

ACT No. XVI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 18th September, 1917.)

An Act to establish and incorporate a University at Patna.

WHEREAS it is expedient to establish and incorporate a University at Patna, to be known as the Patna University; It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Patna University Act, 1917.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

“College” means a college of the University or an external college;

“College of the University” means the Patna College, the Training College for teachers at Patna, and any other educational institution admitted as a college of the University in accordance with this Act and the Regulations;

“External College” means the Bihar National College, Bankipur, the Patna Law College, the Greer Bhumihar Brahman College, Muzaffarpur, the Tej Narayan Jubilee College, Bhagalpur, the Ravenshaw College, Cuttack, St. Columba's College, Hazaribagh, the Diamond Jubilee College, Monghyr, and any other educational institution admitted as an external college in accordance with this Act and the Regulations;

“Local

"Local Government" means the Local Government of Bihar and Orissa;

"Regulations" means Regulations for the time being in force of the University;

"Senate" means the University Senate;

"Syndicate" means the University Syndicate;

"University staff" means such persons as may be declared by the Regulations to be members of the University staff; and

"University" means the Patna University.

3. (1) The first Chancellor and Vice-Chancellor ^{Incorporation.} of the University, and the first members of the Senate, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Patna University.

(2) The Patna University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, of promoting original research, of examining students and conferring degrees, of admitting educational institutions to its privileges, and of supervising and controlling the administration of colleges of the University in all matters of education and discipline, and of inspecting and supervising external colleges.

4. The following shall be the authorities and officers of the University :—

Authorities
and officers
of the University.

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Senate;
- (iv) the Syndicate;
- (v) the Registrar; and
- (vi) Such other authorities and officers as the Regulations may declare to be authorities or officers of the University.

5. (1) The

The Chan-
cellor.

5. (1) The Chancellor shall be the Lieutenant-Governor of Bihar and Orissa for the time being.

(2) The Chancellor shall, by virtue of his office, be the head of the University, and shall, when present, preside at Convocation of the University convened for the purpose of conferring degrees and for other purposes.

(3) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall finally decide any dispute with regard to the election of any person to be a member of the Senate or Syndicate.

(5) The Chancellor shall have the right of inspecting the University and of visiting and inspecting the colleges, both generally and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Regulations. The Chancellor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Regulations :

Provided that, before making any such order, he shall call upon the University to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

The Vice-
Chancellor.

6. (1) The Vice-Chancellor shall be appointed by the Local Government, and shall hold office for three years from the date of his appointment, on the expiration of which period, he may be re-appointed from time to time, provided that no such re-appointment shall be for a longer period than two years.

(2) The Vice-Chancellor shall, when present, preside at every meeting of any University authority of which he is a member and at Convocation of the University when the Chancellor is not present.

(3) The Vice-Chancellor shall appoint and control every officer and servant of the University (other than the members of the University Staff) whose aggregate emoluments do not exceed two hundred rupees per mensem.

(4) The

(4) The Vice-Chancellor shall have the right of visiting and inspecting the colleges.

7. (1) The Senate shall consist of not less than ^{The Senate.} sixty and not more than seventy-five Ordinary Fellows in addition to the following *ex-officio* Fellows, namely:—

(i) the Vice-Chancellor;

(ii) the Members of the Executive Council of the Lieutenant-Governor of Bihar and Orissa;

(iii) the Chief Justice of the High Court of Judicature at Patna;

(iv) the Bishop of Chota Nagpur;

(v) the Director of Public Instruction in Bihar and Orissa; and

(vi) the Principals of all colleges in which instruction to a degree standard is given.

(2) The Ordinary Fellows of the first Senate shall be the persons specified in the First Schedule, and shall hold office for such period as may be prescribed by the Regulations.

(3) Upon the expiration of the period of office of the first Senate the next and every succeeding Senate shall include, in addition, to the *ex-officio* Fellows hereinbefore referred to,—

(i) Fifty Ordinary Fellows to be elected in such manner as may be prescribed by the Regulations, of whom—

(a) twenty shall be elected by the teaching staffs of the colleges;

(b) five shall be elected by the graduate teachers of schools in which instruction to a standard to be prescribed by the Regulations is given;

(c) fifteen shall be elected by registered graduates other than any who may be included for the time being in the electorates referred to in sub-heads (a) and (b), and

(d) ten

- (d) ten shall be elected by such associations or public bodies as the Chancellor may from time to time empower in this behalf, of whom such number shall be elected by each such association or body as the Chancellor may from time to time direct;

Provided that all such elections shall be made subject to such conditions as to the representation on the Senate of all the Faculties of the University and of persons permanently resident in the Orissa Division as shall be prescribed by the Regulations; and

- (ii) Not less than ten and not more than twenty-five Ordinary Fellows to be nominated by the Chancellor subject to the Regulations.

(4) Subject to the provisions of this Act and the Regulations, the Senate shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall exercise all the powers of the University not otherwise provided for.

In particular, and without prejudice to the generality of the foregoing power,—

(i) it shall determine—

- (a) what degrees and diplomas shall be granted by the University;
- (b) the courses of study and the duration thereof;
- (c) the time in a student's career at which such courses shall be taken;
- (d) what subjects or groups of subjects shall be regarded as qualifying for each degree;
- (e) whether any new subject of instruction shall be included in the curriculum of the University or of any of its colleges, or whether any subject previously taught shall be omitted therefrom;

(f) whether

(f) whether the standard to which instruction is given in any subject shall be raised or lowered; and

(ii) it shall pass the Budget.

(5) Save on a reference made to it by not less than six members of the Syndicate jointly, the Senate shall not have power to review any act of the Syndicate duly done in the exercise of its powers under this Act or the Regulations in respect of any of the following matters :—

(a) the appointment of members of the Faculties and Boards of Studies, the determination of the procedure of such Faculties or Boards and of the quorum of members required for the transaction of business;

(b) the appointment and remuneration of examiners and the determination of their duties and powers;

(c) the award of scholarships and prizes;

(d) the arrangements made for teaching during each session, including the University time-table of courses of instruction and of inter-collegiate lectures and classes;

(e) the prescription of text-books for the courses of study; and

(f) the general disciplinary control over the students of the University.

8. (1) The Syndicate shall consist of fourteen ordinary members in addition to the following *ex-officio* members, namely :—

(i) the Vice-Chancellor,

(ii) the Director of Public Instruction in Bihar and Orissa,

(iii) the Principal of the Patna College, and

(iv) the Principal of the Ravenshaw College, Cuttack.

(2) The ordinary members of the first Syndicate shall be the persons specified in the Second Schedule, and shall hold office for two years.

(3) Upon

(3) Upon the expiration of the period of office of the ordinary members of the first Syndicate, the ordinary members of the next and every succeeding Syndicate shall be elected by the Senate from amongst its members in such manner as may be prescribed by the Regulations, but so as to include—

- (a) at least one person permanently resident in the Orissa Division ;
- (b) not less than seven members of the University staff, or of the teaching staffs of the colleges ;
- (c) not less than three other persons who are not following the profession of education.

(4) In addition to the matters referred to in section 7 (5), the Syndicate shall determine, subject to the provisions of section 7 (4) and the Regulations, the standard of proficiency to be required for ordinary degrees, shall control the courses of study, the examinations and all matters of education in the colleges of the University, and shall be responsible for the supervision and inspection of such matters in the external colleges.

Admission of educational institutions as colleges.

9. (1) No educational institution shall be admitted as a college unless the following conditions are complied with, namely :—

- (a) the admission of the institution as a college has, on application made, and after the Syndicate has recorded its opinion on such application, been approved by the Senate and the Local Government ; and
- (b) all provisions of the Regulations relating to the admission of educational institutions as colleges have been substantially complied with.

(2) No educational institution shall be admitted as a college of the University, unless the following conditions are complied with, namely :—

- (a) the buildings of the institution are situated within the area which has been, or may hereafter

hereafter be, acquired for the purposes of the University ;

(b) all provisions of the Regulations relating to the admission of educational institutions as colleges of the University have been substantially complied with.

(3) No educational institution shall be admitted as an external college, unless the following conditions are complied with, namely :—

(a) in the case of an educational institution teaching to a degree standard, the buildings of the institution are situate in one of the following towns, namely :—Muzaffarpur, Bhagalpur, Cuttack, or Hazaribagh :
Provided that this condition may be dispensed with in any particular case if the Governor General in Council so directs ;

(b) all provisions of the Regulations relating to the admission of educational institutions as external colleges have been substantially complied with.

10. (1) Any member of the Syndicate may bring forward a proposal that a college be deprived, either in whole or in part, of its privileges.

Exclusion of a college from the privileges of the University.

(2) The Syndicate shall, after affording the governing body of the college all reasonable facilities for stating its objections to the proposal, consider the proposal and transmit a copy of its proceedings, including a copy of any representation which may be made by such governing body thereon, to the Senate.

(3) The Senate shall consider the proposal and shall, if it approves the same either with or without modification, transmit a copy of the proceedings of the Syndicate and of its own proceedings to the Local Government.

(4) The Local Government, after such further inquiry, if any, as may appear to it to be necessary shall, in so far as it agrees with the opinion of the Senate, express its concurrence therewith, and thereupon, the college shall be deprived of such privileges

as the decision of the Senate and the Local Government (which shall be communicated to it) may specify.

Termination of privileges granted by other Universities to educational institutions in Bihar and Orissa.

11. Notwithstanding anything in any other law for the time being in force, no University in British India other than the Patna University shall, after the commencement of this Act, admit any educational institution in the province of Bihar and Orissa to any privileges whatever, and any such privileges granted by any such other University to any educational institution in that province prior to the commencement of this Act, shall be deemed to be withdrawn on the commencement of this Act :

Provided that any educational institution which, in accordance with the provisions of this section, has been deprived of any such privileges shall, notwithstanding the provisions of section 9, be deemed to have been granted the like privileges by the Patna University.

University staff.

12. The members of the University staff shall be appointed by the Chancellor after considering the recommendations of the Syndicate and the Senate :

Provided that, in the case of a person paid from the funds of the University whose term of appointment does not extend beyond a total period of six months, the appointment shall rest with the Syndicate subject to the sanction of the Chancellor.

Audit of accounts.

13. The accounts of the University shall, once at least in every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Local Government, and a copy of the accounts, together with the auditors' report, shall be published in the local official Gazette.

Regulations.

14. (1) Subject to the provisions of this Act, the Regulations—

(i) shall provide for the following matters :—

(a) the election and all matters connected therewith of Ordinary Fellows or members of the Senate and Syndicate and so as to include provisions for the

adequate

adequate representation of all the Faculties of the University among the Fellows to be elected by the teaching staffs of the colleges;

- (b) the inclusion of persons permanently resident in the Orissa division among the nominated and elected Fellows of the Senate;
 - (c) the duration of the term of office of the Ordinary Fellows or members of the Senate and Syndicate;
 - (d) the maintenance for the purpose of constituting the electorate referred to in section 7 (3) (i) (c) of a register of graduates including, for such period as may be thereby prescribed, graduates of any other University who are ordinarily resident in Bihar and Orissa, and the conditions subject to which entries may be made therein; and
 - (e) the procedure to be followed at meetings of the Senate and Syndicate and the quorum of Fellows or members required to be present for the transaction of business; and
- (ii) may provide for all or any of the following matters:—
- (a) the constitution, powers and duties of the Faculties, Boards of Studies, or such other authorities or bodies, as it may be deemed necessary, from time to time, to appoint;
 - (b) the conditions of appointment and the powers and duties of the Registrar, Professors and other officers of the University, whether being members of the University staff or not;
 - (c) the constitution and functions of the governing bodies of the colleges;
 - (d) the

- (d) the admission of educational institutions as colleges, and the withdrawal of privileges from colleges so admitted;
- (e) the admission of students to the University and their examination;
- (f) the residential arrangements for students of the University;
- (g) the mode of appointment and duties of examiners;
- (h) the conferment and withdrawal by the University of degrees, diplomas, certificates and other academic distinctions;
- (i) the general discipline and control of the University and of the colleges of the University;
- (j) the accounts to be kept and the use to be made of the funds of the University; and
- (k) generally for carrying out the provisions of this Act.

(2) The first Regulations shall be drafted by the Vice-Chancellor, who shall submit the draft to the Senate for consideration. The Senate shall consider the draft and submit the same, with such additions and alterations as it considers necessary, to the Local Government. The Local Government shall, if it accepts the draft as settled by the Senate, sanction the same. If it considers that any additions to, or alterations in the draft are necessary, it shall submit the draft with its proposals for the orders of the Governor General in Council, and the first Regulations shall be the draft with such alterations or additions as he may sanction.

(3) If the Senate does not submit to the Local Government the draft of the Regulations within two months from the date on which it was first laid before that authority by the Vice-Chancellor, the Local Government may make the first Regulations, which when sanctioned by the Governor General in

in Council shall have the same force as if they had been sanctioned under sub-section (2).

(4) The Senate may, from time to time, make new or additional Regulations, or may amend or repeal the Regulations.

(5) The Syndicate may from time to time lay before the Senate any proposals for new Regulations or for the amendment or repeal of any of the existing Regulations, and it shall be the duty of the Senate duly to consider all such proposals.

(6) All new Regulations, or additions to the Regulations, or amendments to, or repeals of, the Regulations, shall require the previous sanction of the Local Government, which may sanction, disallow, or remit the same for further consideration.

THE FIRST SCHEDULE.

[See section 7 (2).]

ORDINARY FELLOWS OF THE FIRST SENATE.

1. The Hon'ble Mr. Justice Edmund Pelly Chapman.

2. The Hon'ble Mr. Justice Basanta Kumar Mullick, B.A. (Cantab.)

3. The Hon'ble Mr. Justice Francis Reginald Roe.

4. The Hon'ble Mr. Justice Cecil Atkinson, K.C.

5. The Hon'ble Mr. Justice Jwala Prashad, B.A., LL.B. (Alld.)

6. The Hon'ble Justice Sir Ali Imam, K.C.S.I.

7. The Hon'ble Mr. E. H. C. Walsh, C.S.I., Member, Board of Revenue.

8. The Hon'ble Raja-Rajendra Narayan Bhanja Deo of Kanika.

9. The Hon'ble Fai Bahadur Krishna Sahay, B.A., B.L. (Cal.)

10. The Hon'ble Mr. Mazharul Haq, Bar.-at-Law.

11. The

11. The Hon'ble Mr. H. LeMesurier, C.S.I., C.I.E., Commissioner, Orissa Division.
12. The Hon'ble Mr. Ahsan-ud-din Ahmad, I.S.O.
13. The Hon'ble Mr. C. E. A. W. Oldham, Commissioner, Patna Division.
14. The Hon'ble Mr. H. McPherson, Chief Secretary to Government.
15. The Hon'ble Colonel G. J. H. Bell, C.I.E., I.M.S., Inspector-General of Civil Hospitals.
16. The Hon'ble Mr. L. C. Adami, Legal Remembrancer and Secretary to the Legislative Council.
17. The Hon'ble Mr. Madhu Sudan Das, C.I.E., M.A., B.L. (Cal.)
18. The Hon'ble Rai Bahadur Nishi Kanta Sen.
19. The Hon'ble Raja Kirtyanand Sinha, B.A., (Alld.)
20. The Hon'ble Mr. W. A. Ironside.
21. The Hon'ble Khan Bahadur Saiyid Ahmad Hussain.
22. The Hon'ble Khan Bahadur Khwaja Muhammad Nur, B.A., B.L. (Cal.)
23. The Hon'ble Rai Bahadur Dvarika Nath, B.A., LL.B. (Alld.)
24. The Hon'ble Rai Bahadur Purnendu Narayan Singh, M.A., B.L. (Cal.)
25. The Hon'ble Babu Gopabandhu Das, B.A., B.L. (Cal.)
26. Mr. Sharf-ud-din, Bar.-at-Law.
27. Mr. Hasan Imam, Bar.-at-Law.
28. Mr. Sachchidananda Sinha, Bar.-at-Law.
29. Khan Bahadur Saiyid Muhammad Fakhr-ud-din, B.A., B.L. (Cal.)
30. Mr. P. Kennedy, M.A. (Cal.), P.R.S., Muzaffarpur.
31. Mr. R. L. Ross, M.A. (Oxon.), District Judge, Patna.
32. Mr.

32. Mr. T. S. Macpherson, M.A. (Edin.), District Judge.
33. Dr. D. B. Spooner, B.A., Ph.D.
34. Dr. A. McWilliam, D.Sc., Imperial Metallurgist, Sakchi.
35. Babu Rajindra Prasad, M.A., M.L.
36. Mr. G. E. Fawcus, M.A. (Oxon.)
37. Dr. K. S. Caldwell, B.Sc. (Wales), M.A., Ph.D. (Leipzig), F.I.C., F.C.S.
38. Mr. E. A. Horne, M.A. (St. Andrew's University).
39. Mr. W. V. Duke, B.A. (R.U.I.), M.A. (T.C.D.).
40. Mr. R. McCombe, B.A. (T.C.D.).
41. Mr. F. R. Blair, M.A. (Edin.).
42. Mr. W. W. Thompson Moore, B.A. (T.C.D.)
43. Mr. Owston Smith, M.A. (Cantab.)
44. Mr. J. S. Armour, M.A. (Glasgow.)
45. Mr. P. O. Whitlock, B.A. (Cantab.), B.A. (Victoria).
46. Mr. R. P. Khosla, B.A. (Oxon.)
47. The Hon'ble Babu Braja Sundar Das.
48. The Rev. G. J. Dann.
49. The Rev. Father Van Hoeck.
50. The Rev. G. C. Forrester.
51. The Rev. H. G. S. Kennedy, M.A. (T.C.D.)
52. Babu Sarat Chandra Ray, M.A., B.L.
53. Mr. A. Howard, M.A., C.I.E.
54. Mr. C. S. Taylor, Principal, Sabour Agricultural College.
55. Mr. R. W. F. Shaw, M.A. (Aberdeen)
56. Mr. F. Walford, A.R.C.S., M.I.M.E., Principal, Bihar School of Engineering.
57. Rai Bahadur Jogesh Chandra Ray, M.A. (Cal.)
58. Rai

58. Rai Bahadur Bhagavati Sahai, M.A., B.L. (Cal.)
59. Mr. Ashutosh Chatterji, M.A. (Cal.)
60. Mr. Jyotish Chandra Banarji, M.A. (Cal.)
61. Mr. Gopal Chandra Ganguli, M.A. (Cal.)
62. Pandit Ramavatar Sharma, M.A. (Cal.)
63. Mr. Atul Chandra Ganguli, B.A. (Cal.)
64. Mr. Barada Kanta Chattarji, M.A., B.L. (Cal.)
65. Pandit Kashi Nath Das, M.A. (Cal.)
66. Khan Sahib Muhammad Yasin.
67. Mr. Sharat Chandra Mazumdar, M.A. (Cal.)
68. Mr. Mohini Mohan Senapati, M.A. (Cal.)
69. Mr. Jogindra Nath Samaddar, B.A. (Cal.)
70. Khan Sahib Abdul Muqtadir.
71. Pandit Amareshwar Thakur, M.A. (Cal.), Professor, Behar National College.
72. Mr. Bir Chandra Sinha, M.A. (Cal.), Professor, Tej Narayan Jubilee College.
73. Shams-ul-ulama Maulvi Saiyid Amjad Ali, M.A. (Alid.)
74. The Principal of the Sanskrit College, Muza-ffarpur.
75. Khan Bahadur Saiyid Zamir-ud-din Ahmad.

THE SECOND SCHEDULE.

[See section 8 (2).]

ORDINARY MEMBERS OF THE FIRST SYNDICATE.

1. The Hon'ble Justice Sir Ali Imam, K.C.S.I.
2. The Hon'ble Rai Bahadur Krishna Sahay.
3. The Hon'ble Mr. C. E. A. W. Oldham, I.C.S., Commissioner, Patna Division.
4. The Hon'ble Mr. Madhu Sudan Das, C.I.E.
5. The

5. The Hon'ble Mr. Mazharul Haque, Bar.-at-Law.
6. The Hon'ble Rai Bahadur Dvarika Nath.
7. Mr. Sharf-ud-din, Bar.-at-Law.
8. The Right Rev. Foss Westcott, Bishop of Chota Nagpur.
9. Dr. K. S. Caldwell.
10. Mr. E. A. Horne.
11. Mr. W. Owston Smith.
12. Mr. Ram Prosad Khosla, Offg. Principal, Greer Bhumihar Brahman College.
13. Mr. D. N. Sen, Principal, Bihar National College.
14. Mr. N. N. Raye, Principal, Tej Narayan Jubilee College.