

(2)

NORTH-EASTERN HILL UNIVERSITY
SHILLONG - 7930 01.

TEWLFTH MEETING

of the

EXECUTIVE COUNCIL

M I N U T E S

November 1, 1985, Shillong.

3

NORTH-EASTERN HILL UNIVERSITY
SHILLONG - 793001.

MINUTES OF THE TWELFTH MEETING OF
THE LOCAL EXECUTIVE COUNCIL

	Contents	Page No.
1	CONFIRMATION OF THE MINUTES OF THE 11TH MEETING OF THE LOCAL EXECUTIVE COUNCIL HELD ON 14TH AUGUST, 1985 .	1
6	ADMINISTRATIVE MATTERS 6:1 Selection Committee - (i) Recommendation of the Selection Committee for appointment of Research Associate in the College of Agriculture, Medziphema	2
7	ITEM FROM THE CHAIR (i) Open Letter addressed to the Vice-Chancellor, NEHU	2

MINUTES OF THE TWELFTH MEETING OF THE LOCAL EXECUTIVE COUNCIL

The Twelfth Meeting of the Local Executive Council was held on Friday, the 1st November, 1985, at 5.30 P.M., in the Conference Room, Horse Shoe Building, NEHU, Shillong, under the Chairmanship of the Vice-Chancellor, NEHU.

PRESENT:

The following members attended the meeting:-

1. Dr. B.D. Sharma, in the Chair.
Vice-Chancellor.
2. Prof. C.L. Anand,
Pro-Vice-Chancellor.
3. Prof. R.R. Mishra,
4. Prof. T. Mathew
5. Prof. Mrinal Miri.
6. Prof. T.S.B. Narasaraju.
7. Shri H.W.T. Syiem,
Registrar.
8. Shri D.C. Pant,
Finance Officer.

WELCOME:

The Chairman welcomed all members to the meeting.

- Item No. 1 CONFIRMATION OF THE MINUTES OF THE
11TH MEETING OF THE LOCAL EXECUTIVE
COUNCIL HELD ON 14TH AUGUST, 1985.

LEC:12:85:01: Before confirming the Minutes of the 11th meeting of the Local Executive Council held on 14th August, 1985, a point was raised about the confirmation of the Minutes of the last meeting where after the local Executive Council meeting, a regular meeting of the Executive Council was convened and that the Minutes of the local Executive Council have to be placed before the regular Executive Council for approval. On this, the Council observed that since all local members are also members of the regular Executive Council, the Minutes of the local Executive Council may be confirmed after getting the approval of the local members.

The Council RESOLVED to confirm the Minutes of the 11th meeting of the local Executive Council.

Contd/.....

Item No.6 ADMINISTRATIVE MATTERS:

6:1 - Selection Committee-

- (i) Recommendation of the Selection Committee for appointment of Research Associate in the Department of Physics, the College of Agriculture, Medziphema -

LEC:12:85:06:1(i): The Chairman read out the Minutes of the Selection Committee held on 19th October, 1985, for appointment to the post of Research Associate in the Department of Physics, College of Agriculture, Medziphema.

The Council RESOLVED to appoint Shri Prasanta Kumar Patra as Research Associate in the Department of Physics, College of Agriculture, as recommended by the Selection Committee.

Item No. 7 ITEM FROM THE CHAIR:

- (i) Open Letter addressed to the Vice-Chancellor, NEHU -

LEC:12:85:07(i): Before the matter was discussed, the Chairman requested Dr. T. Mathew, Professor of Economics and Member of the Executive Council to get himself excused and to leave the meeting, as is the convention. Prof. Mathew, however, submitted that it may not be fair for the Vice-Chancellor to preside over the meeting of the Council as he is party to the case. The Vice-Chancellor thereupon, clarified that he had acted using the power vested in the Vice-Chancellor under the NEHU Act and the same Act has designated the Vice-Chancellor as the Chairman of the Council. Consequently there was no question of the Vice-Chancellor^{as} an individual being a party. There is no provision which ~~debars~~ the Vice-Chancellor from presiding over the meetings of the Executive Council after he had exercised the powers under the University Act. Moreover the Hon'ble High Court has taken the action and the matter is to be considered by the Council, and the Council is to be apprised of the Court Order, since it has to be defended by the University.

Dr. Mathew then asked permission of the Chairman for making a statement. On the permission being granted, Prof. Mathew made the statement as follows:-

Dr. Mathew stated that the cyclostyled Open letter was received by many others but only he and his colleague Dr. Banerjee were picked up for disciplinary action. Since unqualified apologies

Contd/.....

have been tendered to the Vice-Chancellor by Dr Mathew on behalf of Dr Banerjee and on his own behalf. Prof. Mathew felt that the matter was ended and apology from a senior Professor had been accepted, as the Vice-Chancellor promised to see to it.

According to Prof. Mathew, the letter was placed on his table and when the research scholar, namely, Shri Mishra wanted to see the Open Letter mentioning about the Department, Prof. Mathew allowed the letter to be taken away by the research scholar.

Dr Mathew informed the Council that the letter which was received by him was addressed to the Vice-Chancellor and since it was addressed to the Vice-Chancellor, he stated that he did not read it and he did not know about the contents of the letter. Dr Mathew stated that the letter was returned by the research scholar after about two hours. Prof. Mathew pointed out that he never asked the research scholar to circulate the letter.

Dr Mathew pointed out that the research scholar along with his friend went to the Head of the Department of Economics and the Head after hearing the case, threatened the Scholar and forced him to write a letter that Dr Mathew had given him the Open Letter. The research scholar was also asked to change the Supervisorship from Dr Mathew to Prof. Shri Prakash and Prof. Shri Prakash assured the research scholar that he will be admitted to the Ph.D. Programme. The research scholar who wrote the letter on the 5th October, 1985 was subsequently asked to change the date to 7th October, 1985. Dr Mathew stated that two friends of the research scholar came and told him that the research scholar had been summoned by the Vice-Chancellor.

Thereafter, Dr Mathew informed that he alongwith Dr Banerjee thought of contacting, Mr. Chittaranjan, IPS, who was his student in the past, Dr Banerjee spoke to the research scholar

Contd/..4..

7

about it and enquired whether he will stand by his version of the incident given by him. On being assured about it, they went and discussed the matter with Mr Chittaranjan whether any criminal intimidation or other legal liabilities are involved in the writing of the letter by the student Mr. Chittaranjan informed them that there was no criminal or legal implications. Having heard all these, Dr Mathew came to the Vice-Chancellor's Office to meet the Vice-Chancellor. But he was informed that the Vice-Chancellor was out of Station. He, therefore, left a message with the P.S to the Vice-Chancellor that he would like to meet the Vice-Chancellor on his return. Dr Mathew also informed the Council that the Vice-Chancellor had ordered the Finance Officer to make the payment of three months' salary to Dr Mathew and Dr Banerjee. He then came to the Office and apologised on behalf of Dr Banerjee and on his own behalf.

Contd/.....

8

Dr Mathew pointed out that as he received the Memo on the 19th October, 1985 at about 9:30 P.M., he informed the Council that he had great difficulty in giving a reply within five days as he could not consult the papers like the relevant Sections of the University Act, etc., since the Departments were closed on vacations.

Dr Mathew pointed out that according to the Statutes the research scholars are not students but members of the Department. Dr Mathew also could not agree that research scholar was under impressionable age. Dr Mathew stated that he had seen other research scholars and students reading the letter received by other members. The Open Letter was received by some others and they have in turn shared it with others. But they have not been charged.

Dr Mathew made a submission that even the President of India is criticised in this country and many authorities are subject to criticism and the Vice-Chancellor could not have been an exception to it. He should not have chosen to take disciplinary action against a senior Professor who only by chance allowed a research scholar to see and read the letter.

Prof. Mathew stated that he served for 37 years in different Universities without any blemish and he felt hurt when he knew that the Vice-Chancellor felt that he was not fit to be a teacher and to continue in the University in the last part of his service. Prof. Mathew then got himself excused and left the meeting.

The Chairman thanked Dr Mathew for giving his version.

The Chairman pointed out the difference in the version from the statement of Dr Mathew ^{was} that the letter was written by the research scholar under duress and an appeal was made to caste. Dr Mathew and Dr Banerjee were not satisfied with the University system and had attempted to go outside the University system by requiring the boy to lodge an F.I.R. with the Police.

The Chairman informed the Council that there are only three substantive issues to be considered, namely,

1. The letter was given by Dr Mathew to the research scholar;

.... contd/-

9

"2. The defence given to the research scholar by Prof. Mathew; and

"3. An effort to take the matter outside the University system.

The Chairman stated that on the 24th October, 1985 had he wanted to take action against Dr Mathew he could have done so under Section 12(3) of the NEHU Act, 1973 and then taken the matter to the Executive Council.

The Chairman informed the Council that Dr Mathew had preferred to take the matter to the High Court rather than to the Executive Council.

The Chairman also informed the Council that the University had received a letter addressed to the Editor, U.N.I. which was inadvertently delivered to the University. The Envelope contained a Press Release issued by Prof. T. Mathew identifying him as a Professor of Economics of the University. The Chairman read out the Press Release. The Press Release was signed by Dr Mathew with the seal of the University. The Chairman questioned whether a faculty member was authorised to issue such a Press Release.

The Chairman summarised that the two Professors were instrumental in the circulation of the letter and are guilty of taking the matter outside the University system.

The Council after examining the case carefully, RESOLVED that the University may consult their legal advisers and that the decision of the last Executive Council be conveyed to Dr Mathew for information.

The meeting ended at 7:20 P.M., with a Vote of Thanks from the Chair.

Sd/-

(H.W.T. Syiem)

Secretary,
Executive Council (Local).

- (ii) Closure of the Proceedings against two teachers.

Proceedings against Prof. T.Mathew and Dr.A.Banerjee
of Economics Department

The case of Prof. T.Mathew and Dr. Asit Banerjee, Department of Economics had been discussed in the last meeting of the Executive Council. It may be reported that the two teachers had been asked to submit explanations as to why their contract services should not be terminated in connection with the circulation of an open letter pertaining to matters of the University which was circulated during the month of September, 1985. In his letter dated October 19, 1985, the Vice-Chancellor had given the two teachers time upto 26th October, 1985 for furnishing their comments.

The matter was discussed in the Executive Council which was held on the 25th October, 1985. The views of the Executive Council in brief was that while there is prima facie evidence of misconduct on the part of the two teachers, they may be given further time to furnish their comments. The action taken by the Vice-Chancellor was endorsed by the Executive Council.

The two teachers, Prof. T.Mathew and Dr.A.Banerjee moved the Honourable High Court at Gauhati and obtained stay orders under Miscellaneous Case No.1208 of 1985 in Civil Rule No.972 of 1985 and Miscellaneous Case No. 1199 of 1985 in Civil Rule No. 975 of 1985 petitioned by Dr. A.Banerjee and Prof. T.Mathew respectively. The operative order of the Honourable High Court in the above two cases was that notices should be issued on the North-Eastern Hill University, the Vice-Chancellor, the Registrar and others to show cause as to why the stay order should not be granted as prayed or why such further orders should not be passed as to the Court may seem fit and proper.

The notices were returnable by the 19th November,1985.

The learned Judge of the Hon. High Court also ordered that the matter be placed before a Division Bench of the High Court for further orders.

In the meantime, the Court further ordered that no action be taken against the petitioner.

The matter was discussed in a meeting of the local Executive Council held on 1st November, 1985. In the local Executive Council meeting, it was reported that Prof. T. Mathew had attempted to issue a press release concerning the stay order vide press release dated 28.10.85.

Subsequently, the North-Eastern Hill University Teachers' Association (NEHUTA) held a meeting to discuss matters pertaining to the open letter and the involvement of the two teachers. The NEHUTA issued two resolutions: (1) condemning the issue of the open letter and (2) pertaining to the use of emergency powers and other items. Copies of the two resolutions may be seen at Annexure I & II respectively.

The NEHUTA also held discussions with the Vice-Chancellor and the two teachers to bring about a compromise in the case pertaining to the two teachers in view of the fact that the two teachers have expressed regret for some misunderstandings which have arisen due to some unintentional actions on their part and offer their full cooperation in the normal functioning of the Department, and that the two teachers agreed to withdraw the cases they have filed in the Honourable High Court.

The Vice-Chancellor agreed to recommend to the Executive Council to close the proceedings initiated against the two teachers.

The University has sent instructions to the lawyer regarding cases pending in the High Court and of the agreement reached between the University and the two teachers. The matter is reported to the Executive Council for consideration.

Annexure I

NORTH-EASTERN HILL UNIVERSITY TEACHERS' ASSOCIATION
Mayurbhanj Complex, Nongthymmai,
Shillong 793014
..

The Vice-Chancellor,
NEHU, Shillong.

Dated November 13, 1985.

Sir,

In its emergent meeting on 7.11.85, the NEHUTA General Body unanimously adopted the following Resolution on the issue of an open letter addressed to the VC under the name of NEHU teachers :

"NEHUTA General Body condemns unequivocally and strongly the issue of such anonymous letter as it goes against the spirit and practice of democratic norms in the University".

Yours faithfully,

Sd/- (B.Pakem)
President, NEHUTA, Shillong.

.....

Annexure II

North-Eastern Hill University Teachers' Association,
Mayurbhanj Complex, Nongthymmai, Shillong 793014
..

November 13, 1985.

The Vice-Chancellor,
NEHU, Shillong.

Sir,

In its emergent meeting held on 7.11.85, the NEHUTA General Body viewed with great concern the issuance of letters to two teachers of the Economics Department proposing to terminate their services from NEHU and resolved that

1. the use of emergency powers should not be made for circumventing the open and elaborate procedure laid down for instituting any disciplinary action against the employees of the University;
2. the terms "misconduct" and "good cause" which are the only grounds for dismissal of the teachers should be spelt out in unambiguous terms;

Contd/.....

..3/-

3. any enquiry commission constituted to look into the conduct of a teacher must have a nominee as representative of that teacher as well as a nominee of NEHUTA;
4. we reiterate our long standing demand of due representation of NEHUTA in the various authorities of the University;
5. a copy of this resolution be sent to the Visitor, Chancellor, Minister of Education, Government of India, Chairman U.G.C., and members of the Executive Council of NEHU.

Yours sincerely,

Sd/- (B.Paken)
President

3A

3A - Action Oriented

Annexure- 'A'

The List of bases under process
(from 47th meeting of EC)

1. Permanent absorption of Shri D.C.pant,
Controller of Examination, NEHU
2. Termination of appointment of Dr. A.K.
Sandilya as Reader in the Department
of Geology.
3. Management of Centres in different Schools.
4. Multi-Campus Course.
5. Regional Seminar.
6. Certificate Courses in Public Administration.
7. Department of Library and Information Sciences
to be Non-Vacation Department.
8. Implementation of M.P.S.
9. Introduction of revised ACR Forms.
10. NEHU Publications.
11. Security in the NEHU Campus.

3A

3A - Action Oriented

Annexure-'A'

The List of items where action has been taken.

1. The case of Dr H.W. Sten, Reader in Khasi.
 2. Appointment of the Finance Officer.
 3. Dr. S. Chawla, Lecturer in History deemed to have vacated the post.
 4. Grant of house rent allowance to Dr A.N. Rai Reader in Bio-Chemistry while on Study leave.
 5. Grant of Study Leave to Dr A.N. Rai, Reader in Bio-Chemistry.
 6. Appointment of Heads of Departments etc.
 7. Option to NEHU service in respect of Smti B. Sangkhumi, Lecturer, Pachhunga University College.
 8. Appointment of Shri I.M. Simon as Professor in Khasi.
 9. Grant of extension of E.O.L. to Dr. J.R.B. Alfred, Reader Department of Zoology.
 10. Consultancy in a Pharmaceutical Company.

 11. Amendment to the Ordinance OB-10 on the Vernier Elwin Memorial Lecture /
 12. Addition to Ordinance OC-4 on the Doctor of Philosophy (Ph.D) Programme.

 13. Amendment of Clause a(xii) of Statute 14 on the constitution of the Academic Council /
-

3A

3A - Action Oriented

Annexure-'C'

The List of items included in the Agenda:

1. Resignation of Dr J.C.Mahanti.
2. Open Letter addressed to Vice-Chancellor.
3. Introduction of 5-day week.

Item No 3:13 MATTERS ARISING OUT OF THE MINUTES

(i) Introduction of 5-day week-

The Council in its 47th meeting held on 25.10.85 decided to consider the question of introduction of 5-day week in the University after the Vice-Chancellors Conference to be held on 31st October, 1985.

The matter is placed before the Council for further consideration.

4. RATIFICATION OF ACTION TAKEN BY THE VICE-
CHANCELLOR--

- (i) Appointment of Heads of Centre Dr.Soumen Sen
and Dr.Man Mohan Singh.

With the joining of Dr. Mammohan Singh and
Dr. Soumen Sen as Readers in the newly created Centre for School Science
and Mathematics and Centre for Literary And Cultural Studies respectively,
The Vice-Chancellor has appointed the above teachers as Heads of the
respective Centres with effect from 11. 11. 85 for a period of 3(three)
years.

The above appointments are placed before the Executive
Council for ratification.

.

- (ii) Reversion of Dr N.P. Goel to his old post of Senior Statistical Assisstant.

Dr N. P. Goel, Lecturer Statistics, Pachhunga University College, while on probation had applied for the post of Junior Statistical Officer in the Planning deptt., NEHU, and was selected and offered the post. The Principal, Pachhunga University College did not release Dr Goel in accordance with the E C Resolution No. 12:76:79 which resolved that no faculty member may be allowed to apply for a post during the period of probation. The matter was referred to the E. C and it was resolved vide resolution No. EC:44:85:05: (v) that Dr Goel should continue in the Pachhunga Univ. College till his probationary period is over, i. e, 8.9.85. However, the Principal P. U. C released Dr. Goel with effect from 25.7.85 and he was allowed to join his old post in the deptt. of Geography i. e, Senior Statistical Assisstant in which he holds a lien.

The matter is reported to the Council for approval.

%%%

(iii) Request of Dr N. P. S. Chauhan, Lecturer, Deptt. of Zoology, for grant of leave.

Dr N. P. S. Chauhan, Lecturer deptt. of Zoology, on 21.9.85 requested for grant of leave to proceed to Delhi due to some unavoidable circumstances, with effect from 23.9.85.

Dr N. P. S. Chauhan was appointed Lecturer with effect from 17.5.85 and under probation for a period of two years. He had availed all his leave at his credit. Till date Dr Chauhan has neither reported for duty nor has any correspondence been received from him.

Since it appears that he is **not** likely to return the Vice-Chancellor has ordered that his post be treated as vacated.

The matter is placed before the Council for ratification.

o/o
%b %b

- (iv) Revised UGC guidelines on the College Development Council and appointment of Prof. S. N. Guhathakurta as Director, CDC.

The Selection Committee which met on 8.8.85 recommended Prof. S.N. Guhathakurta for appointment as Director, CDC.

Meanwhile, the Revised guidelines on the functioning of the CDC was received from the UGC which lays down that the post of Director, CDC be filled through an open advertisement on an All India basis and that the Selection Committee should consist of the (i) Vice-Chancellor (ii) a nominee of the UGC and (iii) a nominee of the University's Syndicate. The guidelines were, however, received after the selection process had been completed.

In view of the above, the post of Director, CDC may have to be re-advertised. Since it will take some time for all the formalities to be completed, the Vice-Chancellor has appointed Prof. Guhathakurta as Director, CDC as recommended by a duly constituted Selection Committee, for a period of one year keeping his lien to the post of Professor in Economics, NEHU, Aizawl, so that the day-to-day functioning of Council may not be hampered. The UGC has been informed of this temporary arrangement with a request to agree to the arrangement made by the University for a period 3 years as the UGC letter was received after selection formalities were completed.

The matter is placed before the Executive Council for approval.

• • • •

5. ADMINISTRATIVE MATTERS.

- (i) Resignation tendered by Dr J. C. Mohanti, Reader Department of English, Kohima.

Dr J. C. Mohanti, Reader in English, NEHU, Kohima Campus has tendered resignation from his appointment of Reader in English, Kohima, and has requested that he may be relieved from the post after the ensuing winter vacation.

The matter is placed before the Executive Council for consideration.

%%%

- (ii) Permanent absorption of Shri J.W. Smith against the post of P.S to the V.C(Asst. Registrar level).

Shri J.W. Smith, Vice-Principal, Pachhunga University College was transferred to the Headquarters in accordance with the decision of the Executive Council in its 35th meeting and was placed in charge of the Academic Section with effect from 6.12.80 in the interest of public service.

Shri Smith was thereafter posted as Officer on Special Duty(Conference) with effect from 16.6.82 and is presently posted as Officer on Special Duty(Examinations) with effect from 1.8.85. His posting in the Headquarters is being temporarily adjusted against the post of P.S to the V.C. in terms of the Executive Council's resolution No.EC:35:83:C5:2(v).

It is proposed that he may be permanently absorbed against the post of the P.S. to the V.C. in the level of Assistant Registrar.

The matter is placed before the Executive Council for consideration.

. . . .

- (iii) Request of Dr M.R.Santhanam for permanent absorption in to the services of NEHU.

Dr M.R.Santhanam, Professor of Educational Technology, NEHU, Aizawl joined the services of NEHU on deputation from the Govt of Tamil Nadu on foreign service terms for a period of one year with effect from 9.2.84 to 8.2.85. He requested for an extension of deputation for another period of one year i.e, up to 8.2.86, to organise the Centre of Technology.

The E.C in its 44th meeting approved the extension of deputation period for one year i.e from 9.2.85 to 8.2.86, whereas approval of the Govt. of Tamil Nadu have not so far been received in the office, inspite of reminders.

The period of deputation of Dr Santhanam will expire on February 8, 1986, and the teacher has now offered himself to be absorbed on a permanent basis in NEHU retrospectively with effect from 9.2.84. The question of absorption of his services in NEHU will require to be taken up with the Govt. of Tamil Nadu.

The matter is placed before the Executive Council for consideration.

%%%%%%%%%

- (iv) • Dual charges of the post of Controller of Examinations and Finance Officer held by Shri D. C. Pant - grant of additional pay under F.R.49(iii).

Consequent upon the proceeding on leave by Shri S. Roy, former Finance Officer, with effect from 5. 3. 85 thereafter reverted to his parent Department, Shri D. C. Pant, Controller of Examinations was asked to look after the office of the Finance Officer in addition to his normal duties with effect from 5. 3. 85. This arrangement will continue till the University finds a suitable officer for appointment as Finance Officer.

In terms of F.R.49(iii), Shri D. C. Pant is entitled to 10% of the presumptive pay of his substantive post for holding dual charges of the above posts, provided the period does not exceed 3 months.

Since Shri Pant was required to hold dual charges beyond 3 months, approval of the Executive Council needs to be obtained for grant of 10% of the presumptive pay of the substantive post.

The matter is placed before the Executive Council for consideration.

• • •

(v) Study leave of Shri P.Pimomo,
Lecturer, English Department -

Shri P.Pimomo, Lecturer, English Department was granted study leave by the University for a period of one year with effect from 1st August, 1984 to 31st July, 1985 for Ph.D. research entitled, "E.M. Forester within and outside the Tradition", under the supervision of Dr N. Hassan. The study leave was sanctioned specifically with an indication to him to join on 1st August, 1985. The Vice-Chancellor's order as such was ratified by the Executive Council.

After the leave thus sanctioned for the above mentioned purpose, the Lecturer, vide letters (Annexures- 'A' & 'B') informed the University that he had been admitted to the Graduate programme in English Literature in Southern Illinois University at Carbondale and has been registered for some 400-600 level courses which will lead either to M.A. or Ph.D. or both and by his letter dated 1st July, 1985 (Annexure - E) has applied for an extension of his study leave for a period of two years beginning from 1st August, 1985. The Lecturer has also enclosed a certificate from one Richard F. Peterson, Director of Under-Graduate & Graduate Studies in English. (Annexure- D).

The case of Shri P. Pimomo for extension of his study leave for another period of two years with effect from 1st August, 1985 is placed before the Executive Council for consideration.

ANNEXURE - A

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHAUMIERE : : : SHILLONG ::: 793001

Sl.14/c.

Dt. 8th Aug,1985

To

The Registrar,
NEHU, SHILLONG.

Through
The Head,
Deptt. of English,
NEHU, Shillong.

Sir,

I would like to inform you that I have been admitted into the graduate programme in English Literature at the Southern Illinois University at Carbondale, U.S.A., and I'm therefore proceeding to the U.S., today. I shall let you have more details on my arrival at the University.

Thanking you,

Yours faithfully,

Sd/-

(Paulus Pimomo)
Lecturer in English.

S/d.
D/R (Acad).

ANNEXURE - B

Sl.16/c.

P.Pimomo,
364,
Baptist Students Centre,
701 W.Mill,
IL-62901, Carbondale,
USA.

To,

The Registrar,
North-Eastern Hill University,
Shillong, Meghalaya,
India.

Sir,

As a follow-up to the letter I wrote to you before leaving Shillong for the United State, I would like to inform you that I have been admitted into the Department of English Southern Illinois University at Carbondale as a graduate student and have registered for some 400-600 level courses which will lead to either an M.A. or Ph.D., or both.

I will keep the University informed of my progress from time to time.

With best wishes,

Yours faithfully,

S/d.
(Paul Pimomo).

S/d.

S.O.(E).

S/d.

D/R.

ANNEXURE - C

Southern Illinois
University at Carbondale
Carbondale,
Illinois 62901.

Department of English
618-543-5321

17 June 1985.

TO WHOM IT MAY CONCERN

This is to certify that Paulus Pimomo is a graduate student in the Department of English at Southern Illinois University at Carbondale. Mr Pimomo is making good progress in the studies and probably will complete his work within two years.

Sincerely,

S/d-
Richard F. Peterson,
Director Under-graduate and
Graduate Studies in English.

P.Pimomo
BSA
701 W.Mill
Carbondale
IL-62901
U.S.A.

July 1, 1985.

The Vice-Chancellor,
North-Eastern Hill University,
Shillong - INDIA.

Through (The Head, Department of English,
NEHU, Shillong.)

Subject Extension of Study Leave.

Sir,

I shall be grateful if you extend my Study Leave for a period of two years beginning August 1, 1985. I am doing well and hope to complete my work in about that time.

Thanking you,

Yours faithfully,
Pimomo.

Sd/-
Reg/

For what course work
has Shri Pimomo gone.

Encl:- Progress Certificate from
Director, Graduate Studies
in English, SIU - C.

Sd/-
D/R (Acad)

- (vi) Permanent absorption of Shri B. Goswami,
Publication Officer.

Shri B. Goswami joined this University as Publication Officer on deputation from the Directorate of Information and Public Relations, Government of Arunachal Pradesh with effect from 1. 7. 83 to 30. 6. 85.

Since the services of Shri Goswami is extremely useful to this University, it is proposed that Shri Goswami be permanently absorbed in this University with effect from 1. 7. 85. His parent department has agreed to the proposal and has placed his services at the disposal of the University on permanent basis with effect from 1. 7. 85.

The matter is placed before the Executive Council for consideration.

• • • •

(vii) To consider the case of disciplinary proceedings against

Shri Artist Tongkhlaw Duftry, since terminated for adjustment of amount of loss sustained by the University.

The case of Shri Artist Tongkhlaw, Duftry, since terminated was considered by the E.C. meeting held on 6.10.83 vide item No. 3:3(1). The Council had considered the charges and proceedings of the Inquiry Committee and the failure to comply to the show cause notice by Shri Artist Tongkhlaw. After a thorough consideration, the Council Unanimously resolved to remove Shri Tongkhlaw from the services of the University and that an amount of Rs. 2050.25 due from him be recovered.

On the basis of the resolution of the E.C. the services of Shri Artist Tongkhlaw were terminated with effect from 17th. March'81 (forenoon) and efforts were made to recover the said amount of Rs. 2050.25 from him. All out efforts were made to contact Shri Tongkhlaw but he could neither be contacted personally nor did he appear in person. He was asked to deposit the said amount at the Cash Counter of the University but till date he has not done so. The last letter sent to him under registered post on 17th. July, 1985 which was received by him on 19 th. July, 1985.

So far it has not been possible to recover the amount of loss. It has now been ascertained from Finance And Accounts Department that an amount of Rs. 1821.70. including G.P.F/C.P.F. accumulation and subsistence allowance, is available in his credit. It is proposed that this account may be adjusted against the amount of Rs. 2050.25 recoverable from him. This will leave a balance amount of Rs. 228.55 . Shri Tongkhlaw was requested to deposit with the Accounts Department of the University but he has not complied.

It now appear that in spite of our best efforts, it may not be possible to recover the balance amount of Rs. 228.55.

In view of the resolution already passed by the E.C. in their meeting held on 6.10.83 to recover the whole amount, the matter is placed before the E.C. for consideration to write off the amount of Rs. 228.55.

D.L.
2.12.85*

6. OTHERS-

(i) A NOTE ON EXTENDING THE JURISDICTION OF
CENTRAL VIGILANCE COMMISSION

.....

The University Grants Commission had written to the University seeking clarification as to whether the University agrees to the extension of the jurisdiction of the Central Vigilance Commission over all the Central Universities. It is also stated that this matter was discussed in a meeting of the Committee of Vice-Chancellors of Central Universities wherein it was decided that each University may take its own decision in this matter. In this connection the University Grants Commission also had discussed matters with the Central Vigilance Commission and it was agreed that Central Universities may be fully informed about the implications of the decision to accept the jurisdiction of the Central Vigilance Commission.

The jurisdiction of Central Vigilance Commission is not restricted to matters like examination of building projects but will cover all the staff of the University including teachers drawing salary of Rs.1000/- and above per month on the basis of complaints received by the Commission regarding corruption, misconduct etc. The powers of the Central Vigilance Commission are given in Annexure - I.

In this connection it may be mentioned that the Act and Statutes of the University provide adequate measures to deal with matters which the Central Vigilance Commission exercises. In a Government set up individual offices may not have their own procedures but a uniform pattern as obtained in the CCS Rules etc. is followed. Whereas, the University being an Autonomous Organisation, provisions have been made in the Act and Statutes to deal with contingencies which fall under the purview of the Central Vigilance Commission.

Extracts from the Act and Statutes relating to the subject being discussed above are given in Annexure - I.

In view of these provisions in the Act and Statutes of the University, perhaps it may be not necessary for the University to submit itself to the jurisdiction of the Central Vigilance Commission. On the other hand, there may be matters or cases which require probing and analysing by a professional body like the Central Vigilance Commission. It is, therefore, suggested that perhaps the University may refer any particular case, which in its opinion is to be enquired into thoroughly, may be handed over to the Central Vigilance Commission. This may ensure proper functioning of the University to maintain its autonomy on the one hand and take adequate measures to check corrupt elements on the other.

It may be mentioned that the Council in its 4th and 39th Meeting (as per extract in Annexure - III) had approved the jurisdiction of the Central Vigilance Commission over NEHU. However, in view of the University Grants Commission's letter at Annexure - IV the matter is being referred again to the Council for consideration.

An extract from a letter No. 24/7/64-AMD Government of India, Ministry of Home Affairs dt. 11.2.1964.

2. The powers and functions of the Central Vigilance Commission will be as follows:-

The Central Vigilance Commission will have jurisdiction and powers in respect of matters to which the executive power of the Union extends-

- (i) to undertake an inquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- (ii) any complaint of corruption, misconduct, lack of integrity or other kinds of malpractices or misdemeanour on the part of a public servant including members of All India Services even if such members are for the time being serving in connection with the affairs of a State Government;
- The (The Relevant rules under the All India Services Act will be amended in consultation with the State Govt. in order to bring the members of those Services under purview of the Commission)
- (iii) to call for reports, returns and statements from all Ministries/Departments/Corporate Central Undertakings so as to enable it to exercise general and supervision over the vigilance and anti-corruption work in the Ministries/Departments/Undertakings;

Contd/.....

- (iv) to take under its direct control such complaints information or cases as it may consider necessary for further action which may be either:
- (a) to ask the Control Bureau of Investigation it, or.
 - (b) to entrust the complaint, information or case for inquiry-
 - (i) to the Central Bureau of Investigation or
 - (ii) to the Ministry/Department/Undertaking concerned:
- (v) in cases referred to in paragraph (iv)(b) above the report of the inquiry will be forwarded to the Commission so that on a consideration of the report and other relevant records, it may advise the concerned Ministry/Department/undertaking as to further action.
- (vi) The Central Bureau of Investigation will forward to the Ministry of Home Affairs through the Commission the final report in all cases investigated by the Bureau in which it considers that a prosecution should be launched, provided that sanction for such prosecution is required under any law to be issued in the name of the President; and the Bureau will simultaneously send a copy of the Ministry/Department/undertaking concerned for any comments which it may wish to forward to the Commission.
- (vii) (a) the Commission will advise the Ministry of Home Affairs, after examining the case and considering any comments received from the concerned Ministry/Department/undertaking, whether or not prosecution should be sanctioned. (order will, thereafter, be issued by the Ministry of Home Affairs in whom the power to accord such a sanction will be vested)

Contd/.....

- (b) in cases where an authority other than the President is competent to sanction prosecution and the authority does not propose to accord the sanction sought for by the Central Bureau of Investigation the case will be reported to the Commission the authority will take further action after considering the Commission's advice;
- (viii) the Commission will have the power to require that the oral inquiry in any departmental proceedings, except in petty cases, should be entrusted to one of the Commissioners for Departmental Enquiries. (A suitable number of Commissioners for Departmental Enquiries will be attached to the Central Vigilance Commission);
- (ix) the Commission will examine the report of the Commissioner for Departmental Enquiries, which will in all cases be submitted by the Commissioner for Departmental Enquiries to the Central Vigilance Commission, and the Commission will forward the record of the case to the appropriate disciplinary authority with its advice as to further action;
- (x) in any case where it appears that discretionary powers had been exercised for an improper or corrupt purpose the Commission will advise the Ministry/Department/undertaking that suitable action may be taken against the public servant concerned; and if it appears that the procedure or practice is such as affords scope or facilities for corruption or misconduct the Commission may advise that such procedure or practice be appropriately changed, or changed in a particular manner;

- (xi) The Commission may initiate at such intervals as it considers suitable review or procedures and practices of administration in so far as they relate to maintenance of integrity in administration;
- (xii) the Commission may collect such statistics and other information as may be necessary;
- (xiii) the Commission may obtain information about action taken on its recommendation;
- (xiv) the Commission will submit an annual report to the Ministry of Home Affairs about its activities drawing particular attention to any recommendation made by it which had not been accepted or acted upon; and a copy of the report together with a memorandum explaining the reasons for non-acceptance of any recommendations of the Commission will be laid by the Ministry of Home Affairs before each House of Parliament.

1. Section 8 of the NEHU Act

Visitor

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any College or Institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(3) The Visitor shall, in every case, give notice of his intention to cause an inspection or inquiry to be made :-

(a) to the University, if such inspection or inquiry is to be made in respect of the University, College or Institution maintained by it, or

(b) to the management of the College or Institution if the inspection or inquiry is to be made in respect of a College or an Institution admitted to the privileges of the the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(4) After considering the representation, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the management, as the case may be, shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may be pleased to offer upon the action to be taken thereon.

(7) The Visitor may, if the inspection or inquiry is made in respect of any College or Institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

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

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

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act the Statutes or Ordinances :

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.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

2. Section 12 of the NEHU Act

The Vice-Chancellor

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter :

Provided that if the authority concerned is of opinion that such action ought not to have been taken it may refer the matter to the Visitor whose decision thereon shall be final :

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes or Ordinances.

3. Statute 2 (b) (2)

(2) It shall be the duty of the Vice-Chancellor to see that this Act, these Statutes, the Ordinances and the Regulations are duly observed, and he shall have all powers necessary to ensure such observance.

4. Statute 4 (4)

(4) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and academic staff, as may be specified in the orders of the Executive Council and to suspend them pending inquiry, to administer wardings to them or to impose on them the penalty of censure or the withholding of increment :

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause.

(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations :

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

Removal of
teachers

5. Statute 27

27. (1) Where there is an allegation of misconduct against a teacher, or a member of the academic staff, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made :

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of his contract of service of his appointment, the Executive Council shall be entitled to remove a teacher or a member of the academic staff on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher or a member of the academic staff except for good cause and after giving three months' notice in writing or on payment of three months' salary in lieu of notice.

(4) No teacher or a member of the academic staff shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher or a member of the academic staff shall require a two-thirds majority of the members of the Executive Council present and voting.

(6) The removal of a teacher or a member of the academic staff shall take effect from the date on which the order of removal is made :

6. Statute 28

Removal of
employees
other than
teachers
of the
University

28. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee, other than a teacher or a member of the academic staff, may be removed by the authority which is competent to appoint the employee :-

(a) If he is of unsound mind or is a deaf-mute or suffers from contagious leprosy ;

- (b) If he is an undischarged insolvent ;
- (c) If he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.
- (d) If he is otherwise guilty of misconduct :

Provided that no employee shall be removed from his office unless, a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No employee shall be removed under Clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of such notice.

.....

NORTH-EASTERN HILL UNIVERSITY
S H I L L O N G

ANNEXURE III

Extracts from the Minutes of the Fourth Meeting of the Executive Council held on 11.9.1974.

EX:4:74:53 VIGILANCE COMMISSION

Since the UGC has now accepted the proposals of the Vigilance Commission, it was RESOLVED that NEHU should do the same.

.....

Extracts from the Minutes of the Thirtyninth meeting of the Executive Council held on 17.4.84.

(i) Jurisdiction of the Central Vigilance Commission for technical examination of the building of the Universities -

EC:39:84:04:4(i) The Council noted the decision of the Committee of Vice-Chancellors of Central Universities for technical examination of the buildings of the Central Universities by the Central Vigilance Commission for all major works costing more than 15 lakhs.

The Council RESOLVED to accept its jurisdiction in respect of buildings only.

.....

DEPUTY SECRETARY

UNIVERSITY GRANTS COMMISSION

BAHADUR SHAH ZAFAR MARG

D.O.No.F.11-10/81(NP.I).

Dated 25 August 1984.

Dear Sir,

Kindly refer to this office D.O.letters of even number dated 27th August, 1983 and 18th February, 1984 regarding jurisdiction of the Central Vigilance Commission over Central Universities. This matter was further discussed in the meeting of the Committee of Vice-Chancellors of Central Universities on 20th June, 1984 and it was decided that each university may take its own decision in this matter. In this connection a meeting was held to discuss these matters with the Secretary, Central Vigilance Commission and it was suggested that the Central Universities may be fully informed about the implications of the decision to accept the jurisdiction of the Central Vigilance Commission. The jurisdiction of Central Vigilance Commission is not restricted only to examination of building projects by the Chief Technical Examiners but will cover all the staff including teachers drawing salary of above Rs.1000/- per month in respect of complaints about corruption, mis-conduct or malafide. It was suggested that the Central Universities should examine this question, keeping in view provisions in their acts and statutes and the autonomous status of the university. A copy of the resolution of the Government of India, Ministry of Home Affairs dated 11th February, 1964 which indicates the powers of Central Vigilance Commission is attached.

It is requested that the university may examine this question, keeping in view its full implications and inform the Commission whether it is willing to accept the jurisdiction of Central Vigilance Commission. If so, a resolution of the executive council accepting this may be forwarded to Commission for further necessary action.

With regards,

Yours sincerely,

Encl: as above.

Sd/- A.G. Dashmukh

Dr. B.D. Sharma,
Vice-Chancellor,
North Eastern Hill University,
Lower Lachmiers, (P.O.),
Shillong-793001.