

35. The employees of the University shall neither seek nor contest election to any Legislature or local body.

Prohibition to seek elections, etc.

36. Notwithstanding anything contained in the Statutes, the first Registrar may be appointed by the Chancellor for a period not exceeding one year on such terms and conditions as the Chancellor may determine.

Appointment of first Registrar

37. The Chancellor may, for the purpose of removing any difficulties in first giving effect to the provisions of this Ordinance, particularly in relation to the first constitution of any Authority of the University, by an order in writing, direct that such action be taken as he may deem necessary or expedient.

Removal by the Chancellor of difficulties at the commencement of the Ordinance

THE SCHEDULE

[See Section 23(1)]

The First Statutes of the University

1. In these Statutes, unless there is anything repugnant in the subject or context,-

Definition

(a) "Ordinance" means the Bangladesh Agricultural University Ordinance, 1961; and

(b) other words and expressions used have the same meaning as in the Ordinance.

2. (1) The quorum for the meetings of the Syndicate shall be half the total number of members, fractions being counted as one.

The Syndicate

(2) The term of office of the nominated members of the Syndicate shall be two years.

3. (1) The quorum for the meetings of the Academic Council shall be one-third of the total number of members, fractions being counted as one.

The Academic Council

(2) The term of office of the nominated members of the Academic Council shall be two years.

The Faculties

4. (1) There shall be the following Faculties in the University, namely:-

- (i) the Faculty of Agriculture,
- (ii) the Faculty of Animal Husbandry,
- (iii) the Faculty of Veterinary Science,
- (iv) the Faculty of Agricultural Engineering and Technology,
- (v) the Faculty of Agricultural Economics, and
- (vi) such other Faculties as may be prescribed by Statutes.

(2) The subjects comprised in such Faculty shall be prescribed by University Ordinance.

(3) Each Faculty shall consist of -

- (i) the Dean of the Faculty to be appointed by the Syndicate,
- (ii) the Professors, Readers and other Heads of Departments comprised in the Faculty,
- (iii) three other teachers of the subjects concerned, nominated by the Academic Council.

(4) The Vice-Chancellor shall be *ex-officio* member of each Faculty, and shall, if present, preside over the meetings of the Faculty.

(5) The term of office of the nominated members shall be two years.

(6) The quorum for the meeting of a Faculty shall be one-third the number of members, fractions being counted as one.

(7) The following shall be the functions of each Faculty:-

- (i) to co-ordinate the work of the Boards of Studies comprised within the Faculty;
- (ii) to scrutinise the courses of studies and syllabuses prepared by the Boards of Studies and forward them to the Academic Council for approval or refer them back to the Board concerned for re-consideration;

- (iii) to consider the report on any other matter referred to it by the Syndicate, the Academic Council or the Vice-Chancellor.

5. (1) There shall be a Board of Studies for each subject or group of subjects as may be prescribed.

The Board of Studies

(2) Each Board of Studies shall consist of :-

- (i) the teachers in the Department concerned, not below the rank of a Lecturer;
- (ii) one expert to be nominated by the Vice-Chancellor.

(3) The quorum for meetings of the Board of Studies shall be half the number of member, fractions being counted as one.

(4) The term of office of the nominated member shall be two years.

(5) The Head of the University Teaching Department concerned shall be the Chairman and Convener of the Board of Studies.

(6) The powers and duties of a Board of Studies shall be-

- (a) to advise the Authorities on all academic matters connected with instruction and examination in the subject or subjects concerned;
- (b) to prepare curricula and syllabuses for the Bachelors' and Masters' Degree courses in the subject or subjects concerned;
- (c) to suggest a panel of names of paper-setters and examiners in the subject or subjects concerned; and
- (d) to do such other things as are assigned or referred to it by the Vice-Chancellor, the Syndicate or the Academic Council.

6. (1) The Committee for advanced studies and research shall consist of the following:-

Committee for Advanced Studies and Research

- (i) the Vice-Chancellor (*Chairman*);
- (ii) five Professors to be nominated by the Syndicate;

(iii) two teachers having research qualifications and experience to be nominated by the Academic Council; and

(iv) two experts to be nominated by the Vice-Chancellor.

(2) The quorum for the meetings of the Committee for Advanced Studies and Research shall be four.

(3) The term of office of the nominated members shall be two years.

(4) The functions of the Committee for Advanced Studies and Research shall be as follows-

- (a) to advise the Authorities on all matters connected with the promotion of Advanced Studies and Research in the University;
- (b) to consider and report to the Authorities on the institution of research degree in the University in a particular subject or subjects;
- (c) to propose University Ordinances regarding the award of research degree;
- (d) to consider the applications of students for admission to research courses, and to determine the subjects of their thesis;
- (e) to appoint supervisors for research students;
- (f) to recommend a panel of names of examiners for research examinations; and
- (g) to do such other things as may be assigned or referred to it by the Vice-Chancellor, the Syndicate or the Academic Council.

The Selection Board

7. (1) (a) The Selection Board for the appointment of teachers shall consist of the following-
- (i) the Vice-Chancellor (*Chairman*);
 - (ii) the Deans of the Faculties;

¹[(iii) the Director General of Bangladesh Agriculture Research Institute;] and

(iv) two members to be nominated by the Syndicate.

(b) For the appointment of Professors and Readers, three experts nominated by the Chancellor for the subject concerned shall be co-opted, provided that at least one of them shall be an external expert.

(c) For the appointment of teachers other than Professors and Readers, the Head of the Department concerned and one expert in the subject nominated by the Vice-Chancellor shall be co-opted.

(2) The quorum for the meetings of the Selection Board shall be three members.

(3) The term of office of the nominated members shall be one year.

(4) The functions of the Selection Board shall be as follows-

(a) to consider the applications of candidates for the posts of teachers in the University;

(b) to recommend to the Syndicate the names of suitable candidates for appointment to the post of teachers; and

(c) to suggest the terms and conditions that may be offered to the selected candidates for the posts of teachers.

(5) In case of an unresolved difference of opinion between the Selection Board and the Syndicate, the matter shall be referred to the Chancellor for final decision.

(6) The Selection Board may, in a special case, recommend to the Syndicate that a highly distinguished scholar may be invited to occupy the chair of a Professor on such terms and conditions as the Syndicate may decide.

¹ Clause (iii) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

The Finance
Committee

8. (1) The Finance Committee shall consist of the following-

- (i) the Vice-Chancellor (*Chairman*);
- ¹[(ii) the Director General Secondary and Higher Secondary Education;]
- (iii) one member to be nominated by the Syndicate;
- (iv) one member to be nominated by the Academic Council; and
- (v) one member to be nominated by the Chancellor.

(2) The quorum for the meeting of the Finance Committee shall be three members.

(3) The term of office of the nominated members shall be two years.

(4) The functions of the Finance Committee shall be as follows-

- (a) to consider the annual budget and to advise the Syndicate thereon;
- (b) to make recommendations to the Syndicate on all matters relating to the finances of the University, and to review its financial position periodically;
- (c) to examine and report on the financial implications of any new development; and
- (d) to do such other things as are referred to it by the Vice-Chancellor, the Syndicate or the Academic Council.

The Planning
and
Development
Committee

9. (1) The Planning and Development Committee shall consist of the following-

- (i) the Vice-Chancellor (*Chairman*);
- (ii) two members to be nominated by the Syndicate;

¹ Clause (ii) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(iii) two members to be nominated by the Academic Council;
and

(iv) two members to be nominated by the Chancellor.

(2) The quorum for the meetings of the Planning and Development Committee shall be four members.

(3) The term of office of the nominated members shall be two years.

(4) The functions of the Planning and Development Committee shall be as follows-

- (a) to examine all development projects and schemes in the University and to advise the Syndicate on them; and
- (b) to do such other things as may be assigned or referred to it by the Vice-Chancellor, the Syndicate or the Academic Council.

10. In addition to the powers and duties mentioned in section 13 of the Ordinance, the Vice-Chancellor shall have the following powers and duties-

The Vice-Chancellor

- (a) to appoint, grant all kinds of leave to, punish and dismiss all employees of the University holding posts the initial salary of which is less than ¹[Tk] 300;
- (b) to sanction all expenditure provided for in the budget;
- (c) to re-appropriate funds within the same major head of expenditure;
- (d) to sanction any amount up to taka one thousand for an item not provided for in the budget by re-appropriation and report it to the Syndicate as early as possible;
- (e) to appoint paper-setters and examiners for all examinations of the University, after receiving panels of names from the Boards of Studies and the Committee for Advanced Studies and Research;

¹ The word "Tk" was substituted for the word "Rs" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (f) to sanction such arrangements for the scrutiny and moderation of papers, and the checking of marks and of results as he may consider necessary; and
- (g) to direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examination, administration and extra-curricular activities in the University and to do all such things as he may consider necessary for the purposes of the University.

The Registrar

11. (1) The Registrar shall be a whole-time officer of the University, and shall be appointed by the Syndicate on such terms and conditions as it may determine.

(2) The Registrar shall work under the direction and supervision of the Vice-Chancellor, and shall be in-charge of the academic sections of the University office. He shall be responsible to the Vice-Chancellor for the proper and efficient functioning of those sections of the office. He shall be Secretary to the Syndicate, the Academic Council and the Planning and Development Committee, and shall perform such other functions and duties as may be assigned to him by the Vice-Chancellor.

The Treasurer

12. (1) The Treasurer shall be a whole-time officer of the University, and shall be appointed by the Syndicate on such terms and conditions as it may determine.

(2) The Treasurer shall work under the direction and supervision of the Vice-Chancellor, and shall be in-charge of the Accounts, Purchase and Stores sections of the University office. He shall be responsible to the Vice-Chancellor for the proper and efficient functioning of those sections of the office. He shall be Secretary to the Finance Committee and shall perform such other functions and duties as may be assigned to him by the Vice-Chancellor.

The Controller
of Examinations

13. (1) The Controller of Examinations shall be a whole-time officer of the University, and shall be appointed by the Syndicate on such terms and conditions as it may determine.

(2) The Controller of Examinations shall work under the direction and supervision of the Vice-Chancellor, and shall be in-charge of the Examination section of the University office. He shall be responsible to the Vice-Chancellor for the proper and efficient functioning of that section of the office. He shall make all arrangements for the conduct of the University Examinations and shall perform such other functions and duties as may be assigned to him by the Vice-Chancellor.

14. (1) The Establishment Officer shall be a whole-time officer of the University, and shall be appointed by the Syndicate on such terms and conditions as it may determine.

The
Establishment
Officer

(2) The Establishment Officer shall work under the direction and supervision of the Vice-Chancellor, and shall be in-charge of the Establishment section of the University office. He shall be responsible to the Vice-Chancellor for the proper and efficient functioning of that section of the office. He shall be Secretary to the Selection Boards and shall perform such other functions and duties as may be assigned to him by the Vice-Chancellor.

15. (1) The duties of the University teachers shall be as follows:-

Duties of
University
teachers

- (a) to teach the students by means of lectures, tutorials, discussions, seminars, demonstrations, etc.;
- (b) to conduct, guide and supervise research;
- (c) to maintain personal contact with the students, give them individual guidance and supervise their extra-curricular activities;
- (d) to assist the Authorities in preparing the courses and syllabuses, in conducting the examinations, in organising the libraries, laboratories and other curricular and extra-curricular activities of the University and its Teaching Departments, constituent colleges and other institutions; and
- (e) to perform such other functions and duties as are assigned to them by the Vice-Chancellor.

(2) The work-load of the teachers and the distribution of work-schedule for the various duties mentioned in clauses (a), (b) and (c) of paragraph (1) during an academic year of approximately thirty-six weeks, shall normally total about 1,500 hours:

Provided that the Vice-Chancellor may so arrange the distribution of an individual teacher's work-schedule as to make it possible for his special talent, equipment and aptitude to be put to the maximum use.

(3) Every teacher shall give frequent assignments and periodic tests to his students, and shall maintain a regular record of their performance at such assignments and tests.

Conditions and procedure for affiliation

16. A college applying for affiliation shall satisfy the University on the following points, namely:-

- (a) that it guarantees a satisfactory standard of educational efficiency for the purpose for which affiliation is sought;
- (b) that its financial resources are such as to make the provision for its continued maintenance;
- (c) that it is under proper management and is suitably organised;
- (d) that its buildings are suitable and sufficient;
- (e) that the furniture and library and laboratory equipment are adequate;
- (f) that the college has framed conduct and discipline rules for its students, and the rules are such as may be approved by the University;
- (g) that due provision is made for the health and recreation of students;
- (h) that the qualifications and number of its teaching staff are adequate, and the conditions of their service are such as may be approved by the University;
- (i) that the college has framed efficiency and discipline rules for its teachers and employees, and the rules are such as may be approved by the University; and

- (j) such other matters as are necessary for the maintenance of the standards of the University education.

The Second Statutes of the University

THE BANGLADESH AGRICULTURAL UNIVERSITY EMPLOYEES (EFFICIENCY AND DISCIPLINE) STATUTES

1. These Statutes shall apply to every person in whole-time employment of the University except- Applications

- (i) persons for whose appointment and condition of employment special provisions have been made in the Ordinance or the First Statutes;
- (ii) Government servants on deputation to the University; and
- (iii) persons appointed on contract and whose pay, etc., and terms of service are determined according to the term of the contract:

Provided that in respect of any matter not provided by the provisions special to him, his service or his post, these Statutes shall apply to any person coming within the scope of the exceptions above to whom but for these exceptions the Statutes would otherwise apply.

2. In these Statutes unless there is anything repugnant in the subject or context- Definitions

- (a) "authority" means the Syndicate or any officer designated to be an authority in Appendix I to these Statutes to exercise powers under these Statutes, and includes the Head of a Department so designated;
- (b) "employee" or "member of the staff" includes every person in the service of the University whether for the time being in actual employ of the University or on deputation to Government or elsewhere or on leave in or out of Bangladesh;
- (c) "misconduct" means conduct prejudicial to good order or service discipline or unbecoming of an employee of the University or a gentleman;
- (d) "Ordinance" means the Bangladesh Agricultural University Ordinance, 1961; and

- (e) “penalty” means a penalty which may be imposed under these Statutes.

Grounds for
penalty

3. Where an employee of the University, in the opinion of the authority-

- (a) is inefficient, or has ceased to be efficient, whether by reason of infirmity of mind or body, or otherwise, and is not likely to recover his efficiency; or
- (b) is indifferent to teaching and research work (in respect of members of teaching staff only); or
- (c) is guilty of misconduct; or
- (d) is corrupt, or may reasonably be considered corrupt because-
- (i) he is, or any of his dependents or any other person through him or on his behalf is in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
- (ii) he has assumed a style of living beyond his ostensible means; or
- (e) is engaged or is reasonably suspected of being engaged in subversive activities or activities detrimental to the interest of the University, or to the State or is reasonably suspected of being associated with others engaged in such activities, and whose retention in service is therefore considered prejudicial to the interest of the University or national security; or
- (f) becomes a member of or is associated in any capacity with any outside organisation of any kind other than those organised by the University or its union without obtaining the prior permission of the Vice-Chancellor in writing; or
- (g) engages directly or indirectly in any trade, business or occupation on his own account which may, in the opinion of the Syndicate, interfere with due performance by him of the duties of his office, without the prior express permission of the Syndicate in writing; or

- (h) absents or overstays sanctioned leave, without sufficient cause.

4. (1) The following are the minor penalties:-

Penalties

- (a) censure;
- (b) the withholding of increment or promotion, including stoppage at efficiency bar for a specified period; and

The following are the major penalties:-

- (c) recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders;
- (d) reduction to a lower post or time scale, or to a lower stage in a time scale;
- (e) removal from service;
- (f) dismissal from service.

(2) Dismissal from service shall disqualify the University employee from future employment but removal from service need not be considered an absolute disqualification.

(3) For misconduct any penalty in paragraph (1) may be imposed, but the penalties to be ordinarily imposed for inefficiency, indifference in teaching and research work, becoming a member of an outside organisation without permission, and engaging directly or indirectly in trade without permission and absenting or overstaying sanctioned leave, shall be those set out in clause (b), (c), (d), or (e) and for corruption or subversion those set out in clause (e) or (f) of paragraph (1).

Explanation.- The discharge-

- (a) of a person appointed on probation during the period of probation, or
- (b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment, or
- (c) of a person engaged under contract, in accordance with the terms of his contract,

does not amount to removal or dismissal within the meaning of this Statute

Note 1.- Notwithstanding anything contained in this Statute:-

- (a) the penalty specified in clauses (a) and (b) in paragraph (1) in respect of officers and members of the teaching staff, shall not be imposed by an authority lower than the Syndicate. In respect of members of the subordinate staff authority shall not be lower than the Vice-Chancellor. In respect of all other employees the authority shall not be lower than the Head of office or Department concerned;
- (b) no employee of the University shall be removed or dismissed by an authority lower than that by which he was appointed to the post held by him substantively on which he is competent to make appointment to the post held by him substantively.

Note 2.- A statement detailing the powers of the Syndicate and other officers of the University in regard to the imposition of penalties is given at Appendix 1.

Inquiry
procedure in
cases of
subversion

5. (1) When an employee of the University is to be proceeded against under clause (e) of Statute 3, the authority-

- (a) may by order in writing require the employee concerned to proceed on such leave as may be admissible to him and from such date as may be specified in the order;
- (b) shall, by order in writing inform him of the action proposed to be taken in regard to him and the grounds of that action; and
- (c) shall give him a reasonable opportunity of showing cause against that action before an Inquiry Committee to be constituted under paragraph (2) to inquire into the charges:

Provided that no such opportunity shall be given, where the Chancellor is satisfied that in the interest of the security of Bangladesh, or any part thereof, it is not expedient to give such opportunity.

(2) (a) For the purposes of clause (c) of paragraph (1), an Inquiry Committee consisting of three persons shall be constituted by the Chancellor.

- (b) The Inquiry Committee shall inquire into the charge and submit its findings to the Chancellor.
- (c) The Chancellor may pass such orders as he thinks fit on the findings of the Inquiry Committee; and the authority shall forthwith give effect to such orders. The Chancellor shall not be required to consult the authority before passing any such orders.
- (d) Notwithstanding anything contained elsewhere in these Statutes, no appeal shall lie against an order made by the Chancellor under this Statute, provided, however, the Chancellor may, on the application of the aggrieved employee made within one month of the date on which he was informed of the order, review such order.
- (e) Nothing in this Statute shall operate to deprive an employee of the University from exercising his right to submitting a petition or memorial to the Chancellor.

6. (1) When an employee of the University is to be proceeded against under clauses (a), (b), (c), (d), (f), (g) and (h) of Statute 3, the procedure in the following paragraph shall be observed.

Inquiry procedure in other cases

(2) The authority may, if it thinks fit, appoint an officer or a teacher of the office or department to which the employee (hereinafter called the delinquent) belongs or an officer or teacher of any other office or department of the University to examine and report on the allegations against him to enable the authority to decide whether a formal enquiry should be held, and the officer or the teacher may also informally examine the delinquent.

(3) If the authority decides that a formal enquiry should be held it shall decide further whether the allegations, if established, would call for a minor or a major penalty.

Procedures for formal enquiry will be as laid down hereunder in Statutes 7, 8 and 9.

7. When an employee of the University is charged with an offence the maximum penalty for which is dismissal, the procedure for holding an enquiry shall be as follows:-

Procedure for dismissal

- (a) A charge-sheet shall be presented to the delinquent detailing the charge or charges against him and calling

upon him to show cause why he should not be dismissed or removed from service or punished with any of the lesser penalties specified in Statute 4. He shall be required to submit a written explanation by a fixed date, which shall ordinarily allow him an interval of seven clear days from the date he receives the charge-sheet. If the delinquent is illiterate or semi-literate, the charge-sheet shall be read out and explained to him by the Head of the Office or Department or an officer delegated for the purpose not below the rank of a subordinate administrative officer, who shall record the statement of the delinquent.

- (b) The charge-sheet with the explanation furnished by the delinquent shall be considered by the officer competent under this Statute to pass an order of dismissal who, unless he takes steps for holding a departmental inquiry, shall thereupon pass such orders as he thinks fit.
- (c) If the delinquent asks to be heard in person or if the officer competent to pass an order of dismissal considers that the delinquent should be examined in person, he shall cause a departmental inquiry to be held. The delinquent, if he so desires, may be accompanied by another University employee and the officer or the Committee of Inquiry shall give the delinquent all reasonable facilities for the conduct of defence including the cross-examination of witnesses.
- (d) At such an inquiry a definite charge in writing shall be framed and explained to the delinquent in respect of each offence which has not been admitted by him, and the evidence in support of it, as well as his defence, shall be recorded in his presence:

Provided that for special reasons to be recorded in writing the Officer or the Committee of Inquiry may refuse to call any witness suggested by the delinquent and may decide whether the evidence of any witness should be taken and recorded otherwise than in the presence of the delinquent.

- (e) The result of the departmental inquiry with the recommendation of the Officer or the Committee holding the inquiry, shall be placed before the authority competent to pass an order of dismissal, who shall thereupon pass such orders as he thinks fit.

- (f) Notwithstanding anything contained in the foregoing clauses formal inquiry may be dispensed with when the order of dismissal is passed on the strength of facts or conclusions arrived at by a Judicial trial or trial by a Court Martial or when the accused is absconding, or adopting means to prolong or delay the conclusion of the enquiry with a view to gain undue advantage.

Note 1.- When, as a result of an enquiry into alleged misconduct of an employee it is proposed to dismiss, remove from service or reduce such an employee he should be afforded a further opportunity to show cause within a reasonable time, not exceeding one month, why the proposed penalty should not be inflicted. For this purpose any representation submitted by him should be duly taken into consideration before final orders of dismissal, removal from service or reduction are given effect to.

Note 2.- The charge-sheet to be presented to an employee of the University shall be in the form at Appendix 2. The delinquent shall be given seven days' time to submit his defence. The official actually handing over the charge-sheet to the employee concerned must obtain his signature or thumb-impression, as the case may be, in acknowledgement of its receipt.

Note 3.- If the reply to the charge-sheet is not received in the time prescribed it will be assumed that the man concerned has no grounds to submit in his defence against the disciplinary action being taken.

Note 4.- There is no necessity for the issue of the charge-sheet when a University employee is to be dismissed as the result of his conviction by a criminal Court, as the employee concerned has already been given an opportunity of defending himself in the Court.

8. (1) When an employee of the University is charged with an offence meriting removal from service, the procedure outlined in Statute 7 shall be applied:

Provided that the officer competent to pass the order of discharge may dispense with the departmental inquiry and may make an inquiry in any manner deemed proper by him, recording his considered opinion before passing the order of discharge. When a departmental inquiry is dispensed with and if therefore, the employee asks to be heard in person, the officer competent to pass order of discharge shall grant a personal interview.

(2) When an employee absents himself from duty for more than a week or when an employee does not return to work within one week after the expiry of sanctioned leave, he shall be written to under registered cover (acknowledgement due) and asked to explain the reasons for his absence and informed that his reply should be received within a specified reasonable time, which should not be less than 10 days in any case. He should be told that failure on his part to reply within the specified time will result in his removal from service. If the reply is not satisfactory or if no reply is received within the specified time, he shall be removed from the service by issue of a notice of discharge under registered cover (acknowledgement due) in the notice forms at Appendices 3 and 4.

Note 1.- When it is intended that removal from service should operate as a bar to re-employment in the University this should be stated in the order of removal.

Note 2.- Absconder- An employee of the University can be treated as an absconder only when he has left his station without permission and his whereabouts are not known. An employee who has left his station with due intimation in writing to his immediate superior of his doing so, who acknowledges the receipt of the charge-sheet served on him, or who presents himself before his controlling officer before the final orders in his case have been passed should not be treated as an absconder.

Note 3.- The same procedure as laid down in Statute 7(a) should be followed in the case of an absconder. The letter should be sent to the address given in the Service Book of the employee. If, however, no address whatsoever, is traceable he may be removed from service after two weeks.

Procedure for imposing other penalties

9. Before an order imposing a penalty specified in clauses (a) to (d) of paragraph 1 of Statute 4 is passed against an employee of the University, he shall be informed of the definite offences or failures on account of which it is proposed to impose the penalty and called upon to show cause why that or any lesser penalty should not be imposed. He should also be given THREE days' time in which to submit his explanation and be allowed reasonable facilities for the preparation of his defence. Form in Appendix 2 should be used for this purpose. If no explanation is received within the prescribed time, it will be assumed that the employee concerned has no grounds to submit in his defence against the disciplinary action being taken.

10. (1) Where it is proposed to proceed against an employee of the University on the ground of inefficiency by reason of infirmity of mind or body the authority may at any stage require the employee to undergo a medical examination by a Medical Board, as the authority may direct, and the report of the Medical Board shall form part of the proceedings.

Power to order medical examination as to mental or bodily infirmity

(2) If the employee refuses to undergo such examination his refusal may, subject to the consideration of any grounds he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavourable to him.

Note 1.- The authority in the above Statute in respect of officers and members of the teaching staff of all categories shall be the Syndicate. Where it is decided to terminate the service of any employee of these categories as a result of proceedings the decisions of the Syndicate shall be submitted to the Chancellor for confirmation.

Note 2.- The authority in respect of employees of all categories shall be the Vice-Chancellor, whose decisions shall be final and conclusive.

11. In ordering the withholding of an increment, the authority passing the order shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

Withholding of increment

Note 1.- The cases of all University employees held up at an efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved generally and whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removal of the bar.

Note 2.- Withholding of increment shall never be for a period of less than three months.

12. When an employee of the University is reduced for inefficiency or misconduct to a lower post or time-scale, or to a lower grade or to a lower stage in a time-scale, the Authority ordering the reduction shall state the period for which it is effective and whether on the expiry of that period it shall operate to postpone future increments. When an employee's increment is withheld his own substantive grade is not affected unless the authority passing the order states that that will have the effect of postponing future increments.

Reduction to a lower post, etc.

Note- The reduction shall never be for a period of less than three months.

Orders to be communicated in writing

13. Every order imposing a penalty on an employee of the University shall be communicated to him in writing.

Note 1.- If, as a result of an investigation (which includes service of charge-sheets for offences committed), it is decided that the services of the employees concerned shall be terminated, he shall be advised in separate letter, as in Appendix 3, that his explanation or reply to the charge-sheet is not accepted and that he has been held responsible for or guilty of the offence or offences he was charged with.

Note 2.- A letter terminating an employee's service shall be issued in the form at Appendix 5 in a case of dismissal and in the form in Appendix 4 in a case of removal from service. These letters must be signed by the officer passing the order imposing the penalty or an officer delegated for this purpose by him.

Note 3.- The procedure above shall not, however, apply to cases of discharge on completion of work or period of contract or probation or on reduction of establishment.

Record of penalties

14. The authority imposing any penalty under these Statutes shall maintain a record showing-

- (a) the offence with which the employee of the University was charged; and
- (b) the penalty imposed.

Suspension

15. (1) An employee of the University shall be placed under suspension when he is arrested or committed to prison pending trial by a Court of law, and he shall remain under suspension until judgment is delivered by the Court, unless in the event of his release on bail, the authority competent to suspend him decides to allow him to resume duty pending decision of the Court.

(2) An employee of the University whose conduct is undergoing investigation of a charge, the maximum penalty for which is dismissal or removal from service may, at the discretion of the competent authority, be kept under suspension until his case has been finally decided. The period of suspension should not normally exceed four months.

(3) When an employee of the University is convicted on a criminal charge he shall, according to the merits of the case be punished, removed from service or dismissed from the date of conviction. If it is considered that no penalty should be imposed, the case should be referred to the Syndicate, except that in the case of M.L.S.S. it shall be referred to the Vice-Chancellor.

16. An employee of the University is entitled to the following payments during a period of suspension:- Pay during suspension

- (a) The subsistence grant may be made at such rates as the suspending authority may direct, but not exceeding one-third of the pay of the suspended employee.
- (b) *Grant of dearness allowance to University employee under suspension-* When in any case, the officer passing the order for suspension considers that having regard to the present high cost of living, the amount admissible is not sufficient for the subsistence of the suspended employee and his family, he may allow him to draw the dearness allowance at the rate at which he drew it prior to his being placed under suspension.

Authorities competent to suspend an employee of the University are shown in Appendix 1.

Note 1.- No subscription to Provident Fund shall be recovered from the suspension allowance but if he is subsequently reinstated, subscription shall be recovered at one-twelfth of the pay allowed for the period of suspension.

Note 2.- Leave may not be granted to an employee at a time when he is under suspension.

Note 3.- When the suspension of an employee is held to have been justified or not wholly justifiable; or when the employee who has been dismissed, removed or suspended, is reinstated the revising or appellate authority may grant to him, for the period of his absence from duty-

- (a) if he is honourably acquitted, the full pay of which he would have been entitled if he had not been dismissed, removed or suspended and by an order to be separately recorded any allowance of which he was in receipt prior to his dismissal, removal or suspension; or

- (b) if otherwise, such proportion of such pay and allowance as the revising or appellate authority may prescribe. In a case falling under paragraph (1) of Statute 15 the period of absence from duty will be treated as a period spent on duty. In a case falling under paragraph (2) of Statute 15, it will not be treated as a period spent on duty unless the revising or appellate authority prescribes that the period of absence be treated as leave and allows leave salary. In either case the subsistence grant is to be adjusted against pay and allowance granted on final orders.

Appeals

17. (1) When any of the penalties specified in Statute 4 is imposed upon an employee of the University an appeal shall lie to the authority next above that imposing the penalty or to such other higher authority as the Syndicate may prescribe in respect of employees under its control. An appeal shall lie to the Chancellor only on original orders passed by the Syndicate.

(2) When an appellate authority imposes a higher penalty than the one appealed against a second appeal shall lie to the next authority above such appellate authority, provided that no such second appeal shall lie if the higher penalty imposed by the appellate authority is within the competence of the authority who imposed the original penalty on the employee.

Procedure for submission of appeals

18. (1) Every employee preferring an appeal shall do so separately and in his own name.

(2) Every appeal shall contain all material statements and arguments relied on by the appellant and shall contain no disrespectful or improper language and shall be complete in itself.

(3) Every such appeal shall be addressed to the authority to whom the appeal lies through the authority from whose order the appeal is preferred and shall be submitted through the usual channel, and no action shall be taken on an appeal submitted otherwise.

Note.- It is not intended to penalise staff for sending advance copies of appeals submitted through proper channel. No action shall, however, be taken on copies of appeals sent in advance with the endorsements "Original submitted through Proper Channel".

19. (1) The appellate authority shall consider-

Duties of
appellate
authorities

- (a) whether the facts on which the order was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is adequate, inadequate or excessive.

(2) The authority to whom, an appeal lies under these Statutes shall decide it himself and shall pass such orders on the appeal as he thinks fit.

(3) If the appellate authority proposes to enhance the penalty imposed by the subordinate authority, the former shall before passing such order, ensure that the procedure prescribed in these Statute as being necessary before such penalty may be imposed, is or has been complied with.

20. An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if -

- (i) it is an appeal in a case in which under these Statutes no appeal lies; or
- (ii) it is not preferred within one month of the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay; or
- (iii) it is a repetition of a previous appeal and no new facts or circumstances are adduced which afford grounds for consideration of the case:

Provided that when an appeal is withheld the appellant shall be informed of the fact and the reasons for it:

Provided also that an appeal withheld only on account of failure to comply with the procedure laid down in Statute 18 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of an appeal.

21. No appeal shall lie against the withholding of an appeal by a competent authority.

22. (1) The Syndicate shall have the power, on its own motion or otherwise, to revise any orders passed by an authority subordinate to it:

Provided that when an appellate authority has considered and passed order on an appeal, such appellate authority shall not be entitled to initiate further action in respect of the same offence under this Statute.

(2) When the authority referred to in paragraph (1), proposes to enhance the penalty imposed on an employee of the University, otherwise than as an appeal preferred to it, it shall communicate its intention to the University employee concerned with the reasons therefore, and call upon him to show cause as to why the enhanced penalty should not be imposed. After considering the reply of the employee to this communication, it shall pass orders as it thinks fit.

23. Nothing in these Statutes-

- (a) shall be deemed to preclude the Chancellor from revising whether on his own motion or otherwise any order passed under these Statutes by any authority of the University, or
- (b) shall operate to deprive an employee of the University from exercising his right to submitting a petition or memorial to the Chancellor.

APPENDIX 1

[See Statute 2(a)]

Authorities and their powers.

Authorities with their respective powers to the extent to which they can impose penalties detailed in column I:

	Syndicate	Vice-Chancellor	Other Heads of Offices/ Heads of Departments
(i) Censure ..	Full powers	Full powers in respect of members of subordinate administrative staff, Ministerial/Technical staff and M.L.S.S.	Full powers in respect of members of the Ministerial/Technical staff and M.L.S.S. working under them.
(ii) Withholding of increment or promotion, including stoppage at efficiency bar for a specified period.	Ditto	Ditto	Ditto.
(iii) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.	Ditto	Full powers in respect of Ministerial/Technical and M.L.S.S.	Full powers in respect of M.L.S.S. working under them.
(iv) Reduction to a lower post of time-scale or to a lower stage in a time-scale.	Ditto	Ditto	Ditto.
(v) Removal from service.	Ditto	Ditto, except that in cases of Ministerial/Technical staff it is subject to confirmation by the Syndicate.	Ditto.
(vi) Dismissal from service.	Ditto	Ditto	Ditto, except that it is subject to confirmation by the Vice-Chancellor.
(vii) Suspension ..	Ditto	Full powers in respect of members of subordinate administrative staff, Ministerial/Technical staff and M.L.S.S.	Full powers in respect of M.L.S.S. working under them.

APPENDIX 2

(See Statutes 7 and 9)

Charge-sheet

To

.....

You are charged with the following offences or failures and you are hereby called upon to show cause why you should not be punished with the penalty specified in item *.....

..... of the list below or punished with any of the lesser penalties specified in the said list (*see* overleaf):-

** (a) Inefficiency;

(b) indifference towards teaching and research work (in respect of members of teaching staff only);

(c) misconduct;

(d) (i) corrupt practices;

(ii) assuming style of living beyond ostensible means;

(e) engaged in subversive activities or activities detrimental to the interest of the University;

(f) becomes a member of, or is associated with any outside organisation without obtaining prior permission of the Vice-Chancellor in writing;

(g) engages directly or indirectly in any trade, business or occupation without permission of the Syndicate in writing;

(h) absents or overstays sanctioned leave without sufficient cause. Reasons for the charges are that on you.

**Your defence to the above charges are required to be submitted to my office through within seven days from the date of receipt of this letter.

If the employee has left the station, the charge-sheet should be sent direct under registered cover with acknowledgment due.

****Strike out items which are irrelevant.**

The statement under these heading should be started here and continued, if necessary to the reverse of this form or to a separate sheet by enclosure-

**** Here insert the item number in the following list of the highest appropriate penalty which may be imposed in the particular case. The list which is based on Statute 4 of the second statutes shows all the penalties which may now be imposed on the University employees and which required the issue of charge-sheet-**

*******(a) censure,

(b) withholding of increment or promotion, including stoppage at efficiency bar for a specified period,

(c) recovery from pay of the whole or part of any pecuniary loss caused to University by negligence or breach of orders,

(d) reduction to a lower post of time-scale, or to a lower stage in a time-scale,

(e) removal from service,

(f) dismissal from service.

*****Strike out the entry which is not applicable.**

*****Three clear days should be allowed for items (a) and (b) above. In other cases, seven clear days should be allowed.**

APPENDIX 3

(See Statutes 8 and 13)

Communication of Orders and Serving Notice.

From

To

Your explanation or reply to the charge-sheet is not accepted and that you have been held responsible for or guilty of the offence or offences you were charged with.

Signature.....

Designation.....

Dated.....

APPENDIX 4

(See Statutes 8 and 13)

Notice of Imposition of the Penalty or Removal from the Service.

No.....

From.....

To.....

As your services are no longer required by the University you are hereby removed from service by my order in terms of your agreement and conditions of service and you are hereby given one month's notice with effect from as provided for therein. one month's pay in lieu of notice

Your services will accordingly terminate on the forenoon of _____

Signature.....

Designation.....

Dated.....

APPENDIX 5

(See Statute 13)

Notice of Imposition of the Penalty or Dismissal from Service.

No.....

From.....

To.....

You are hereby informed that, in accordance with the orders passed, you are dismissed from service with effect from.....

Signature.....

Designation.....

Dated.....

Defence.

Signature.....

Designation.....

Dated.....

Enclosure: _____

