

the purpose of removing the difficulty; and every such order shall have the effect as if such appointment or action has been made or taken in the manner provided in this Act:

Provided that before making any such order or taking any such action, the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor.

THE SCHEDULE

The First Statutes of the University

Definition

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

- (a) "Act" means the Jahangirnagar University Act, 1973;
- (b) "Authorities", "Officers", "Professors", "Associate Professors", "Assistant Professors", "Lecturers", "Teachers", "Wardens", "clerical staff", and "Registered Graduates" mean respectively Authorities, officers, Professors, Associate Professors, Assistant Professors, Lecturers, Teachers, Wardens, clerical staff and Registered Graduates of the University;
- (c) "section" means a section of the Act.

Powers of the Syndicate

2. Subject to the provisions of the Act, the Syndicate shall have the powers,-

- (a) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Associate Professorship, Assistant Professorship, Lecturership, Fellowship or other teaching posts;
- (b) to appoint, in accordance with the Statutes, teachers, officers, clerical staff and other employees;
- (c) to manage and regulate the finances, accounts, investments, property and all administrative affairs whatsoever of the University, and for that purpose, to appoint such agents as it may think fit;
- (d) to accept bequests, donations and transfers of property to the University;

Provided that all such bequests, donations and transfers shall be reported to the Commission as soon as may be;

- (e) to provide buildings, premises, furniture, apparatus, equipment and other means needed for carrying on the work of the University;
- (f) to enter into, vary, carry out and cancel contracts on behalf of the University after report from the Finance Committee;
- (g) to invest any monies belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Trusts Act, 1882, or in the purchase of immovable property in Bangladesh with the like power of varying such investments; or to place on fixed deposit in any bank approved in this behalf by Syndicate any portion of such monies not required for immediate expenditure; and to borrow from such bank against such fixed deposits and securities purchased from the recurring fund of the University;
- (h) to appoint Committees for such purposes as it deems fit provided, however, that the reports of such Committees shall be considered by the Syndicate before action is taken in connection therewith unless the Syndicate in any particular case otherwise directs;
- (i) to make University Ordinances regulating the duties, conditions of service and the residence of the employees of the University; and
- (j) to make Regulations, relating to any matter which is not otherwise provided for by the Act, Statutes and University Ordinances.

3. The Academic Council shall have the powers:-

Powers of the
Academic
Council

- (a) to make proposals to the Syndicate for the institution of professorships, Associate professorship, Assistant professorship, Lecturerships, or other teaching posts, and in regard to the duties and emoluments thereof;
- (b) to make Regulations for and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, Bursaries, medals and other rewards;

- (c) to appoint examiners after report from the Faculties concerned;
- (d) to control and manage the University Library or Libraries, to frame regulations regarding their use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library;
- (e) to formulate, modify or revise, subject to the control of the Syndicate, Schemes for the constitution or reconstitution of Faculties and for the assignment of subjects to such Faculties;
- (f) to assign teachers to the Faculties;
- (g) to promote research within the University and to require reports on such research from the persons employed thereon; and
- (h) to appoint Committees for such purposes as it deems fit provided, however, that the reports of such Committees shall be considered by the Academic Council before action is taken in connection therewith unless the Academic Council in any particular case otherwise directs.

Board of
Advanced
Studies

4. (1) The Board of Advanced Studies shall consist of-

- (i) the Vice-Chancellor – *Ex-officio* Chairman;
- (ii) the Deans of Faculties;
- (iii) all Professors of Faculties but where there is no professor in a Department one teacher from that Department;
- (iv) co-opted members, not exceeding two.

(2) The Registrar shall be the Secretary of the Board of Advanced Studies.

(3) The members of the Board of Advanced Studies shall hold office for a period of two years.

(4) No member of the Board of Advanced Studies appointed as such by virtue of his particular office or position shall continue to be a member of this Board if he ceases to hold that office or position.

5. (1) The functions of the Board of Advanced Studies shall be-

Function of the Board of Advanced Studies

- (i) to advise the Vice-Chancellor, Syndicate and Academic Council on all academic matters connected with post-graduate teaching at the University;
- (ii) to make recommendations to the competent Authority regarding approval of various academic projects, award of all grants and Fellowships;
- (iii) to perform, in the field of post-graduate courses like M.Phil., the functions similar to those performed by the Faculties in such field; and
- (iv) to review the research work being done in various teaching departments for the award of Ph.D. Degree and to satisfy itself that suitable staff and equipment is available and that a high standard is maintained.

(2) No department shall be allowed to undertake Ph.D. work on a particular subject unless the Board of Advanced Studies is satisfied that necessary facilities including effective supervision are available.

(3) The Board of Advanced Studies shall also examine the recommendations of the Faculties for appointing teachers and for other academic planning.

6. Each Faculty shall consist of –

The Faculties

- (i) the Dean *Chairman*;
- (ii) the Professors and Heads of the Departments comprised in the Faculty;
- (iii) other teachers of the Faculty – one-third *ex-officio* members to be elected every two years by the teachers of the Faculty concerned;

- (iv) such teachers of subjects not assigned to the Faculty but having in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council; and
- (v) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty:

Provided that teachers appointed as such shall hold office only so long within the aforesaid periods as they continue to be teachers of the University and are not enjoying leave for a period exceeding three months:

Provided further that if a teacher be granted leave by the University for a period exceeding three months, he may be replaced by another teacher elected in his place.

Powers of Faculties

7. The Faculties shall be advisory bodies whose decisions shall go through the Academic Council to the Syndicate for giving effect, and subject to the provisions of the Act, each Faculty shall have the powers-

- (a) to constitute Committees of Courses;
- (b) to recommend to the Academic Council, after consulting the Committee of Courses, the names of examiners in subjects assigned to the Faculty;
- (c) to recommend to the Academic Council conditions for award of degrees, diplomas and other distinctions;
- (d) to recommend creation of posts up to Professorship; and
- (e) to deal with such other matters as may be referred to it by the Academic Council.

The Dean

8. (1) The Dean of each Faculty shall be the executive officer of the Faculty and shall preside at its meetings. He shall hold office until his successor is elected.

(2) In the absence of the Dean, the Vice-Chancellor shall appoint an acting Dean who shall exercise all the powers and enjoy all the privileges of the Dean.

(3) The Dean shall issue the lecture lists of the University in the Department comprised in the Faculty and shall be responsible for the conduct of teaching therein.

(4) The Dean shall have the rights to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the Committee.

9. (1) The Chairman of a Department shall be appointed by the Vice-Chancellor for a period of three years from among the teachers, not below the rank of an Assistant Professor, of the Department by rotation in order of seniority.

Chairman

Explanation.- For the purpose of this paragraph seniority means seniority in rank and status and not seniority in age or length of service only and when two persons are of equal rank and status the seniority between them shall be determined with reference to the length of service in the same rank and status; and the rotation shall begin with the senior most teacher of the highest category for the time being available.

(2) The Head of the Department shall, subject to such directions as may be given by the Vice-Chancellor from time to time be responsible to the Dean for the organization of the teaching in that Department.

10. The Provost of a Hall shall be appointed by the Syndicate and shall hold office for such periods and on such terms and conditions as the Syndicate may determine.

Provost

11. (1) A Committee of Courses shall be constituted in December for the following calendar year by the appropriate Faculty for each subject or group of subjects which, in the opinion of the Faculty, should be placed under the control of one Committee.

Committee of Courses

(2) For the purpose of constituting the Committees of Courses, Mathematics and Statistics shall come within the purview of the Faculty of Science.

12. (1) Each Committee of Courses shall consist of all the teachers of the Department concerned and six other persons nominated by the Faculty.

Constitution of Committee of Courses

(2) One-half of the total members shall form a quorum.

(3) The Chairman of each Committee of Courses shall be elected from among the Heads of Departments by the Faculty which has constituted the Committee:

Provided that if two or more Committees of Courses belonging to the same Faculty meet jointly, the Chairman, at the joint session, shall be the Dean or a Head of Department appointed by the Dean:

Provided further that if such Committees belong to different Faculties, the Chairman, at the joint session, shall be the Vice-Chancellor or a Head of Department appointed by the Vice-Chancellor.

Functions of the
Committee of
Courses

13. The functions of the Committees of Courses shall be to make recommendations to the Faculty on the following matters:-

- (i) Courses of Study;
- (ii) Syllabuses including list of recommended books;
- (iii) Correlation between related Courses of Studies;
- (iv) the panel of examiners of various examinations.

Quorum

14. One half of the members of a Committee of Courses or, in the case of joint sessions, of the total number of the members of the Committees meeting jointly, shall form a quorum.

Works
Committee

15. (1) There shall be a Works Committee consisting of-

- (i) the Vice-Chancellor – *ex-officio* Chairman;
- (ii) the Engineer-in-Charge of the University as Member-Secretary;
- (iii) three persons to be appointed by the Syndicate.

(2) The Works Committee shall be responsible for the selection of contractors, for awarding of contracts and for such other policy matters in connection with the construction programme of the University as may be determined by the Syndicate.

16. (1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Syndicate, and shall be submitted to the Chancellor for confirmation.

Honorary
Degrees

(2) Any honorary degree conferred by the University may, with the sanction of the Chancellor, be withdrawn by the Syndicate.

17. (1) All graduates of the University, at the time of receiving their degrees, shall have to pay a certain fee which shall be fixed by the University Ordinances and their names shall be enrolled in the register of Registered Graduates after three years of their graduation:

Registered
Graduates

Provided that for five years, after the establishment of the University, graduates of other Universities of not less than ten years' standing may, on payment of the same fees, be registered as graduates on obtaining addendum degrees which the University shall confer for this purpose alone during this period.

(2) A person applying under paragraph (1) shall be enrolled as a Registered Graduate on payment of the registration fee with effect from the date of payment and shall continue to be so enrolled until his name is removed from the Register of Registered Graduates.

(3) A person enrolled as a Registered Graduate shall be entitled to enjoy privileges of a Registered Graduate from year to year until his death on payment of an annual fee of taka fifteen only:

Provided that-

- (i) when a Registered Graduate has paid the annual fee for ten continuous years including the first year of registration, he shall be entitled to be enrolled thereafter as Registered Graduate, until his death or resignation without payment of any further fee;
- (ii) a Registered Graduate may, at any time after being registered as aforesaid, compound for the annual payment of fees by paying the sum of taka one hundred only, and from the date of such payment shall continue to enjoy the privileges of a Registered Graduate, until his death or resignation without payment of any further fees; and
- (iii) a Registered Graduate whose name has been struck off the roll of the Registered Graduates due to non-payment of arrears, may be registered as life member on payment of taka one hundred at a time.

(4) All disputes relating to compliance with the provisions of this Act, Statutes and University Ordinances regarding registration of Graduates shall be decided by the Chancellor.

(5) If a Registered Graduate who is liable to pay the annual fee fails to pay the fee during any academic year, his name shall be removed from the Register of Registered Graduates:

Provided that he shall be readmitted in any subsequent academic year as a Registered Graduate if he pays all arrears of fees up to the year of readmission.

(6) Registered Graduates shall be entitled to receive the Annual Reports of the University and shall be entitled to use the University Library in such manner as may be prescribed by the University Ordinances.

18. (1) Appointments to salaried Professorships and salaried Associate Professorship shall be made on the nomination of a Selection Committee consisting of-

- (i) the Vice-Chancellor – *Chairman*;
- (ii) two members nominated by the Chancellor; and

Selection
Committee for
appointment of
Professors and
Associate
Professors

- (iii) three experts of whom at least one must be an external expert nominated by the Syndicate.

(2) A Selection Committee constituted under paragraph (1) shall submit the nominations for appointments of Professors and Associate Professors to the Syndicate which shall, if it accepts the nomination of the Committee, make the appointment accordingly. If the Syndicate does not accept the nomination it shall refer the case to the Chancellor who shall make such appointment as he thinks fit.

(3) The Syndicate may, on the recommendation of the Selection Committee, offer an eminently qualified person a Professorship in the University, on such terms and conditions as it may determine.

19. (1) Appointment to teaching posts other than Professorships and Associate Professorships shall be made by the Syndicate on the nomination of a Selection Committee consisting of-

Selection Committee for appointment to other teaching posts

- (i) the Vice-Chancellor – *Chairman*,
- (ii) the Head of the Department concerned; and
- (iii) one expert to be nominated by the Syndicate.

(2) Temporary appointments, for a period not exceeding six months, to teaching posts, other than Professors and Associate Professors may be made by the Vice-Chancellor on the recommendation of the Head of the Department and the Dean of the Faculty concerned and reported to the Syndicate.

20. Increments and promotions of teachers shall be given in recognition of achievements and shall not be granted automatically on the basis of seniority only and no teacher of the University shall be given more than one assignments in the University conferring monetary benefits to the assignees.

Increments and Promotions

21. (1) The duties of the University teachers shall be-

- (i) to teach the students by means of lectures, tutorials, discussion, seminars, demonstration and in like manner;

Duties of University Teachers

- (ii) to conduct, guide and supervise research;
- (iii) to maintain personal contact with the students, give them individual guidance and supervise their extra-curricular activities;
- (iv) to assist the authorities in preparing courses and syllabuses, in conducting examinations, in organising libraries and other curricular and extra-curricular activities of the University and its departments;
- (v) to perform such other functions and discharge such other academic duties as may be assigned to them, by the Vice-Chancellor.

Appointment of Registrar

22. The Registrar shall be appointed by the Syndicate on the recommendation of a committee of selection consisting of-

- (i) the Vice-Chancellor – *Chairman*;
- (ii) two members of Academic Council to be elected by the Academic Council;
- (iii) two members of the Syndicate to be selected by the Syndicate; and
- (iv) two persons to be appointed by the Chancellor.

Duties of Registrar

23. The Registrar shall be resident officer of the University and shall-

- (i) be the custodian of the records, common seal and such other property of the University as the Syndicate shall commit to his charge;
- (ii) conduct generally the official correspondence of the University;
- (iii) act as Secretary to the Senate, the Syndicate, the Academic Council, the Board of Advanced Studies and such other Committees for which he is appointed;
- (iv) attend all meetings of bodies mentioned in clause (iii) and to record and maintain the minutes thereof;

- (v) prepare programme for summer course for the staff and students as may be decided from time to time and work camps for students;
- (vi) perform such duties as may be prescribed by the Academic Council and the Syndicate from time to time as may be assigned to him by the Vice-Chancellor:

Provided that the Vice-Chancellor may assign any or all of the above duties to any other persons.

24. The Librarian of the University shall be appointed by the Syndicate on the recommendation of a Selection Committee consisting of-

Appointment of Librarian

- (i) the Vice-Chancellor – *Chairman*;
- (ii) one person to be appointed by the Chancellor;
- (iii) two members of the Academic Council to be nominated by the Academic Council; and
- (iv) two members of the Syndicate to be nominated by the Syndicate.

25. The Medical officer of the University shall be appointed by the Syndicate on the recommendation of a Selection Committee consisting of –

Appointment of Medical officer

- (i) the Vice-Chancellor – *Chairman*;
- (ii) the Director of Health Service of Bangladesh;
- (iii) two members of the Syndicate to be nominated by the Syndicate; and
- (iv) one person to be nominated by the Chancellor.

26. (1) Employees of the University other than -

Provident Fund and rate of subscription and contribution

- (i) persons who are in receipt of a pension from Government;
- (ii) persons who are over the age of 60 when appointed;

- (iii) part-time employees;
- (iv) persons who are on deputation and holding pensionable posts under Government; and
- (v) persons appointed on a purely temporary basis for a period not exceeding six months and persons appointed in leave vacancies,

shall subscribe every month to the University Provident Fund except when on leave without pay:

Provided that an employee who has not served in a permanent post continuously for a period of three years or in a temporary post continuously for a period of five years shall not receive anything beyond his own contribution in the Fund with interest accrued thereon:

Provided further that notwithstanding the previous provisions the Syndicate may, at the time of making a particular appointment, decide that the individual appointed to that particular post shall or shall not be a subscriber to the Provident Fund.

(2) A sum equal to 10 per cent of the salary shall be deducted from the salary of each subscriber every month and paid into the Provident Fund and the University shall contribute an equal amount in respect of each subscriber in each month:

Provided that the contribution by the University shall not be payable in respect of any period in respect of which the subscriber has not paid his subscription.

(3) In calculating the monthly salaries on which deductions are to be made and contributions are to be paid any fraction of a taka of such monthly salary shall be omitted. For the purposes of this paragraph the term "salary" shall mean monthly salary and regular monthly allowances by way of remuneration for service, including leave allowances, but excluding travelling allowances or payments of lump sums made in respect of any particular piece of work.

(4) A University Provident Fund account shall be opened in principal branch of any of the Nationalised Banks in Dacca to which the total deductions from the salaries of the University staff, as well as the corresponding contributions from the University under paragraph (2), shall be credited at the beginning of each month. Any cash balance of the fund in excess of taka five hundred shall be invested by the Treasurer before the end of each month in such securities approved by the Finance Committee of the Syndicate, as are approved under section 20 of the Trusts Act, 1882. All investments and securities shall be held jointly by the Vice-Chancellor and the Treasurer.

(5) The rate of interest shall be the same as the Bank rate.

(6) Interest under paragraph (5) shall be allowed for each calendar month upon the minimum balance of the subscriber's account between the close of the 4th day and the end of the month. It will be added to the principal at the end of the University financial year (June 30) except when the account is to be finally closed.

(7) Each subscriber shall receive from the University Treasurer not later than October 15 of each year a statement of his account showing the opening balance, the deposits and the withdrawals during the financial year ending June 30, and the closing balance after the addition of interest allowed under paragraph (6). Subscribers are required to satisfy themselves as to the correctness of these statements and unless errors in them are brought to the notice of the Treasurer within three months from the date of their receipt any sums not included in the account shall lapse to the University.

(8) In the event of a subscriber resigning his employment after less than five years service or being dismissed, the contribution by the University on his behalf as well as the interest that has accrued on the same shall lapse into the general University Fund:

Provided that the subscriber, who has served the University for three years or more and resigns with the approval of the University shall be entitled to the University's contribution.

(9) A subscriber to the University Provident Fund who is on leave with allowances must continue to subscribe during leave unless exempted from doing so by the Syndicate under such condition as may be prescribed by them in each particular case.

(10) (a) Temporary advances of loans may be granted to subscribers from the sum to their credit in the Provident Fund under conditions to be prescribed by the University Ordinances.

(b) A subscriber may be allowed to pay Life Insurance premiums out of his Provident Fund money up to the limit of his own subscription to the Fund with interest, under conditions prescribed by the University Ordinances.

(11) The deposit and contribution, less the amount outstanding in respect of advances or loan granted under paragraph (10) (a) with interest thereon at the credit of the subscriber, shall be payable in full and shall only be finally withdrawn –

(a) on the depositor ceasing to be a servant of the University; or

(b) on his death :

Provided that in both cases sanction of the Syndicate shall first be obtained by the Treasurer before any payment is made.

(12) Each subscriber shall, as soon after he joins the Funds as possible, be called upon by the Treasurer to furnish a “Form of Declaration” showing how he wishes the amount of his accumulation to be disposed of on his death.

(13) (1) For the purpose of the Statute, only the following survivors of a subscriber shall be held to constitute his family:-

(i) widow or widows;

(ii) children; and

(iii) widow or widows and children of deceased son.

(2) An adopted child shall be considered to be a child within the meaning of this Statute when, under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child, but not otherwise. If doubts arise in an individual case, the Treasurer shall refer the matter to the Syndicate and their decision shall be final for the purpose of this Statute. A declaration in favour of an adopted child is made at the subscriber's risk and can be challenged at any time.

(14) A subscriber may in his declaration specify the distribution of the accumulation.

(15) Any Form of Declaration submitted by a subscriber is revocable at any time. A fresh declaration shall be operative only on being received by the Treasurer. On a subscriber's marriage or re-marriage any declaration already submitted by him will forthwith become null and void and, unless a revised Form of Declaration is received, the amount of his accumulations will be dealt with under clause (b) or clause (d) of paragraph (19) as the case may be.

(16) If minors are nominated in a Form of Declaration, the person or persons to whom sums intended for their benefit are to be paid should be stated in the Form of Declaration.

(17) In the event of a subscriber having a family as defined in paragraph (13) he is not permitted in his Form of Declaration to leave the amount of his accumulations or any part of it to any one outside his family.

(18) Where a Form of Declaration purports to leave money otherwise than to a member or members of a subscriber's family, the Treasurer shall call upon the subscriber to state whether he has a family, and if it is found that he has one, the Form of Declaration shall not be accepted. A subscriber who has a family has absolute discretion regarding the distribution of the amount at his credit at the time of his death among the members of that family. He may exclude any one or more of them in favour of another or other of them, and the manner in which the distribution is to be made among them is also within his absolute discretion.

(19) On a subscriber's death before retirement, the amount shall be disposed of as follows:-

- (a) It or such portion of it as may be specified in an accepted Form of Declaration will be divided among all or any member of his family in accordance with the terms of the declaration. If the Declaration relates to a portion only of the amount, the balance shall be distributed in the manner described in clause (b). If the declaration does not state the person or persons to whom the sum intended for the benefit of a minor is to be paid, the sum due shall be paid to the minor's benefit, or, failing a legal guardian, in such person or persons as the Treasurer may consider to be the proper person or persons to receive it on the minor's behalf.
- (b) Where a subscriber leaves a family, but no Form of Declaration in favour of any member or members of the family has been received from him, the amount shall be distributed among his family, except that sons of a deceased son, who have attained legal majority and married daughters of a deceased son, whose husbands are alive shall be excluded from participation. The division among the persons entitled shall in equal shares except that the widow or widows and the child or children or any deceased son shall take equally between them only the share which that deceased son shall take equally between them only the share which that son would have taken had he survived the subscriber. Any sum due to minor shall be paid to the minor's legal guardian to be used for the minor's benefit, or, failing a legal guardian to such person or persons as the Treasurer may consider to be the proper person or persons to receive it on the minor's behalf.
- (c) If there be no party to receive the amount under clauses (a) and (b) it will be divided among or paid to such person or persons (whether related to the subscriber or not) as may be specified in an accepted Form of Declaration. If the Form of Declaration relates to a portion only of the amount, the balance shall be distributed in the manner described in clause (d).

- (d) If there be no party entitled to receive under clauses (a), (b) and (c), the amount shall be paid to the subscriber's legal representative or such other person or persons as may be determined by a Civil Court, competent to pass orders in this respect:

Provided that if the sum remaining at the credit of the subscriber does not exceed taka five hundred it may be paid to such person or persons as the Treasurer may consider to be the proper person or persons to receive it.

Note 1.- A husband may make a written application for the exclusion of his wife from participation under clause (b) if she has been judicially separated from him. In the absence of such an application, the widow shall retain her rights under clause (b).

Note 2.- When a person named in a Form of Declaration dies before the subscriber, the Declaration will, in the absence of a direction to the contrary in the Form of Declaration, become null and void in respect of that person, but that person only and his or her share shall be distributed in the manner described in clause (b), or clause (d), as the case may be.

Note 3.- The above two notes apply *mutatis mutandis* to married women who are subscribers to the Provident Fund.

(20) If the Treasurer receives notice that a Will has been left by a deceased subscriber, which purports to dispose of his accumulations in the Fund or any part of them, he shall, before making any payment, refer the matter to the Syndicate for decision.

(21) The University shall not be bound by, or recognise, any assignment or encumbrance executed or attempted to be created which affects the disposal of the accumulations of a subscriber who dies before retirement.

(22) The Ledger and other accounts of the Provident Fund shall be kept by the University Treasurer in a form approved by the Syndicate.

(23) The Provident Fund Accounts shall be audited annually by a Government Auditor together with the other accounts of the University.

(24) The Securities of the Provident Fund shall be assessed by the Treasurer at the market value ruling on the last day of each University financial year and after such assessment has been certified by the Government Auditor, the University shall, if necessary, subscribe from its General Funds such amount as is required to make the amount available for distribution equivalent to the liabilities to the subscribers. If the Government Auditor certified that the amount standing to the credit of the Fund is in excess of the liabilities, an amount equal to the amount of the excess balance shall be transferred from the Provident Fund to the General Funds of the University.

(25) Subject to the consent of the Syndicate and the subscriber concerned in each case, this Statute shall apply to the staff.

(26) Subject to the consent of the Syndicate and the subscriber concerned in each case employees migrating to this University from the other recognised University shall be permitted to transfer the accumulations in his Provident Fund Account from the latter University to this University and interest shall be allowed on the amount transferred at the rate payable in paragraph (5) from the date on which any such amount shall be placed at the disposal of this University:

Provided that for the purpose of paragraph (1) the period of his service in this University shall be counted from the date of his joining the University.

(27) All questions of interpretation of this Statute shall be decided by the Syndicate whose decision shall be final.

Gratuity

27. (1) Subject to the provisions of paragraph (2) a gratuity at the rate of one month's pay for each complete year of active service shall be paid to a whole-time M.L.S.S. of the University on retirement or resignation after approved service on to his nominee or nominees in case of his death after

approved service. The monthly pay shall for this purpose be the average pay for the year preceding retirement or resignation or death. The term “average pay” means the average of full pay drawn for twelve months prior to retirement or resignation or death, the period passed on leave with pay less than full pay or without pay or on suspension being disregarded in the calculation of average pay.

- (2) (a) The gratuity may be paid in lump sum or in instalments as the Vice-Chancellor may decide in each case.
- (b) The gratuity shall be payable only:-
 - (i) when a whole-time M.L.S.S. has completed twenty years’ active service;
 - (ii) when a whole-time M.L.S.S. has completed twelve years’ active service and is not less than 55 years of age; and
 - (iii) when a whole-time M.L.S.S. dies after completing active service of not less than three years.

(3) Notwithstanding the provision of paragraph (2) the Syndicate may sanction a special gratuity, as it may decide, up to the limit admissible under paragraph (1) when an M.L.S.S. dies or meets with an accident while discharging his duties or disabled and on that account discharged from service:

Provided that for the purpose of this Statute the expression active service shall include besides the time spent on duty, the period or periods of leave on full pay and the following categories of M.L.S.S. shall be regarded as whole-time M.L.S.S.:-

- (a) The Jamadars or Head Bearers.
- (b) Sorters.
- (c) Daftries.
- (d) Chaprasies, Orderlies, Peons and Bearers.

- (e) Darwans and Chaukidars.
- (f) Firemen.
- (g) Bell-men.
- (h) Goalas.
- (i) Such other employees as the Syndicate may from time to time include.

(4) Each whole-time M.L.S.S. shall on completion of the ninth year of his service in the University be called upon by the Registrar to furnish a declaration in such form as may be prescribed by the Syndicate, showing how, in the event of his death prior to retirement or resignation he wishes the full amount of his gratuity of which he would have been entitled under paragraph (2) on the day of his death, to be disposed. The amount of gratuity shall be paid by the Registrar in accordance with the declaration.

(5) Any declaration submitted by an M.L.S.S. is revocable at any time. A fresh declaration shall be operative only on being received by the Registrar, prior to the death of an M.L.S.S. On an M.L.S.S.' marriage or re-marriage any declaration already submitted shall forthwith become null and void, and unless a revised declaration is received, the amount of his gratuity shall be distributed as laid down under paragraph (6). If minors are nominated in a declaration the person or persons to whom sums intended for their benefit are to be paid, should be stated in it.

(6) When a whole-time M.L.S.S. leaves a family but no declaration in favour of any member or members of the family or anybody else has been received from him, the amount shall be distributed only to the following survivors of his family namely:-

- (i) widow or widows,
- (ii) unmarried daughters and minor sons.

The division among the persons entitled as above shall be made in equal shares.

(7) Before payment of the gratuity money the Registrar shall cause an enquiry to be made in the manner he thinks necessary to ascertain the survivors as above, and in the absence of mother as to the proper person to receive payment of any sum due to a minor on his behalf, the decision of the Registrar in the matter shall be final.

(8) If the Registrar receives notice that a Will purporting disposal of his gratuity has been left by a deceased M.L.S.S. entitled to gratuity but who has left no declaration, he shall, before making any payment, refer the matter to the Syndicate for decision and the decision of the Syndicate shall be final.

(9) The University shall not be bound, by, or recognise any assignment or encumbrance executed or attempted to be created which effects the disposal as prescribed by the Statute of the gratuity due to an M.L.S.S. who dies before retirement or before receiving payment of the same after retirement. The amount of gratuity shall be paid in accordance with the declaration.

28. (1) If a teacher or an officer of the University who is an *ex-officio* member of any Authority or other body of the University takes leave and another person is appointed to officiate in his place, such officiating person shall be deemed to be a member of such Authority or body during the period of such absence of leave in place of the permanent incumbent of such office. If no one is appointed to officiate in place of such teacher or officer, he shall continue as a member of such Authority or body for a period of six weeks only. For the purpose of this paragraph a Warden-in-Charge shall not be regarded as an officiating Provost unless specially appointed as such.

Officiating
members of any
Authority or
other body of the
University

(2) If a teacher or an officer of the University who is appointed by name to be a member of any Authority or other body of the University takes leave for a period exceeding 90 days, the membership of such teacher or officer shall cease. If the period of leave does not exceed 90 days he shall continue to be a member of such Authority or body:

Provided that a Principal nominated by the Chancellor to be a member of the Syndicate shall continue to be a member of the Syndicate when on leave.

Benevolent Fund

29. (1) The University shall establish a Jahangirnagar University Employees' Benevolent Fund, hereinafter referred to as the Fund, for the benefit and interest of the employees of the University in the manner hereinafter specified.

(2) All regular employees of the University other than –

- (i) the persons who are over the age of 60 years when appointed;
- (ii) the part-time employees;
- (iii) the persons who are on deputation from the Government;

shall subscribe every month to the Fund except when on leave without pay.

(3) A sum equal to 1% of the basic pay of the teachers and officers and a sum equal to ¼% of the basic pay of the class III employees and a sum equal to 25 paisa from the monthly pay of the class IV employees shall be deducted every month and credited to the Fund.

(4) The Fund shall consist of-

- (i) all sums deducted from the monthly pay bills of the employees as subscription to the Fund;
- (ii) any grant made by the University towards the Fund;
- (iii) any grant made by the Government to the Fund;
- (iv) any donation made by an outside organisation or individual or institution towards the Fund; and
- (v) all income, profits and interests from investments made out of the money of the Fund.

(5) An Account in the name of the Fund shall be opened in the Jahangirnagar University Campus Branch of the Agrani Bank and all money credited in the Fund shall be deposited to that account at the beginning of each month.

(6) Any cash balance in the Fund Account in excess of the minimum amount which may be required for payment from this Fund as determined by the Treasurer shall be invested in such securities as the Board of Trustees may determine. The investment of the Fund shall be jointly held by the Treasurer and the Vice-Chancellor.

(7) Separate ledgers and other accounts of the Fund shall be kept by the Comptroller of the University in the form as approved by the Treasurer. The Fund Account shall be audited annually by a Government Auditor together with other accounts of the University. This fund shall come under the purview of the Pre-Audit of the University.

(8) The Fund shall be administered by a Board of Trustees consisting of-

- (i) Treasurer of the University who shall be the Chairman of the Board;
- (ii) one member of the Syndicate to be nominated by the Vice-Chancellor;
- (iii) President of the University Teachers' Association;
- (iv) President of the University Low-paid Employees Union;
- (v) President of the University Officers' Association;
- (vi) Registrar of the University; and
- (vii) Comptroller who shall act as Member-Secretary.

(9) The Board of Trustees shall have the power to settle the claims for benevolent grants, to sanction grant from the Fund to the employees or their families in accordance with the provisions of the Act, to do or cause to be done all acts and things necessary for proper administration and management of moneys or properties in the Fund and to sanction expenditure in connection with the administration and management of the Fund. The meetings of the Board of Trustees shall be held at such time and place as may be determined by the Chairman. Three members present in the meeting shall form the quorum.

(10) The Fund shall grant financial assistance to-

- (a) the families of those University employees who have been killed during the period from March to December, 1971, in such manner and form as the Board of Trustees may determine;
- (b) the employees or, in the event of their death, their families who are declared by the University Chief Medical Officer to have been completely incapacitated physically or medically to discharge the duties of their employment and are for that reason removed from their services or dies during the continuance of their employment or if they have retired from services within the prescribed period before attaining the age of 60 years in such form and manner as the Board of Trustees may determine. Financial assistance from the Fund shall be for a period of 10 years or up to the date of which the employee attains or might have, if he were alive, attained the age of 60 years, whichever is earlier;

Provided that in the case of an employee who dies after having drawn financial assistance from the Fund under this sub-paragraph the said period of 10 years shall be reckoned from the date from which he began drawing such grant. On the death of an employee, the financial assistance from the Fund shall be paid to such member of his family as he might have nominated in accordance with the rules; and in absence of nomination, the financial assistance shall be paid to such member of his family as the Board of Trustees may determine;

- (c) the Fund may also be utilised for such other common benefits of the employees as the Board of Trustees may determine.

Vacation and
leave of
Treasurer and
Vice-Chancellor

30. (1) The Vacation and leave of the Treasurer shall be determined as follows:-

- (a) the Treasurer shall enjoy in each academic year vacation of two months to be taken during the long vacation and all University holidays;
- (b) if he is re-appointed as from the termination of his first term of office, the Treasurer shall be regarded as having earned in respect of that period one month's leave for each completed year of service;

- (c) leave other than casual or medical leave shall be granted to the Treasurer by the Chancellor after report from the Syndicate and shall be either prefixable or affixable to any vacation or holiday permissible to the Treasurer;
- (d) the Chancellor shall be empowered on the recommendation of the Syndicate to grant leave to the Treasurer in case of urgent private necessity, at any time during his tenure of office for a period not exceeding one month for every completed year of service and such leave shall be deducted from any leave to which he may be entitled under clause (b);
- (e) the Treasurer shall be entitled to casual leave not exceeding ten days in any one year, to be granted by the Syndicate;
- (f) the medical leave of the Treasurer shall be granted in the following manner:-
 - (i) medical leave shall be granted to the Treasurer by the Syndicate on a certificate from a Medical Officer approved by the Syndicate;
 - (ii) the Treasurer shall be entitled at any time during the tenure of his office, to medical leave of a duration not exceeding one month for each completed year of service and such leave, if taken, shall be debited to any leave to which he may be entitled under clause (b);
 - (iii) the medical leave of the Treasurer shall be prefixable or affixable to a vacation or other holidays or other leave;
- (g) the Treasurer shall not receive his remuneration in respect of any continuous period of leave or of leave combined with vacation, exceeding eight months in all.

(2) The vacations and leave of the Vice-Chancellor shall be determined as follows:-

- (i) the Vice-Chancellor shall enjoy in each academic year vacation of two months to be taken during the long vacation and all University holidays;

- (ii) if he is re-appointed as from the termination of his first term of office, the Vice-Chancellor shall be regarded as having earned in respect of that period one month's leave on full pay for each completed year of service; and he shall further be credited as from the expiry of his first term of office with one month's leave for each further completed year of service, such leave to be taken at any time in accordance with the terms of clause (iii) :

Provided that no leave shall be admissible as leave preparatory to retirement;

- (iii) leave other than casual or medical leave shall be granted to the Vice-Chancellor by the Chancellor after report from the Syndicate and shall be either prefixable or affixable to any vacation or holiday permissible to the Vice-Chancellor; provided, however, that if any vacation which would be permissible to the Vice-Chancellor if he were on active duty, falls between two periods of leave, when either (1) the Commencement of the first period of leave, takes place not more than seven days before the vacation or (2) the end of the second period of leave takes place not more than seven days after the vacation, the Syndicate may, in special circumstances, grant full pay in respect of such vacation;
- (iv) the Chancellor shall be empowered to grant leave to the Vice-Chancellor on full pay in case of urgent private necessity, at any time during his tenure of office for a period not exceeding one month for every completed year of service and such leave to which he may be entitled under clause (ii);
- (v) the Vice-Chancellor shall be entitled to casual leave not exceeding ten days in any one year, to be granted by the Syndicate;
- (vi) the medical leave of the Vice-Chancellor shall be granted in the following manner:-
 - (a) medical leave shall be granted to the Vice-Chancellor by the Syndicate on a certificate from a Medical Officer approved by the Syndicate;

- (b) the Vice-Chancellor shall be entitled, at any time during the tenure of his office, to medical leave of full pay of a duration not exceeding one month for each completed year of service and such leave, if taken, shall be debited to any leave to which he may be entitled under clause (ii); when medical leave on full pay has been exhausted, any further medical leave shall be granted by the Syndicate for a period not exceeding six months on half pay and for a further period of three months on quarter pay. Medical leave on half pay or quarter pay shall be counted as special medical leave and the total amount of such special medical leave shall not exceed six calendar months in all during the first term of office. No medical leave shall be admissible as leave preparatory to retirement;
 - (c) the medical leave of the Vice-Chancellor shall be prefixable or affixable to a vacation or other holidays or other leave;
 - (vii) the Vice-Chancellor shall not receive full pay in respect of any continuous period of leave or of leave combined with vacation exceeding eight months in all.
- (3) The Vice-Chancellor shall be required to become a member of the Provident Fund established by the University on the same terms as other officers of the University unless he be a Government officer.
- (4) Any question as to the interpretation of this Statute shall be referred to the Chancellor after report from the Syndicate and the decision of the Chancellor thereon shall be final.
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