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The Majuli University of Culture (Amendment) Bill, 2021

A
BILL

to amend the Majuli University of Culture Act, 2017.

Preamble

Whereas it is expedient to amend the Majuli University of Culture Act, 2017, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam
Act No
XXXVII
of 2017

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

Short title,
extent and
commencement

1. (1) The Act may be called the Majuli University of Culture (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
Preamble

2. In the principal Act, in the Preamble, in the first line and in fourth line, for the word "affiliating Cultural" the word "research" shall be substituted and after the word "University" the words "of Culture" shall be inserted.

Amendment of
section 2

3. In the principal Act, in section 2,-
 - (i) clause (b) shall be deleted;
 - (ii) in clause (k), in second line, the words "as an affiliated Institute, or" shall be deleted and in the third line, for the word "constructed" the word "construed" shall be substituted;
 - (iii) in clause (m), in the third line, between the words "include" and "all", the words "Indian classical systems and" shall be inserted and at the end after the word "Assam" and the words "and other parts of North East India;" shall be inserted;

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- (iv) in clause (n), in between the words "Statutes," and "Regulations" the word and punctuation mark "Ordinance," shall be inserted ;
- (v) in clause (q), in the first line and second line, in between the words "Statutes," and "Regulations" the words "Ordinances," shall be inserted.
- (vi) in clause (r), in the first line, for the words "Reader, Lecturer" the words "Associate Professor, Assistant Professor" shall be substituted;

Amendment of section 3

- 4. In the principal Act, in section 3, in sub-section (3), in the first line, in between the words "Act," and "and" the punctuation mark and the word ", Ordinances" shall be inserted ;

Amendment of section 4

- 5. In the principal Act, in section 4,-
 - (i) in clause (i), at the end of the sentence, after the word "etc" the words "and other branches of liberal arts necessary towards understanding and development of culture and provide for a liberal education." shall be inserted.
 - (ii) after clause (iv), following new clause (v) shall be inserted, namely:-
 - "(v) to promote Indological studies and impart knowledge about origin and development of Indian culture including history, religion, philosophy, Ayurveda, Yoga and health keeping and other forms of knowledge, traditions constituting the sixty four kalas; "
 - (iii) after clause (v), the clauses (v),(vi),(vii) and (viii) shall be renumbered as (vi), (vii), (viii) and (ix) and in clause (vi), so renumbered, in the fourth line, in between the words "folklore" and "by instruction", the words "oral tradition, ethnography, and all other branches of performing and liberal arts contributing

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towards theoretical, ethical, and practical understanding of culture" shall be inserted.

Amendment of section 5

6. In the principal Act, in section 5, in clause (x), in first and fourth line, for the words "readerships, lecturerships" the words "Associate Professorships, Assistant Professorships" shall be substituted and in the fourth line, in between the words "teaching" and "and research", the punctuation mark and word "non-teaching" shall be inserted.

Amendment of section 6

7. In the principal Act, in section 6, in the first line, for the words "only on" appearing in between the words "grounds and religion" the word "of" shall be substituted.

Amendment of section 9

8. In the principal Act, in section 9, in sub-section (5), the punctuation mark "." appearing at the end shall be substituted by the punctuation mark ":" and thereafter the following new proviso shall be inserted, namely :-

"Provided that the first Vice-Chancellor who may be appointed for a term of two years shall also be eligible for reappointment till the age of seventy."

Amendment of section 10

9. In the principal Act, in section 10,-
- (i) in sub-section (1), in the second line, in between the words "officers" and "of the", the words "and employees" shall be inserted ;
 - (ii) in sub-section (4), in the second line, the words "or affiliated to" shall be deleted;
 - (iii) in sub-section (6), in clause (b), the words "non-teaching" shall be deleted ;
 - (iv) in sub-section (8), in the third and sixth line, after the word "Statutes" the words "the Ordinances" shall be inserted .
 - (v) in sub-section (9), in the second line, after the word "Statutes" the words "the Ordinances" shall be

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inserted.

Amendment of section 11

- 10. In the principal Act, in section 11,-
 - (i) in sub-section (1), in the second line, in between the words "Government" and "for such", the words "or by the Board" shall be inserted;
 - (ii) in sub-section (2), in clause (b), in the second line, in between the words "University" and "including", the words "and such other property of the University as the Board /Vice-Chancellor shall commit to his/her charge and to manage such properties" shall be inserted;
 - (iii) in sub-section (3), at the end of the sentence, after the word "Statutes" the words "and or assigned by the Vice-Chancellor" shall be inserted.

Amendment of section 14

- 11. In the principal Act, in section 14, in sub-section (2), in the second line, for the words "the other employees", the words "the Officers, teachers and other employees of the University" shall be substituted, and at the end of the sentence, after the word "Statutes", the words "Ordinances and Regulations framed from time to time" shall be inserted.

Amendment of section 16

- 12. In the principal Act, in section 16, in clause (e), in the second line, in between the words "Statutes" and "to be", the words "and Ordinances" shall be inserted.

Amendment of section 17

- 13. In the principal Act, in section 17,-
 - (i) in sub-section (1),-
 - (a) clause (e) shall be deleted;
 - (b) after clause (n), the following new clauses (o), (p), (q), (r) and (s) shall be inserted, namely:-
 - "(o) all Professors of the University;
 - (p) all Associate Professors who are the

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 ON 13.7.2021

Head of the Departments;

- (q) all Head of the Departments;
- (r) Principal of the Constituent Colleges; and
- (s) the Librarian of the University."

(ii) in sub-section (4), in the third line, in between the words "Statutes" and "it shall", the words "and Ordinances" shall be inserted .

Amendment of section 18

14. In the principal Act, in section 18, in clause (ii), in sub-clause (k), in the first line, for the word "another" the words "and other" shall be substituted.

Amendment of section 19

15. In the principal Act, in section 19, in sub-section (1),-
- (i) for the existing clause (i), the following shall be substituted, namely:-
 - "(i) two Heads of the Departments of the University not below the rank of Associate Professors, or two Professors of nearby University/ies (till such positions are filled up in the University) to be nominated by the Vice- Chancellor for a period of three years ;"
 - (ii) For the existing clause (j) the following shall be substituted, namely:-
 - "(j) two eminent academicians of Assam not below the rank of Professor nominated by the Vice-Chancellor for a period of three years."

Amendment of section 20

16. In the principal Act, in section 20,-
- (iii) the clauses (k) and (l) shall be deleted.
 - (i) in clause (ii), in the first line, for the word "affiliated" the word "constituent" shall be substituted and in third line at the end, the words "and Ordinances ;" shall be inserted ;

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(ii) in clause (xix), in the first line, for the word "affiliated" the word "constituent" shall be substituted.

(iii) in clause (xxi), at the end, the word "and" shall be deleted and thereafter the following new clause (xxii) shall be inserted, namely :-

"(xxii) to plan and organize convocation regularly; and" and thereafter the existing clause (xxii) shall be renumbered as (xxiii).

Amendment of Chapter v

17. In the principal Act, before section 24, in the heading, after the word, "ARTS", the words "AND OTHER FORMS OF ART AND CULTURE" shall be inserted.

Amendment of section 24

18. In the principal Act, in section 24, in the fourth line, in between the words "languages" and "such", the word "of India and abroad" shall be inserted and at the end after the word "etc.", the words "and those of North East India" shall be inserted.

Amendment of section 25

19. In the principal Act, in section 25, in sub-section (1), in clause (a), in the seventh line, for the words "brief commentary" the words "self-evaluative report of not less than five thousand words in English or Assamese" shall be substituted.

Amendment of section 26

20. In the principal Act, in section 26,-

(i) in sub-section (1), in the seventh line, the words "specially affiliated to the University for the said purpose" shall be deleted ;

(ii) in sub-section (2), in the first line, for the words "special affiliation" the words "special status" shall be substituted.

Amendment of section 27

21. In the principal Act, in section 27,-

(i) in the side note, after the words "Performing Arts", the words "and other forms of Arts and Culture" shall be inserted;

(ii) in the fourth line, at the end, after the words "arts." the following shall be inserted, namely :-

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ON 13.7.2021

“It shall also undertake courses, schemes, programmes in respect of cultural development and cultural studies, such as religion and philosophy, history and heritage, folk-culture and ethnography, ethnic design and architecture, yoga and health culture, environment, anthropology and sociology, and any other aspects related to the understanding and study of culture.”

Amendment of section 31 22. In the principal Act, in section 31, in sub-section (3), in the third line, for the words “be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.” the words “be laid before the Board for ratification before it is sent to the Government” shall be substituted.

Amendment of section 32 23. In the principal Act, in section 32,-
in sub-section (1), in the first line, for the word “Board” the words “Academic Council”, and in the fourth line, for the words “Academic Council”; the word “Board” shall be substituted and thereafter the following Explanation shall be inserted namely:-

“Explanation: The Board is the supreme Authority of the Majuli University. The Annual Report is to be prepared by the Academic Council and then shall be placed before the Board for consideration. If the Board is satisfied, the Board shall send the report to the Government for consideration.”

Amendment of Chapter VII 24. In the principal Act, before section 33, in the heading, between the words “STATUTES,” and “REGULATIONS”, the word “ORDINANCES,” shall be inserted .

Amendment of section 33 25. In the principal Act, in section 33,-
(i) clause (j) shall be deleted;
(ii) in clause (o), in the second line, for the words “or affiliated” shall be deleted.

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ON 13.7.2024

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- Amendment of section 35 26. In the principal Act, in section 35, in sub-section (1), in the second line, at the end, after the word "Statutes" the words "and Ordinances" shall be inserted.
- Insertion of section 35 A 27. In the principal Act, after section 35, the following new section 35A shall be inserted, namely:-
"Ordinances 35A. Subject to the provisions of this Act, the Board may frame Ordinances to provide for the matters which the Statutes and Regulations have not provided for."
- Amendment of section 36 28. In the principal Act, in section 36,-
(i) in sub-section (1), in the third line, in between the words "Statutes" and "and", the punctuation mark and the word "Ordinances" shall be inserted;
(ii) in sub-section (2), in clause (c), in the second line, between the words "Statutes" and "or the Regulations", the words "or Ordinance" shall be inserted.
- Omission of section 37 29. In the principal Act, section 37 shall be omitted.
- Substitution of section 38 30. In the principal Act, for section 38, the following shall be substituted, namely:-
"Admission of students 38. (a) Admission of students of the university and their enrolment,-
(b) Conditions under which the students shall be admitted to the degree or the diploma courses and examinations of the University, shall be eligible for the degree or diploma;
(c) Conditions of residence of the students of the University;
(d) Recognition of hostels;

18/07/2021
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- (e) Extension of the University, teaching through some recognized centers of study/institutions within the State through distance learning or extension lecture;
- (f) Conditions of service of the University teachers, officers and employees;
- (g) To determine students' admission fee, examination fee and those for awarding of the degrees or diploma;
- (h) Establishment of Departments/Centers in the faculties for teaching and/or research
- (i) Conduct of examinations; and
- (j) All other aspects which the Act and the Statutes do not provide for."

- Amendment of section 39 31. In the principal Act, in section 39, in the seventh line, in between the words "Statutes" and "Regulations", the word "Ordinances," shall be inserted.
- Amendment of section 41 32. In the principal Act, in section 41, in sub-section (1), in the fourth line, the words "affiliated to" shall be deleted.

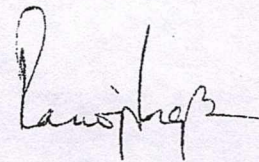
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STATEMENT OF OBJECT AND RESON

The Bill seeks to amend the "Majuli University of Culture Act, 2017". It is proposed that department seek amendment to some section of the "Majuli University of Culture Act, 2017".

Hence, the Bill for amendment of following sections of the Act :-

Preamble
Section 2
Section 3
Section 4
Section 5
Section 6
Section 9
Section 10
Section 11
Section 14
Section 16
Section 17
Section 18
Section 19
Section 20
Chapter-V
Section 24
Section 25
Section 26
Section 27
Section 31
Section 32
Chapter-VII
Section 33
Section 35
Section 35(A)
Section 36
Section 37
Section 38
Section 39
Section 41



Minister
Education, Assam
Dispur.



Secretary
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of State of Assam.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

Extract of the existing section of The Majuli University of Culture Act, 2017

Preamble	<p>to establish and constitute a teaching and affiliating Cultural University in the State of Assam.</p> <p>Whereas it is expedient to establish and constitute a teaching and affiliating Cultural University in the world's largest river island Majuli in the State of Assam.</p> <p>It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-</p>
Section 2	<p>Clause (b) "Affiliated Institution" means a College or an Institution affiliated to the University and includes a college or an institution deemed to be an affiliated college or institution under this Act;</p> <p>Clause (k) "Institute" means the Institute, College or centre attached to the University as an affiliated Institute, or a constituent Institute and the word "institution" shall be constructed accordingly;</p> <p>Clause (m) "performing arts" include music, dance, drama, culture which were created by Mahapurush Shankardeva, Madhabdeva and other great luminaries of this art and it would also include all other forms of traditional music, dance, drama and other cultural activities prevailing among different indigenous communities of Assam.</p> <p>Clause (n) "described" means prescribed by Statutes, Regulations or Rules;</p> <p>Clause (q) "Statutes", "Regulations" and "Rules" means respectively the "Statutes", "Regulations" and "Rules" of the University made under this Act;</p> <p>Clause (r) "Teacher" means a Professor, Reader, Lecturer or such Other person imparting instruction or conducting or supervising research either in the constituent college or in the department of the University or in an affiliated college as the context may imply; and</p>
Section 3	<p>Sub-section (3) Subject to the provisions of this Act and the Statutes, the University shall be competent to acquire and hold property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property, which may have become vested in, or may have been acquired by it for the purposes of the University and to contract and do all other things necessary for the purpose of this Act.</p>
Section 4	<p>Clause (i) to promote education, research and training in various spheres of culture including language, literature, visual arts, performing arts, satriya dance, ankia bhaona, mukha (mask making) etc;</p> <p>Clause (iv) to promote ethnic studies like ethno archaeology, ethnomusicology, satriya sanskriti;</p> <p>Clause (v) to provide facilities and opportunities for graduate, post-graduate, doctorate and post-doctorate education in various sphere of culture including language, literature, visual arts, performing arts, architecture and folklore by instruction, training, research and development and extension and by such other means as the University may deem fit;</p>

	<p>Clause (vi) to serve as a centre for fostering co-operation and exchange ideas among the academic and research communities;</p> <p>Clause (vii) to organize exchange programmes with other Universities and institutions of repute in India and abroad; and</p> <p>Clause (viii) to undertake such other activities as may be required to fulfill the above objects.</p>
Section 5	<p>Clause (x) to institute and establish professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other teaching and research posts; and</p>
Section 6	<p>No person shall, on grounds only on religion, race, caste, sex descent, residents, language, political opinion or any other of these, be ineligible for, or discriminate against in respect of any employment or office under the University or Membership of any of the authorities or bodies of the University or admission to any course of study or research in the University :</p> <p>Provided that the University may, in consultation with the Government, reserve seats for the members of the Backward Class of Citizens or Scheduled Castes or Scheduled Tribes or women or any other category of persons for the purpose of admission as students to any of the constituent colleges or the institutions of the University or affiliated colleges and institutions</p>
Section 9	<p>Sub-Section (5) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term till he attains the age of seventy, whichever is earlier, following the procedure specified in sub-section(1).</p>
Section 10	<p>Sub-Section (1) The Vice-Chancellor shall be the principal of academics and executive officer of the University and all other officers of the University shall be subject to general supervision and control of the Vice-Chancellor.</p> <p>Sub-Section (4) The Vice-Chancellor shall have the right of visiting and inspecting institutions maintained by or affiliated to the university.</p> <p>Sub-Section (6) (b) to suspend, dismiss or otherwise punish any non-teaching employee of the University; and</p> <p>Sub-Section (8) It shall be the duty of the Vice-Chancellor to ensure that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Regulations and the rules made there under. If the Vice-Chancellor is of opinion that any proceedings or order of an authority of the University is violative of any of the provisions of this Act or the Statutes, Regulations or Rules made there under, he may by an order in writing, stay the operation of such proceedings or orders and send a report and make a reference to the Chancellor for a final decision in accordance with the provisions of sub-section (4) of Section 7</p> <p>Sub-Section (9) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Regulations.</p>

Section 11	<p>Sub-Section (1) The Registrar shall be a whole time officer of the University and shall be appointed by the State Government for such period and on such terms and conditions as may be prescribed by the Statutes,</p> <p>Sub-Section (2) (b) maintaining a permanent record of the academic performance of students of the University including the courses taken, grades obtained, degrees awarded, prizes or other distinctions won and any other items pertaining to the academic performance of the students;</p> <p>Sub-Section (3) The Registrar shall exercise such other powers and perform such other duties as are imposed on him by the Statutes.</p>
Section 14	<p>Sub-Section (2) The conditions of service and other incidental matters relating to the other employees shall be such as may be prescribed by the Statutes.</p>
Section 16	<p>Clause (e) such other authorities as may be declared from time to time by the Statutes to be authorities of the University.</p>
Section 17	<p>Sub-Section (1) (e) two members of the Assam Legislative Assembly to be nominated by the Government; (n) the Director, North East Zone Cultural Centre;</p> <p>Sub-Section (4) The Academic Council shall be the principal academic body of the University and subject to the provisions of this Act and Statutes, it shall coordinate and exercise general supervision over the academic programmes and policies of the University,</p>
Section 18	<p>Clause (ii) Sub Clause (k) to determine the degrees, diplomas another academic distinctions which shall be granted by the University and to award the same</p>
Section 19	<p>Sub-Section (1) (i) President, Asom Sahitya Sabha; (j) the Registrar;</p>
Section 20	<p>Clause (ii) to admit an institution to the University as an affiliated institution in accordance with the terms and conditions prescribed by the Statutes;</p> <p>Clause (xix) to prescribe procedure for the inspection of affiliated institution so as to ensure compliance with the conditions of affiliation and to decide on the continuance of affiliation;</p> <p>Clause (xxi) to negotiate with other Universities and institutions of the country for the recognition of the examinations of the university; and</p>

Chapter V	PROMOTION OF LITERARY, VISUAL AND PERFORMING ARTS
Section 24	The University shall undertake courses, schemes, programs and projects for promotion of excellence in study, creative research, translation and inter language interaction in respect of various languages such as Assamese, Sanskrit, Hindi and English etc,
Section 25	<p>Sub-Section (1)</p> <p>(a) Awardees of the National Sahitya Akademi or Asom Sahitya Sabha (for poetry/ fiction/drama) or persons who have at least one earlier work which is certified by two awardees of the National Sahitya Akademi to be of high standard of creativity, shall be eligible to submit four copies of a published work of poetry/fiction/drama, along with a brief commentary that may be interpretative/analytical/ critical for consideration of the University.</p>
Section 26	<p>Sub-Section (1)</p> <p>The University may institute a Post- Graduate Diploma Course in Applied Translation in national, State recognized local languages and creative writing in National, State languages, recognized local languages in the Distance Education pattern as per the regulations to be formulated by the Academic Council and operate it through literary institutions or organizations within or outside Assam, specially affiliated to the University for the said purpose.</p> <p>Sub-Section (2)</p> <p>In order to be eligible for such special affiliation, the Institution or organization must fulfill the following conditions, namely:-</p>
Section 27	The University shall undertake courses, schemes, programmes and projects for promotion of excellence in study, creative research and documentation in respect of various aspects relating to visual arts and performing arts,
Section 31	<p>Sub-Section (3)</p> <p>All reports of audit made under sub-section (2) shall, as soon as may be after they are received from the Examiner of the Local Audit, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions,</p>
Section 32	<p>Sub-Section (1)</p> <p>The Board shall prepare the annual report of the University containing such particulars as the Government may specify covering each financial year, and before its final approval, it shall be presented to the Academic Council for its review on or before such date as may be prescribed by the Statutes,</p>
Chapter VII	STATUTES, REGULATIONS AND RULES
Section 33	<p>Clause (j)</p> <p>the grant of affiliation to institutions;</p> <p>Clause (o)</p> <p>supervision of students engaged in research and special studies in constituent or affiliated institutions Or attached centres;</p>
Section 35	<p>Sub-Section (1)</p> <p>The Academic Council may, subject to the approval of the Board, make regulations consistent with this Act and the Statutes</p>

Section 36	<p>Sub-Section (1) The Academic Council, Faculties and the Board of Studies of the University may, subject to the approval of the Board, make rules consistent with this Act and the Statutes and the Regulations made thereunder.</p> <p>Sub-Section (2) (c) all matters solely concerning such authority or the matters not provided for by this Act, the Statutes or the Regulations made under this Act</p>
Section 37	<p>Sub-Section (1)</p> <p>All colleges and institutions imparting education in literary, arts, visual and performing arts existing in the State and affiliated to other Universities immediately before the date of commencement of this Act shall be deemed to have been disaffiliated from the respective other Universities and have been affiliated to the University from such period and subject to such terms and conditions, as has been specified in the order of the respective Universities from which they obtained the affiliation:</p> <p>Provided that the University may impose such other terms and conditions for continuation or further extension of the term of affiliation, not inconsistent with the provisions made under this Act, as it may deem fit and the college or institution shall be bound to comply with such terms and conditions, within such reasonable time as may be prescribed by the University:</p> <p>Provided further that the University shall have power to alter or withdraw the affiliation deemed to have been granted under this sub-section, if the college or institution concerned does not comply with the terms and conditions so imposed</p> <p>Sub-Section (2) For the purpose of deemed affiliation provided in sub-section (1), the college or institution concerned shall submit a copy of a valid letter of affiliation granted by other Universities concerned to the Registrar of the University within a period of three months from the date of commencement of this Act and the acknowledgement of the receipt of such copy by the University shall be a valid evidence for the purpose of such deemed affiliation.</p>
Section 38	<p>Notwithstanding anything contained in this Act, the Statutes or Regulations, every students of the colleges or institutions which have been disaffiliated or transferred from other Universities in accordance with provisions of section 37 who was studying in such colleges or institutions and was eligible to be admitted to any examination held or conducted by other Universities, shall be permitted to complete his courses of study or be admitted to the examination of the University and the University shall make arrangement,-</p> <p>Clause (a) for the instruction, teaching, training and hold examination for such student for such period in such a manner as may be determined by the Vice-Chancellor in accordance with the course of studies of other University concerned, and</p> <p>Clause (b) for the conferment of the corresponding degrees, diplomas or other academic distinctions of the University upon any qualified students on the result of such examinations.</p>
Section 39	<p>All acts and orders done or passed in good faith by the University, any of its authorities, bodies or officers shall be final and accordingly no suit or legal proceedings shall be instituted against, or damage claimed from the University or its authorities, bodies or officers for anything done or purporting to be done or any order passed in good faith in pursuance of this Act, the Statutes, Regulations and rules made there under</p>
Section 41	<p>Sub-Section (1) The Government shall have the right to cause inspection, to be made by such person or persons as they may direct, of the University, its buildings, libraries, museums, workshops and equipment or any institution maintained, affiliated to or approved by the University, and to cause enquiry to be made in respect of any matter connected with the University</p>