, their "age", stage of development, traditions, and measure of success in self-government vary. Among these different modes two seem worth adopting in some form: One is the nomination of the Vice-Chancellor by the Visitor/Government; the second is the election of the Vice-Chancellor by the Court from among three persons recommended by a majority of the members of the Executive Council.

It was suggested that whatever mode was adopted, the choice should be restricted to a list of suitable persons wide enough to be called an All-India list and that this list could be prepared and maintained by the University Grants Commission or any other body or individual who can be trusted to act objectively. The committee agreed that some such safeguard was necessary even though the suggestion made above might not be the most suitable one.

The committee is of the view that in the case of a newly established university, the appointment of a Vice-Chancellor should be according to the first mode, that is by the Visitor/Government. This may also apply to universities which are in an early stage of growth. When an institution has reached a stage of stability and traditions have been built up, there can be no doubt that the best way of selecting a Vice-Chancellor would be to

place the responsibility on the university community itself. This will be according to the second mode indicated above, subject to (minor) variations in procedure according to varying circumstances. The points that the committee would like to stress are firstly that the responsibility for making the selection of the Vice-Chancellor should be clearly defined, and secondly in deciding upon the mode of selection of the Vice-Chancellor account must be taken of the type and stage of growth of the university.

A necessary part of this arrangement would be that it should be possible to change the method of selection if circumstances make it necessary. The committee suggests that it should be provided in the Act that if the Visitor is satisfied that in the circumstances prevailing at any particular time it is necessary for the Visitor/Government to nominate the Vice-Chancellor when the office next falls vacant, it should be within the powers of the Visitor to do so; in view of its importance, this action may be taken in consultation with the University Grants Commission.

Whatever may be the mode of appointment of a Vice-Chancellor the main object should be to choose the best person available. Ordinarily a Vice-Chancellor should be a distinguished educationist or eminent scholar in any of the academic disciplines or professions and have a high standing in his field and adequate administrative experience.

The committee considered at great length the restrictions, if any, that should be provided by law with regard to the term for which the Vice-Chancellor should be appointed and with regard to the need for a retiring age. It is felt that subject to what was stated earlier the first appointment of a Vice-Chancellor should be for a term of *five years*. The same person should not normally be appointed for more than two such terms in the same university, subject to any age of retirement that may be fixed. This, however, is not intended to bar the appointment of a person who has served for one or two terms in any other university.

The committee felt that in view of the strenuous nature of the duties and responsibilities attached to the post of a Vice-Chancellor, there should be some age limit for the appointment. The committee considered the suggestion that the age of superannuation for a Vice-Chancellor be fixed at 65 years. However, taking into account the existing conditions and realising how difficult it is to find persons suitable and willing to accept this onerous appointment, the committee recommends that ordinarily a Vice-Chancellor at the time of his appointment or reappointment, should be below the age of 65. There is an age limit to the Vice-Chancellor's post in most countries such as the U.K. and U.S.A. where the Vice-Chancellor (or President) is appointed on a permanent basis. We suggest that while it would be desirable to have some age limit for a Vice-Chancellor, it should still be possible for a university to make use of a retired Vice-Chancellor in some suitable capacity by offering him either an academic appointment or some other position (such as Chancellor, for example)

which would make it possible for the university to avail of his experience, insight and wisdom; but this should not involve executive responsibility. The association of such men with the university in some emeritus capacity and his presence on the campus, if it could be arranged, would be a valuable asset to the life and activities of the university.

The emoluments of the Vice-Chancellor may preferably be laid down in the Act/Statutes. The emoluments should be commensurate with his status and responsibilities; while there should be some relation between his emoluments and those of Senior Professors in the University, it is also important that the salary of a Vice-Chancellor should bear favourable comparison to the salary of persons in similar position in public life. In this connection the committee notes that the salary of a Member of the Union Public Service Commission is Rs. 3,000 and of the Chairman, Rs. 3,500 per month and that there is also a provision for pension when they complete one term of six years. We recommend that a provision be made for a suitable pension to a Vice-Chancellor retiring after completing one full term.

### **Pro-Vice-Chancellor or Rector**

The Vice-Chancellor is concerned, inevitably, with almost every part of the work of the university. This in itself is an exceedingly heavy responsibility, and it becomes still more so if the university is an affiliating one with a large number of colleges and departments and students. It sometimes happens that a Vice-Chancellor is unable to attend adequately to the more important work of policy making and development because of the need to attend to routine work and administration. It is therefore very important that the Vice-Chancellor, where necessary, is provided with a deputy, that is, a Rector or a Pro-Vice-Chancellor. Ability to delegate and yet to keep a general overall control is a difficult art. It is important that relief is given to the Vice-Chancellor; but the manner in which it is done sometimes creates difficulties and complications. It may happen that if the Pro-Vice-Chancellor, or Rector, or other officer intended to provide relief to the Vice-Chancellor is chosen in the same manner as the Vice-Chancellor, it may not be possible to ensure that there is between them the complete understanding that is essential if the Pro-Vice-Chancellor is a real help to the Vice-Chancellor. One of the simplest ways in which the Pro-Vice-Chancellor can be chosen is for the Executive Council to fix the salary and other conditions of service, and leave it entirely to the Vice-Chancellor to choose the Pro-Vice-Chancellor for the duration of his own term or for a shorter period if he so desires. It will work most satisfactorily if the person so chosen is one of the professors with some flair for administration. The next Vice-Chancellor may reappoint the same person, but if he prefers somebody else, the last Pro-Vice-Chancellor can revert to his Department.

During the time that a Professor or other member of the university staff works as Pro-Vice-Chancellor an additional allowance may be given to him. The age of superannuation and other terms and conditions of service of the Pro-Vice-Chancellor should be the same as for the Professor of the university.

### Deans

The title of Dean is given to the head of a Faculty. In an affiliating University the Dean of a Faculty may not have ordinarily much work from day to day, but this is different in unitary or federal university. In the latter case the Deans have to coordinate the work of the different departments included in the Faculty, e.g. preparation of class time-tables etc., in addition to this, it would be necessary for them to exercise certain administrative functions. It is a debatable question whether the Deans should be appointed by the Vice-Chancellor or the Executive Council; or elected by the teachers; or chosen by rotation from the Heads of Departments, according to seniority with the option of declining the honour if the acceptance of the office is likely to interfere with one's academic work. The balance of advantage in the present circumstances is, perhaps, in favour of the Deans being appointed by the Vice-Chancellor. The Deans could provide valuable assistance to the Vice-Chancellor in dealing with organizational problems and in matters of general discipline in the university. In an affiliating university they could also assist the Vice-Chancellor in exercising some general supervision of the work of the affiliated colleges. The Dean of course should be a full time teacher of the university.

### Registrar

The Office of the Registrar is also an important one. In many cases, universities find it difficult to secure a person of the right type to fill this office. Two areas from which Registrars can be recruited are:

- (1) The University Office: the most competent among the Deputy Registrars or Assistant Registrars can be chosen;
- (2) The Teaching Staff: Occasionally special talent for administration and organisation is discovered in someone of the status of a Reader, who could in course of time become a Professor. But all things considered it would perhaps not be a loss to academic life if he is taken away from the Department and asked to become a Registrar.

The Registrar represents the permanent part of the university executive. Vice-Chancellors hold office for a limited period in the best of circumstances, even if legislation does not impose a maximum limit to the tenure of a Vice-Chancellor. The Registrar is therefore the custodian of the traditions of the university, of its efficiency and integrity. It is

also necessary that his entire loyalty should be to the University. Sometimes conflicts arise between the Registrar and one or other of the teachers or all of them together. The Registrar must therefore exercise his powers with discretion and understanding. His practices should always be responsive to the academic traditions of the university he serves. The Registrar should be appointed by the Executive Council. The terms and conditions of service should be clearly determined by Statutes. It is not likely to do universities much good if officers are borrowed from outside the universities to serve for a limited period, as such an arrangement has all the disadvantages of an interim arrangement. In exceptional situations, however, in order to rectify serious errors or corruption into which a university office may have fallen, it will certainly be in order, as a temporary measure, to secure the services, on deputation, of an outstanding administrative officer.

### **Treasurer or Finance Officer**

The committee is of the view that with the expansion of university work and activities, honorary (or paid) treasurers independently elected by the Court or the Executive Council is not in general a satisfactory arrangement. The committee recommends that the Treasurer or Finance Officer should be wholetime salaried Officer appointed by the Executive Council specially charged with the responsibility of looking after the finances of the university. The Officer should be designated as Finance Officer rather than Treasurer. It would be his duty to attend to proper investment of the university's funds, watch the expenditure, and to deal generally with matters connected with the finances of the university. He should not operate as a brake or as an instrument for delaying progress. This, however, should not be understood to mean that the importance of keeping correct accounts and following the budgetary laws is under-estimated.

### **Engineer**

With the large expansion that is taking place in the university it has become important to have a competent Engineer in the university itself. It is found that the building work in universities is done in two ways : in some cases, the Government Public Works Department undertake this responsibility. Ordinarily this saves the university a great deal of trouble and criticism but it is an extremely slow and unimaginative way of getting building work done. The Public Works Department has its rigid rules; it quite often happens that after a plan has been approved and the building is under construction, minor changes of one type or another occur. If the work is in the hands of the Public Works Department, getting the plans modified brings the work to a stand-still. The University's work is an insignificant part of the total responsibility of the Public Works Department and has to wait for its turn. It is, however, known that in some cases, special arrangements have been made by the State Governments to set



apart a separate division of the Public Works Department for university buildings. Such an arrangement may be quite satisfactory. Another method is for the universities to employ private architects to draw up plans and supervise the work. The success of this depends on the ability of the Vice-Chancellor to take quick decisions and bear the burden of criticisms. It is also necessary for the university in this case to have an efficient and versatile Engineer. A University Engineer of the right type should be regarded as one of the necessary officers of the university. The assistance of State Governments may be asked for securing the services of a good engineer.

## CHAPTER IV

### AUTHORITIES OF THE UNIVERSITY

#### General

It has already been stated that under the existing conventional patterns, universities have several authorities and that of these the three principal ones are :

- (1) The Court or the Senate
- (2) The Executive Council or the Syndicate and
- (3) The Academic Council.

The older pattern did not include the Academic Council, particularly at the stage when the University's main responsibility consisted largely of examining and very little of teaching. It is necessary clearly to demarcate the functions of these bodies, each having specified authority as confusion can arise by each body trying to advise the other with regard to its functions. At one time when there was no academic council it was usual to describe the Court as the supreme governing body. But in some of the newer Acts, this has been advisedly omitted. In general, the Court is intended to bring into the university the lay element and this has the advantage of bringing the university into contact with eminent men in public life, in industry and trade, and those who provide finances for it. The 'lay representative' in the court (and any other authority) can render great service to the university by their greater knowledge of the world and their ability to represent the general desires and aspirations of society. The committee recommends that in general the authority to be given to the Court should be firstly for framing the budget, as it would be necessary to have a larger body than the Executive Council to take responsibility for this. Secondly the Court should have the authority to indicate broadly what courses a university should have. Thirdly, the Court should review the work of the university as presented in the Annual Report, and act generally as a consultative body. The Court should have no power to interfere with the decisions of other authorities acting within the powers given to them by law; the Court is not to be regarded as a superior body to revise the decisions of the Executive Council or the Academic Council. Legislation by the Executive Council or by the Academic Council need not require confirmation by the Court. It should operate as a body concerned with general policy and the well-being of the university.

The Executive Council is the executive body of the university; it should be compact, and consisting about one-half academic and one half non-academic members. The responsibility for appointing teachers and

other employees of the universities would be that of the Executive Council. Raising funds and fixing fees and conducting examinations come within the province of the Executive Council these should not go to the court.

The Academic Council, as its name indicates, should be composed almost entirely of academic people and should be responsible for determining the contents of the courses of study, and the standards of examinations. It is this power of the Academic Council that requires to be carefully safeguarded. It is this freedom that indicates the measure of the autonomy of the university. No one from outside should be in a position to indictate to a university what its standards should be or what the contents of its courses should be, apart from the University Grants Commission acting within its statutory powers.

The Faculties and Boards of Studies function as subsidiaries of the Academic Council; and the Selection Committee and the Finance Committee are mainly for advising the Executive Council. A statement describing what are usually termed the powers of a university is given in the appendix to this report.

### **The Court or the Senate**

On the understanding that the Court is the general policy-making body with a lay element and not concerned with the details of academic matters or the day-to-day administration of the University, the following composition is suggested :

It should consist of not more than 100 members of whom about half should be external ones.

### **COMPOSITION**

#### **(1) Official members**

- |  |    |
|--|----|
| (a) <i>Ex-Officio members</i>                                  |    |
| Chancellor, Vice-Chancellor, etc.                              | 10 |
| (b) Representatives of University<br>Departments and Colleges. | 40 |

#### **(2) Other Members**

- |   |     |
|---|-----|
| (a) Representatives of Registered Graduates, not more than<br>(To be elected by an Alumni Association to be constituted<br>by Statutes) | —5  |
| (b) Representatives of donors, if any, not more than  | —5  |
| (c) Representatives of learned professions, industry and<br>commerce, managements of private colleges                                   | —15 |
| (d) Nominees of the Executive Council from outside the<br>University  | —5  |
| (e) Nominees of the Visitor   | —10 |
| (f) Members co-opted by the Court   | —10 |

It is felt that Parliament or State Legislatures or other local bodies need not be separately represented, but members of these bodies may be nominated by the Visitor in their personal capacity. Where it is not possible for all the Heads of Departments and of colleges to come into the Court, it will be necessary to arrange for their coming in by rotation to avoid election among themselves. In the case of members nominated by the Visitor or co-opted by the Court, the period of such co-option or nomination may be shorter than that of those representing the different bodies. By having a shorter term, it will be possible to associate a larger number of people with the Court and give wider opportunity for those who come in by rotation.

The Vice-Chancellor should be Chairman of the Court. On ceremonial occasions such as convocations the Chancellor would preside, if present.

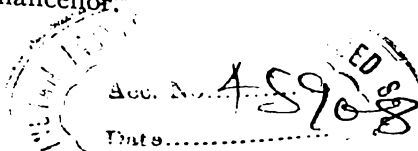
### **The Executive Council or the Syndicate**

7. The Executive Council or the Syndicate should consist of about 15 to 20 members, about half being internal and half external. The Vice-Chancellor should be its chairman. It has been suggested that there should be a limit to the number of terms for which a member can consecutively sit on the Council. The committee finds that a hard and fast rule about limiting the number of consecutive terms may not always be possible, or even desirable. The Vice-Chancellor should preside over meetings of the Executive Council. The committee suggests broadly the following composition for the Executive Council (the details will depend to some extent on the type of the university) :

Vice-Chancellor	..	1
Pro-Vice-Chancellor or Rector of University.		1
Deans (who should be full-time teachers) of Faculties.		4
Principals of Colleges.		4
Persons elected by the Court from amongst its members. . .		3
Persons nominated by the Visitor ( <u>which may include Government representatives</u> ).	..	4
		<hr/> 17

It may be an advantage to have on the Council two Professors, other than Deans, and also one or two persons nominated by the Chancellor.

*Note :* The appointment of the Deans as also of Professors on the Executive Council may be either through rotation—or partly through rotation and partly through nomination by the Visitor on the recommendation of the Vice-Chancellor.



We feel that for the efficient working of a university and specially for dealing with cases of discipline, the Vice-Chancellor should have adequate powers vested in him or delegated to him by the Executive Council. It is important that the Act should contain a provision for the delegation of power to the Vice-Chancellor.

### **The Academic Council**

The Academic Council represents in one way the core of the university, that is to say, the body which determines what admission qualifications are needed, what courses the students should undergo, what tests they should satisfy and what degrees they should get, and, in general, in what manner the main purpose of education can be secured. This body therefore should remain sovereign in its field. Its decisions except for financial reasons should not be subject to modification or approval by any one else. If it makes a mistake and lowers the standards of the university it assumes the responsibility for the poor estimate in which the degrees of that university will be held. The Vice-Chancellor should be the chairman of the Academic Council. It is unnecessary to fix a definite maximum number for the academic council. The size will vary in accordance with the number of departments and Faculties in the university as well as the number of colleges; as a rule of thumb 60 may be a good number for unitary and federal types of universities and a slightly larger number for affiliating ones. The following composition is suggested :

- (a) Deans of Faculties
- (b) Heads of Departments
- (c) Principals of Colleges
- (d) Teachers other than heads of departments or Principals of colleges, to represent adequately different subjects. These may be co-opted by the Academic Council for one year at a time
- (e) Persons from outside the university with specialised knowledge, co-opted by the Academic Council.

In this case also, where internal members have to be chosen, election may be avoided as far as possible and the right to sit may be given by rotation according to seniority or some other principle.

### **Faculties and Boards of Studies**

The main function of a Faculty is to coordinate the work of the Boards of Studies and to ensure that comparable standards are maintained by the different departments. The Faculties as well as the Academic Council should help in breaking the rigid compartmentalisation of "subjects" of study and research and make possible cooperative activity among the various disciplines. It is difficult to define in exact terms the

relationship that should exist between the Academic Council, the Faculties, and the Boards of Studies. There may be some overlap in their functions. Each university will have to spell out these functions in accordance with its own needs and traditions. The Boards of Studies deal with individual departments of knowledge. The practice in general has been for the University Head of the Department to be *ex-officio* Chairman of the Board of Studies. Its composition generally include some university teachers, some senior teachers from affiliated colleges and one or two teachers from other universities. In some universities it has been found desirable to have two Boards of Studies, one for undergraduate courses and the other for postgraduate courses. In view of the considerable overlap of problems concerning undergraduate and postgraduate studies, the committee is not in favour of two separate Boards of Studies. The committee feels that Boards of Studies should meet more often than is generally the case so that adequate attention can be paid to improvement and modernization of courses at all levels, including undergraduate studies. A Board of Studies should normally include one or two outstanding teachers from other universities.

One of the important functions, besides that of preparing courses of studies, that the Board of Studies performs is the recommending of textbooks and names of persons suitable for being examiners. In this activity, some safeguards may be necessary and each university may consider evolving some system of inter university consultations, and preparing a panel of suitable persons.

### **Selection Committee**

The standard and quality of work of a university depends very largely on the quality of its teachers. It is most important that every care is exercised by the authorities concerned so that teachers of the highest competency are recruited by the universities. Also the conditions of service and opportunities for professional advancement should be such as would attract and retain in the service of the universities men of outstanding ability. The power to appoint teachers must be vested in the Executive Council, but all the teaching appointments should be made by the Executive Council only on the recommendation of a properly constituted Selection Committee. The Selection Committee should consist, besides the Vice-Chancellor and the Head of the Department concerned, of a certain number of experts. This number may vary in accordance with the category of teachers to be appointed. For a Professor, it should be necessary to have two or even three outside experts. In the case of lecturers, a smaller number may be adequate. Great care should be taken in choosing the

experts. It may be an advantage to have one nominee of the Chancellor/Visitor on the Selection Committee. The Court or the Academic Council should not elect a representative to the Selection Committee. It should be a clear rule that the Executive Council should accept the selection unanimously recommended by the Selection Committee. In rare cases, if for good reasons the Executive Council is unable to accept the recommendation of the Selection Committee, efforts for a better selection may be renewed in the following year. A great ideal of what is described as university politics or interference of outside politics in universities arises in connection with appointments. Universities must have the freedom to make their own appointments; but they must be steadfast in their desire to make right appointments.

### Finance Committee

As already stated, the Treasurer or Finance Officer should be an officer of the university subject to the authority of the Executive Council. In the same way the Finance Committee should be a sub-committee of the Executive Council. Presumably to protect the financial interests of the universities, the constitution of some universities provide for an elected Treasurer and an elected Finance Committee. While it is necessary to provide safeguards against wastage and to secure careful conservation of the university's finances, it is not useful to have an independent Treasurer and Finance Committee. If the Executive Council does not have the time to look carefully into all matters where finance is involved, it should appoint a sub-committee of its own to be a Finance Committee. The University Act may provide that such a Finance Committee should include any particular *ex-officio* member of the Executive Council representing Government, whose knowledge of financial matters would be of use to the committee. Provision may be made for adequate control of the financial transactions of the university, in addition to the usual financial rules, budgetary rules, audit and other safeguards.

Most University Acts have a provision for audit of the accounts of the university by the Comptroller and Auditor-General or Accountant-General or the Examiner of Local Fund Accounts; the audit report along with any resolution passed by the Court is sent on to the Government concerned. This gives Government full opportunity to satisfy itself that the university is spending its money for the purpose for which it ought to be spent and that a proper finance and accounting procedure is followed. The Government may also obtain from the university such additional information as it wants.



It was recently suggested that these accounts and audit reports should be placed before Parliament/State Legislatures and their Public Accounts Committees. The committee is of the view that it is not desirable to do so. In this matter and in other related matters some measure of self-denial is needed, as the autonomy of universities and their standards and internal discipline are still in a delicate stage of growth and development and it will take time for the establishment of sound traditions and conventions.

## CHAPTER V

### COLLEGES AND STUDENTS' WELFARE

While the organisational pattern of universities is important, it should not be forgotten that the standard of university education in our country is still determined largely by the standard which the affiliated colleges are able to attain. It is well known that the bulk of our students are in affiliated colleges.

These colleges vary considerably in quality. Some are good, some are indifferent; but there are a large number of colleges, particularly those started in recent years, which cannot be said to be working satisfactorily and securing even the minimum standards expected of university institutions.

The growing demand for new colleges arises because of the large increase in the number of students passing out of high schools qualified and eager to join colleges. In the past colleges were established mainly by Government backed by the financial resources of the Government, or by missionary societies with adequate finances and staffed by teachers working with missionary zeal. Some excellent teaching institutions were established in this manner. Indigenous efforts of public-spirited persons desirous of serving the country also resulted in the past in the establishment of some very good colleges. Even these good colleges have suffered a setback in recent years because of the great increase in the number of students admitted, and because of the growing cost of education.

The sudden increase in the number of students has created a problem not easy to solve. The question was whether we should deny opportunities to the tens of thousands demanding collegiate education, except to the extent to which we are able to provide adequate facilities not only according to the past standards but also so as to satisfy the rapidly rising standards of higher education in the world, or whether in the alternative we should let them into some hastily improvised institution without minimum physical amenities, qualified teachers and adequate finance.

This problem was met in different ways by different universities. The line adopted by some was a reasonably good compromise, but the practices adopted by others have been ineffective and largely detrimental to the main educational purpose. In some instances adequate foresight on the part of universities and Governments in planning for the increasing numbers and the cooperation of the public in sharing the burden of founding new colleges resulted in the establishment of new colleges in a fairly orderly way.

Where good universities were allowed to act with freedom, they were able to impose certain minimum conditions even for giving temporary

permission to start a college and prescribe other conditions that should be fulfilled within a reasonable period. These included the number and dimensions of classrooms, laboratories, expenditure to be incurred on the library, the number of members of the staff to be appointed and the number of students that may be admitted by the college. In addition to this there had to be an endowment fund, and a properly constituted governing body.

In those States, therefore, where the universities with the support of the Government were able to exercise this power given to them by their statutes, the increase in the number of colleges did not, by and large, lead to the establishment of indifferent or poor quality colleges.

In other places, most unfortunately, colleges have been allowed to come into existence in any kind of building—an elementary school building or a go-down, with inadequate staff, and practically no library or laboratories. There was no expectation of the management finding adequate funds to improve conditions and this necessarily led to mal-practices. Even if by law the power of affiliation is vested in the university, it becomes extremely difficult to deny affiliation, if the local authorities express a strong desire that affiliation should be given to a particular institution. In a matter like this it is not possible to safeguard standards unless the universities and the Government work in close cooperation and mutual understanding.

The committee cannot stress too strongly the need for devoting attention to affiliated colleges. The change in the organisational pattern of universities cannot by itself improve matters. The following are some of the matters to be kept in mind in relation to affiliated colleges :

- (1) The power of granting affiliation to all colleges, including Government colleges, should vest in the university.
- (2) Application for affiliation should be made well in advance of the time of the opening of a college. It is not excessive to demand that the application should be made at least one year in advance as this will enable the university to consider the application, stipulate the conditions and give the management 6 to 9 months for the preparatory work needed to start the college in a temporary building. Standards will be seriously imperilled if at least this minimum condition is not enforced. Some Government agencies are sometimes no better than private managements in wanting to start a college on the spur of the moment.
- (3) The university should, after examination of the proposals, determine what course could be started and how many students should be admitted to each course, taking into account the facilities available. It should be regarded as a very serious injury to standards if at the last minute pressure is brought on the university to permit a larger number to be admitted. Any

request for increasing the number should be made well in advance of the beginning of an academic year, say, about six months, in order to enable the university to indicate the conditions under which it can be given and to enable the management to fulfil these conditions.

- (4) The university should lay down the number of teachers of different categories to be appointed for each subject. Their qualifications and scales of pay should be in accordance with the laws already laid down by the university. If any exemption is to be given at all from the possession of these qualifications, it should not be for more than a year or two. Even, circumstances demand that the exemption should last for a longer period, such exemption given for a temporary period should not lapse into permanent exemption. It is unfair to admit students to a course unless there are qualified teachers.
- (5) The 'gap' between the conditions of service (including salary scales) of teachers in the affiliated colleges and the university departments should be reduced. In fact we would like to see that teachers with similar qualifications, whether in colleges or university departments, have nearly similar conditions of service. The conditions of service of teachers should be laid down by the university. While the right to make appointments should vest in the colleges, it should be open to the university to withhold "recognition" of teachers, if persons with high qualifications are rejected without adequate reasons and others with lower qualifications, even though satisfying the minimum requirements, are appointed. In some of these cases this happens because the institution is either openly or without avowing it, a narrowly denominational institution. In other cases it may just be a case of improper exercise of patronage by the managing body or it may be due to extraneous pressures.
- (6) A college should be required to have a properly constituted managing or governing body. This should be a compact one consisting of about 10 members. The composition of this body should be prescribed by the university. The Principal of the college should be a member of this body and in addition there should be provision for one or more teachers to be on it preferably by some method of rotation rather than election. The university should nominate to the governing body two representatives who should normally be teachers of experience. This governing body should not ordinarily interfere in the

day-to-day administration of the college which should be left to the Principal. It is open to it to lay down rules for admission of students but leave the application of these rules to the Principal or a committee of teachers. Having to find a patron to secure admission to a college is sometimes the first step in shaking a student's faith in justice and honesty. In the case of institutions which have collected donations from the public it may be necessary to have a large general body consisting of a certain number of individual donors and others elected by the organisations giving donations. This body, however, should not have any executive functions. It may meet once or twice a year and receive a report from the managing committee and offer suggestions with regard to new courses to be started.

- (7) The statutory control of the university over the affiliated colleges should not be interfered with by rules made by Government for grant-in-aid to affiliated colleges.

The conditions that have been indicated above for the efficiency of administration, security of the teachers, equal opportunity to students, and good education should however preserve a fair amount of autonomy for the colleges. The reasons urged in favour of universities having autonomy apply equally to private colleges. Even in countries where there is a considerable amount of regimentation, teachers and institutions have a great deal of freedom to organize their work in their own way. In democratic countries therefore the freedom for offering education of different types with different values within the frame-work of the constitution should not be needlessly circumscribed. This is intimately connected with the freedom of thought. The control over colleges suggested above should be such as to secure ultimately observance of these high principles by colleges of their own accord and not through fear of action by the university.

The committee feels that the most important element in education is personal contact between a teacher and his students. This is not possible if the enrolment in a college exceeds a certain optimum figure. We believe that ordinarily the maximum strength of a college should not be beyond a thousand<sup>or 750</sup>. The committee recommends strongly that instead of expanding the number of students in colleges beyond reasonable limits and destroying all possibility of personal contact between teachers and students, the demand for more places in colleges should be met by providing Correspondence and Evening Courses and other facilities for part-time education. A provision to this effect should be included in the University Act. Useful guidance about correspondence courses and evening classes can be had from "Report of the Expert Committee on Correspondence Courses and Evening Colleges", published by the Ministry of Education. It is not necessary for the committee specially to add that the provision

of courses alternative to collegiate ones should be deemed to be a matter of great urgency.

### **Freedom for Experimentation**

What we have said above applies to colleges generally. It is important for the efficient working of colleges that there is a close and healthy relationship between the colleges and teaching departments of the university. In determining the nature and scope of this relationship it would be desirable to make a distinction between colleges doing undergraduate work only and colleges which also do postgraduate teaching either by themselves or in association with the university departments. It may be an advantage to have some arrangement for exchange of selected members of the staff, for long or short periods, between the colleges and university departments. Besides colleges, a university may also have institutions concerned almost entirely with postgraduate work and research. There should be some provision in the University Act to give "recognition" to such institutions so that they could participate in the work of the university. We feel that for the progress of university education and research it is important that carefully selected colleges or institutions doing postgraduate work are given some autonomy and freedom in the matter of determining the content and grouping of courses and conducting of examinations. Without some such arrangement, an affiliating type of university with a large number of affiliated colleges would find it almost impossible to carry out any experimentation or innovation in the field of education; and no worthwhile development in the field of education is possible without some measure of experimentation and flexibility in the organisation of courses and related matters. It would be difficult to lay down any general rules in this regard, as much would depend on local circumstances and the status and reputation of the institutions concerned; but we suggest that there should be provision in the Act to enable carefully selected institutions or colleges to be given some measure of autonomy on the lines indicated above.

Another important matter which we would like to refer to is the grant-in-aid code. The grant-in-aid codes operating in most of the States need to be made much more liberal than they are at present. A majority of colleges under existing circumstances find it extremely difficult to finance their development schemes, whether these relate to improvement of salaries or strengthening of laboratories and libraries. We would strongly recommend that the question of grant-in-aid code be examined by the University Grants Commission or other appropriate agency so that these may not only be liberalised, but also brought into some uniform pattern for the whole country. A liberal system of grant-in-aid will make it easier to check questionable methods of raising funds that are sometimes adopted by some institutions.

The constitution of universities and colleges must provide for far greater attention than at present to extra-class-room activities. A

considerable increase in expenditure, staff facilities and equipment is necessary in the matter of looking after the residence of the students, their activity, their contacts, their recreation, the development of their talents and above all in the training for self-government.

Every university may provide for the appointment of a Dean of Students with proctorial functions, whose responsibility will be to take steps to provide and supervise facilities for the well-being of students. Senior students in hostels may assist the Dean/Warden; and all of them will work in cooperation with the Dean of Students. We also recommend the institution of some form of student-government in the universities so as to associate students with the management of the social and other aspects of life in the universities. Matters connected with student bodies should be brought under the care of such student-government organisations and should be the ultimate responsibility of the Dean of Students and the Vice-Chancellor. In the affiliated colleges, functions similar to those of Dean of Students should be assigned to one of the senior teachers of the college.

All students should be encouraged to join the university union by payment of an annual fee, the objective of the union being to promote the social, intellectual, cultural and sporting activities of its members, to enhance the prestige of the university, and to cherish its highest traditions. In affiliating universities it may not be practicable to have a university union. Each college may have its own union.

### **State University Grants Committee**

In some of the States where there are a number of universities a local University Grants Commission/Committee has been established. It distributes to the universities in the State the funds placed at its disposal by the State Government. It also exercises some supervisory control. In some cases the control of the State Grants Committee tends to undermine the autonomy and initiative of the universities. Some of the decisions of the universities are subject to ratification by the State Grants Committee. Further, in some State universities the recruitment of the academic staff is done by the State Public Service Commission (e.g. in Bihar and Madhya Pradesh). Disciplinary authority over the university teachers recruited through States' Public Service Commission is vested in the Commission. Apart from interfering with the autonomy of a university, such a method of selection is in our view not satisfactory. If a university is to discharge its academic functions adequately, it is essential that the university should be responsible for the recruitment of its own staff.

The committee feels that if the State Grants Commission/Committee is to make a useful and effective contribution to the development and progress of higher education, the whole question of the State Grants Commissions/Committees should be given careful consideration by the competent authority, perhaps in consultation with the University Grants Commission.



## CHAPTER VI

### SUMMARY OF RECOMMENDATIONS

We have stressed that the constitution of a university should be formulated in sufficiently general terms so as to permit innovation and experimentation. The organisational pattern should be so designed as to serve the true objectives of university education. Stereotyped written constitutions with too many safeguards would tend to become rigid and cumbersome and may even interfere with the proper growth and progress of the institution. We are also aware of the fact that the success of any university depends not upon the Act, Statutes, Ordinances and Regulations but on the personnel and the sense of responsibility and discipline that they bring in the discharge of their high and onerous duties as academicians.

We shall now summarise our main recommendations to which we have been led by our study of the problem :

1. The importance of written constitutions is less than the conventions that are needed for the right development of a university. For building such conventions, two basic principles should be accepted, viz. (i) autonomy of universities from external control and (ii) internally democratic administration and effective participation of the academic community in the formation and implementation of the university policy and programmes.
2. The President of India in the case of Central Universities and the Governor of the State concerned in the case of State Universities should be the Visitor of the universities. He should not be included in the list of officers of the university but should have an independent position with well-defined powers.
3. There should be a Chancellor elected by the Court. His should be an office of honour.
4. The committee is unable to recommend any one pattern as the most suitable one for all the universities in India for the appointment of a Vice-Chancellor. The committee, however, indicates preference for the following two modes, namely, (i) that the Vice-Chancellor should be nominated by the Visitor/Government in the early stages; and (ii) that he should ordinarily be elected by the Court from among three persons recommended by a majority of the members of the Executive Council. Whatever be the mode the aim should be to secure the best person available. The Vice-Chancellor should be a distinguished educationist or scholar with administrative experience.

5. (a) The Vice-Chancellor should have a salary commensurate with his position and responsibility.  
 (b) The term of office of a Vice-Chancellor should be five years; he should not normally be appointed for more than two terms in the same university, subject to any retiring age that may be fixed.
6. To relieve the Vice-Chancellor of some of his duties, there should be a Pro-Vice-Chancellor or Rector chosen by the Vice-Chancellor.
7. Except in special circumstances, the Registrar should be a permanent officer of the university.
8. The committee is not in favour of honorary or paid Treasurers independently elected by the Court. The Treasurer/Finance Officer should be a whole-time salaried officer of the university appointed by the Executive Council specially charged with the responsibility of looking after the finances of the university. Similarly, the Finance Committee also should not be independently constituted but be substantially a Sub-Committee of the Executive Council.
9. Universities with large building programmes should have an efficient and versatile engineer of their own.
10. The Court should be the policy-making body of the university with a lay element and should not be concerned with the details of academic matters or the day-to-day administration of the university. It should consist of not more than 100 members, of whom approximately 50 per cent should be external ones. The Court may consist of ex-officio members, representatives of Alumni, donors, learned professions and industry and nominees of the Executive Council, the Visitor and the Court.
11. The Executive Council should consist of 15 to 20 members with approximately equal number of internal and external members.
12. The Academic Council should be the sole authority for determining the courses of study and standards. Their decisions should not need approval by any other authority in the university.
13. There should be sound financial rules but used so as not to delay or obstruct progress. There should be external audit and the audit reports should be placed before the Court and also communicated to Governments but it is not desirable to place them before Parliament/State Legislatures and their Public Accounts Committees.

14. (a) As the bulk of our students are in the affiliated colleges, due attention should be devoted to such colleges. The conditions for granting affiliation should be prescribed and enforced by universities notwithstanding pressure of numbers. The increasing demands for admission should not be met by expanding the size of existing colleges but by other measures such as evening and correspondence courses and other types of education besides arts and science courses.
- (b) The gap between the condition of service of teachers in the affiliated colleges and university departments should be reduced. Teachers with similar qualifications, whether in colleges or university departments should have similar conditions of service including salary scales.
- (c) The grant-in-aid to colleges should be improved and, if possible, made uniform throughout the country.
- (d) There should be provision to enable colleges to try out new methods and courses.
15. (a) In some States, University Grants Commission/Committee have been established. If these are to make a useful and effective contribution to higher education the entire question would need careful consideration by the competent authorities, perhaps in consultation with the University Grants Commission.
- (b) The power of appointing teachers and other employees and disciplinary control over them should vest in the university and not transferred to the Public Service Commission or other external body. Teaching appointments should be made by the Executive Council only on the recommendation of Selection Committees consisting of the Vice-Chancellor, the Heads of Departments concerned and a certain number of experts. The number of experts may vary according to the class of teachers to be appointed.
16. Every university should have a Dean of Students and devote special attention to students' welfare. An attempt should be made to secure the cooperation of senior students in the management of social and other aspects of life in the university. Student-Government is one of the forms of training that should not be ignored in a university.

### **ACKNOWLEDGEMENTS**

The committee would like to place on record its deep appreciation of the services of its Secretary, Shri T.S. Bhatia, Deputy Secretary, Ministry of Education.

We would like to express our thanks to Shri R.K. Chhabra, Deputy Secretary, University Grants Commission, for the valuable assistance he rendered to the committee in its work.

*Sd/-* D.S. KOTHARI  
*Chairman*

*Sd/-\** S.R. DAS

*Sd/-* S. GOVINDARAJULU

*Sd/-* PREM KIRPAL

*Sd/-* SAMUEL MATHAI

**\*\*M.N. SRINIVAS**

*Sd/-* T.S. BHATIA  
*Secretary*

## NOTE OF DISSENT

by

SHRI S.R. DAS

While I am in general agreement with most of the recommendations made in the foregoing report and with much of the reasonings in support thereof I find some difficulty in subscribing to some of those recommendations and the reasons on which the same are founded. I do not, however, desire to press all my objections but am content to record my dissent only on such of those recommendations as I consider to be vital.

### A. **Authorities of the University—their Powers and Constitution**

In olden times the universities were of an affiliating type doing no more than prescribing syllabi and holding examinations for students in affiliated colleges. In those days there was no provision for any Academic Council. But gradually even these universities in course of time developed postgraduate teaching departments and research centres. Although some of the modern universities are also of an affiliating type, they all have a teaching and research side also. Teaching and research being thus the principal feature of all universities an Academic Council became a necessary body in the university. Thus in modern times there are three main “authorities” in the universities, namely, (a) the Academic Council, (b) the Executive Council (Syndicate), and (c) the Court (Senate). I entirely agree that it is necessary clearly to demarcate the functions of these three bodies, making each authoritative in its own sphere.

The Academic Council obviously should be the academic authority in the university and should have the control and general regulation of the academic activities of the university. It must have the right to advise the Executive Council (Syndicate) and the Court (Senate) on all academic matters and correspondingly it should be responsible for determining the contents of the courses and the standards of examinations. There can be no two opinions that there should be no dictation from outside to a university as to what its standard should be or what the contents of its courses should be, apart from the statutory power of the University Grants Commission in this respect. It is of the utmost importance that this power of the Academic Council to regulate all academic matters of the university should be carefully preserved and safeguarded and it is this freedom from outside interference in academic affairs which indicates the measure of the autonomy of the university. It follows from this that the Academic Council of a university should be composed mostly of academic people, internal as well as external. The Vice-Chancellor, the Pro-Vice-Chancellor, the Treasurer/Finance Officer and the Proctor/Dean of students should be members of the Academic Council. The Vice-Chancellor should be the Chairman of this Council.

The Executive Council (Syndicate) is the Executive Body of the university. It should have the power to hold, control and administer the property and funds of the university, to appoint officers (other than the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor), teachers and other servants of the university and to define their duties and the conditions of their services, but not so as to alter the number, qualifications and status of teachers otherwise than on the recommendation of the Academic Council. The Executive Council should also have power to accept donations and gifts in money or in kind, to appoint examiners after consideration of the recommendation of the Academic Council, to arrange for the holding of all the university examinations and publishing the results thereof. It should be the duty of the Executive Council (Syndicate) to prepare the annual budget of the university and to be the custodian of the common seal of the university. The Vice-Chancellor must be the Chairman of the Executive Council.

My learned colleagues propose that the Executive Council (Syndicate) shall be composed of 17 members as therein enumerated. Their proposal is that out of the 17 members 4 shall be Deans, 4 shall be Principals of colleges and 3 should be elected by the Court (Senate) out of their own members. A cursory glance at the composition of the Court (Senate) as recommended by them will show that these three members elected by the Court (Senate) will be teachers of the university, for the teachers predominate in the Court (Senate). Thus 11 out of 17 members are likely, if not necessarily, to be teachers of the university. The recommendation thus formulated clearly means that the Executive Council (Syndicate) should be a body in which the teachers employed in the university should have a clear majority. I am unable to subscribe to this view.

The Court (Senate) has been described in many university Acts as the supreme governing body. Chapter IV of the Report sets forth the powers and duties to be conferred on the Court (Senate). If in addition to those powers and duties further authority is conferred on the Court (Senate) e.g., to make statutes, to consider the ordinances and regulations, to pass resolutions on the annual report and to review the acts of the Executive Council and the Academic Council, then such conferment of additional powers may well act as a deterrent against arbitrary exercise of powers by the two last mentioned bodies. Usually the Court (Senate) meets once a year and the little experience I have in University matters shows that there is, in actual practice, no danger of such power being abused by the Court (Senate). The composition of the Court (Senate) as set forth in Chapter IV of the Report appears to me to give such undue weightage to the teachers of the university as is calculated to be detrimental to what I conceive to be the best interests of the university.

The function of the teachers of a university should primarily be to teach the students and to do research work on their own or to supervise and guide the research work of the students. The freedom to do this primary

duty will, to my mind, be amply protected by academic functions being definitely assigned exclusively to the Academic Council and by including in its constitution a very large preponderance of internal academic persons and by adequate representation of the teachers of the university in its Executive Council (Syndicate) as well as in its Court (Senate). If in addition to the duty of teaching and carrying on and assisting research work the teachers are to perform administrative duties and exercise secular, as opposed to academic, functions by forming a majority in the Executive Council (Syndicate) and the Court (Senate) as recommended by my learned colleagues, then I apprehend that there will be a scramble for power leading to formation of powerful groups amongst the teachers. The result of such a situation is bound to bring about a deterioration in the academic atmosphere and lead to unhealthy power politics in the academic life of the university. In such a situation no Vice-Chancellor will be able to function properly unless he be himself the leader of dominant faction of the teachers or subservient to that faction and the university will lose the benefit of the knowledge and experience which non-academic persons usually contribute to the proper administration of the university. It will, to my mind, be disastrous to the best interest of the university to divert the attention of the teachers from their elementary and primary duty of teaching and doing or guiding research work.

The following paragraphs from the Report of the Robbin's Committee on Higher Education appear to me to be in point :

“665. Moreover we believe past experience to show that the Universities have benefitted greatly from the initiative and wisdom of lay members on their governing bodies. Where men and women of wide experience and high standing in the world of affairs can spare time to associate themselves with university activities, the universities gain from the partnership strength and sagacity in their dealings with the outside world. And, even where academic affairs are concerned, lay arbitration is a valuable resource in case of conflict. We are sure that teachers have an important contribution to make to the discussion of the non-academic affairs of their institution and we are therefore much in favour of their adequate representation on ultimate governing bodies. But we are in agreement with the principle of a majority of lay members of the Court or the Council.

666. Having said this, however, we must at once add that the mixed system we favour only works where it is run with good sense and moderation. A governing body with a lay majority is justifiable only when it recognises a proper division of labour between itself and the Senate, or whatever the academic governing body is called. Its function is to bring outside

wisdom to bear on the external relations of the university and the evolution of its general policy, and to act as arbiter on matters that cannot be resolved by the academic staff. It is no part of its function to interfere in the business of internal academic organisation, still less in matters of syllabuses and curricula. The situation is likely to become intolerable if such attempts are made. We are confident that, in general, the governing bodies of universities in Great Britain observe the necessary distinctions, though the equilibrium must always be delicate and cases of infringement may occasionally occur."

I strongly feel that the above observations, with which I most respectfully agree, embody very sound principles which should be applied to Indian universities with regard to the constitution of both the Court (Senate) and the Executive Council (Syndicate). If the Governing Bodies of universities in Great Britain observe the necessary distinction between academic and non-academic functions, I see no reason why such convention should not grow in Indian universities. I am strengthened in my belief by the fact that in my experience as Vice-Chancellor of Visva-Bharati University for over five years I have not come across a single instance in which the Court (Senate) or the Executive Council (Syndicate) of that University has over-riden any proposal or recommendation of the Academic Council. To put a majority of teachers in the Executive Council (Syndicate) and/or in the Court (Senate) will eliminate all prospect of the growth of any healthy convention which is contemplated by the Robbin's Committee Report. If there be any theoretical possibility or apprehension of the Court (Senate) or the Executive Council (Syndicate) over-riding the Academic Council suitable safeguards may easily be inserted in the University Act or in the Statutes made thereunder by clearly defining the nature, scope and details of the powers and functions of the three authorities and by expressly providing that in case of disagreement between the Academic Council on the one hand and either of the other two bodies on the other hand the matter in dispute should be referred to and the dealt with by Visitor.

In view of the foregoing observations I recommend that the three authorities should be composed on the following lines :

(a) **Academic Council**

1. *Ex-Officio Members*

- i) Vice-Chancellor;
- ii) Pro Vice-Chancellor;
- iii) All Deans of Faculties;
- iv) All Heads of academic departments;
- v) Principals of affiliated colleges;
- vi) Heads of Departments of affiliated colleges;
- vii) Proctor/Dean of students;
- viii) Librarian;



2. *Other Members :*

- i) Seven teachers of the University other than those mentioned in clause I (iii) & (iv) of which at least two shall be from women teachers;
- ii) Five teachers of affiliated colleges other than those in clause I (v) & (vi) of whom at least one shall be from woman teacher;
- iii) Five persons not connected with the University to be co-opted for their specialised knowledge.

(b) **The Executive Council (Syndicate)**

- i) Vice-Chancellor 1
- ii) Pro-Vice-Chancellor 1
- iii) Treasurer/Finance Officer 1
- iv) Proctor/Dean of Students 1
- v) Deans of Faculties 2
- vi) Principals of Colleges 2
- vii) Members of the Court elected by the Court at its Annual meeting 2
- viii) Members nominated by the Visitor 2
- xi) Member nominated by the Chancellor 1
- x) Members elected by the alumni Association from among its own members 2

(c) **The Court (Senate)** should consist of not more than 100 members and should be composed of the following :

- 1. *Ex-Officio Members* 10
  - i) Chancellor 1
  - ii) Vice-Chancellor 1
  - iii) Pro-Vice-Chancellor 1
  - vi) Treasurer/Finance Officer 1
  - v) Deans of Faculties (not more than 6
- 2. *Other Members* 90
  - i) Representatives of the Alumni Association 5
  - ii) Representatives of Donors 5
  - iii) Representatives of Academic Council 5
  - iv) Nominees of the Executive Council from outside the University 5
  - v) Nominees of the Visitor 10
  - vi) Nominees of the Chancellor 2
  - vii) Representatives of learned professions, industries, commerce etc., management of private colleges, if any 18

- viii) Teachers representing the University Departments and colleges including the Librarian, Proctor/Deans of students, other than Deans of Faculties preferably by rotation, out of whom at least five shall be women 30
- ix) Members co-opted by the Court. 10

#### **B. The Vice-Chancellor—the Duration of His Term—His Age Limit**

I respectfully agree with the view that the responsibility for the selection of the Vice-Chancellor should be squarely placed either on the University or on the Visitor/Government. The term of office of the Vice-Chancellor has been recommended by my learned colleagues to be for a period of five years with eligibility for re-appointment for another term of five years. However careful the authority selecting the Vice-Chancellor may be, there will always remain a risk of a wrong choice. In case a wrong choice is found to have been made, it will be a heavy load to carry that incumbent for five years. It is conceded that a period less than five years is not sufficient to enable a Vice-Chancellor to show concrete, good results of his administration, but it is expected that he may at least show signs of promise of good administration in a shorter period of time. I, therefore, commend for consideration the appointment of a Vice-Chancellor initially for a period of three years, and in case he shows good promise, his term may be extended by another three years and if within these six years he shows some concrete results then he may be given a third term of three years. This will ensure that a really good Vice-Chancellor will have nine years to run the administration.

The general longevity in India has gone up. I am not in favour of fixing a rigid age limit for the appointment or re-appointment of a Vice-Chancellor. Even at the risk of being misunderstood I venture to point out that if an age limit of 65 years be fixed for the appointment of a Vice-Chancellor, all retired judges of the Supreme Court in India would be debarred from becoming a Vice-Chancellor, however physically fit and mentally alert he may be. I may also point out that some of the Vice-Chancellors in universities in the South and North of India who have made their mark as Vice-Chancellors and added lustre to the universities placed under their charge would have been disqualified from becoming Vice-Chancellors if there had been such an age limit. There are known instances of brilliant Education Ministers at the Centre and in the States who became Ministers when they had crossed the age limit of 65 years. Moreover now that the proposal for appointment of a Pro Vice-Chancellor has been accepted in order to give relief to the Vice-Chancellor from the burden of routine duties, the fixing of an age limit appears to me to be rather otiose.

Except as hereinbefore stated and subject to the foregoing observations on the points therein dealt with I respectfully agree, generally speaking, with the recommendations set forth in the foregoing report.

## APPENDIX

### POWERS OF THE UNIVERSITY

(1) to provide for instruction (including correspondence courses) and research in the humanities, science and technology, education, medicine and other professional subjects and in other spheres of learning and knowledge of a standard and thoroughness required and expected of a university of the highest standing, and to secure the advancement, diffusion and extension of knowledge in all spheres of learning;

(2) to establish within the university area or outside that area such field stations and specialised laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;

(3) to organise and to undertake extra-mural teaching and extension services;

(4) to hold examinations and to grant to, and confer degrees, diplomas, certificates or other academic distinctions and to deprive persons of any degrees, diplomas, certificates or distinctions granted to or conferred upon them by the University for good and sufficient cause;

(5) to create such teaching, administrative and other posts as the university may deem necessary from time to time and to make appointments thereto;

(6) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the university;

(7) to institute and award fellowships, scholarships, exhibitions and prizes;

(8) to establish and maintain colleges and halls, to recognise, supervise and control Halls not maintained by the university and other accommodation for students, and to withdraw any such recognition;

(9) to regulate and enforce discipline among students and employees of the university and to take such disciplinary measures in this regard as may be deemed necessary;

(10) to make arrangements for promoting health and general welfare of students of the university;

(11) to determine and provide for examinations for admission into the university;

(12) to affiliate with it, or admit to any of its privileges or to recognise for any purpose either in whole or in part, any college or institution or members or students thereof, on such terms and conditions as may, from time to time, be prescribed, and to withdraw such affiliation, privileges and recognition;

(13) to cooperate with any other university, authority or association or any other public or private body having in view the promotion of purposes and objects similar to those of the university or appoint one or more representatives of the university to act upon any such body, authority or association for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;

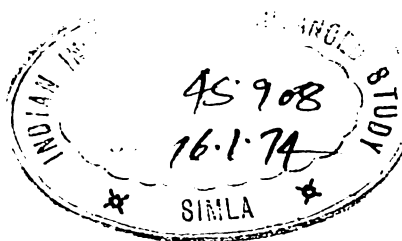
(14) to enter into any agreement for the incorporation in the university of any other institution and for taking over its rights, properties and liabilities and for any other purpose not repugnant to this Act;

(15) to demand and receive payment of such fees and other charges as may be prescribed from time to time;

(16) to acquire, hold, manage and dispose of any property movable or immovable, including trust or endowed property within or outside the university area, for the purposes or objects of the university, and to invest any funds representing such property in such manner as the university thinks fit;

(17) to borrow with the approval of the Central Government, on the security of the university property, money for the purposes of the university; and

(18) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the university.







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