

# **CONSTITUTION OF DR. ROHINI KANTA BARUA LAW COLLEGE**

**(Bye-Laws to run and govern Dr. Rohini Kanta Barua Law  
College, Dibrugarh, Assam )**



**Dr. R.K.B. LAW COLLEGE**  
**KHALIHAMARI, DIBRUGARH (ASSAM) - 786001**

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**(Bye-laws to run and govern Dr. Rohini Kanta Barua Law  
College, Dibrugarh, Assam vide Governing Body  
Resolution No.12, Dated. 23 / 12 / 2013.)**



**Dr. R.K.B. LAW COLLEGE  
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### **Members of the Drafting Committee of the Constitution-**

1. Shri N.C.Gohain- (*Rector & Secretary, Dr. R.K.B Law College*)
2. Dr. Gautomi D. Borah (*Principal, Dr. R.K.B Law College*)
3. Shri Sudeb C. Goswami (*Vice-Principal, Dr. R.K.B Law College*)
4. Shri B.L. Sarma (*Member, G.B. Dr. R.K.B Law College*)
5. Shri R.K. Agarwalla (*Sr. Lecturer & Teacher Representative, G.B. Dr. R.K.B Law College*)
6. Dr. N.Ahmed (*Sr. Lecturer & Member, G.B. Dr. R.K.B Law College*).

### **Members of the Review Committee of the Constitution-**

1. Shri N.C.Gohain- (*Rector & Secretary, Dr. R.K.B Law College*)
2. Dr. Gautomi D. Borah (*Principal, Dr. R.K.B Law College*)
3. Prof. (Dr.)Pradeep Barua (*University Nominee, G.B. Dr. R.K.B Law College*)
4. Dr.D.K. Bhuyan (*Principal, MDKG College, Member, G.B. Dr. R.K.B Law College*)
5. Shri R.K. Agarwalla (*Sr. Lecturer & Teacher Representative, G.B. Dr. R.K.B Law College*)
6. Dr. N.Ahmed (*Sr. Lecturer & Member, G.B. Dr. R.K.B Law College*).

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**Article 1: Name:**

The name of the institution is DR. ROHINI KANTA BARUA LAW COLLEGE, in short Dr. R. K. B. Law College, Dibrugarh (hereinafter called 'the College').

**Article 2: Place of establishment and Head Office :**

K. C. Gogoi Path, Khalihamari, P. O. Dibrugarh, District-  
Dibrugarh, Pin-786001, Assam

**Article 3: Aims and Objects**

- a. To conduct, administer and manage the existing law College under the name and style of  
DR. ROHINI KANTA BARUA LAW COLLEGE.
- b. To make the students fit to take up law as a profession and to make them good lawyers.
- c. To maintain, promote and develop a full fledged Degree Law College for the purpose of imparting three / five years legal education under the Dibrugarh University or any other recognized University in India.
- d. To introduce and conduct post-graduate course in law under the Affiliating University or any other recognized University in future.
- e. To do or undertake all works for protection and promotion of human rights and social justice.
- f. To make the students keenly aware of Environmental Law especially climatic changes.
- g. To develop a broad outlook amongst the students in matters relating to law both from the national as well as international point of view.

- h. To undertake research oriented works in law, legal aid programmes and strive to spread awareness amongst the public about law.
- i. To inculcate in the mind of students the spirit of the knowledge of law in the best possible way.
- j. To hold seminars, workshops, symposiums, discussion and other law related activity for enriching the mind of the students in the field of law.
- k. To work for upliftment of the standard of legal education.
- l. To publish journals, and other library works, books, monographs, periodicals, and papers relating to law study.
- m. To come into contact and co-operate with any other institute of higher learning in such a manner as may be determined by the College for the purpose of fulfilling and achieving its objects.
- n. To introduce and run various professional or other allied courses in collaboration with recognized universities of India.
- o. To do all other act or acts which are beneficial or necessary for running the College.

#### **Article 4: Governing Body:-**

- a. Members of Governing Body : The Governing Body shall consists of the following :-
  - i) President 1
  - ii) Secretary 1
  - iii) Vice-Principal 1
  - iv) State Government Nominee 1
  - v) Teacher's Representatives 2
  - vi) University Nominees 2
  - vii) Non-teaching staff representative 1
  - viii) Leading Educationist or citizens 2



- |                             |   |
|-----------------------------|---|
| ix) Donor/ Donor's nominee  | 1 |
| x) Guardian representatives | 1 |

Provided that, the composition of the Governing Body may be changed from time to time in accordance with the guidelines of the Affiliating University/ BCI/ State Government.

Provided further that, the Secretary, in consultation with the President, may invite one person as special invitee to the Governing Body meeting as and when necessary.

- b. The Governing Body shall appoint one President, who shall be an eminent person from the field of education for a term of five year.
- c. The existing members of the Governing Body, whenever necessary to fill up vacancy shall sit together and co-opt two members from amongst the leading educationists or citizens one of whom shall be a woman, one guardian representative and representative of donor and thus constitute the Governing Body in full.
- d. The Principal of the College shall be the ex-officio Secretary of the Governing Body, if not decided otherwise by the Governing Body.

#### **Article 5: Powers and functions of the Governing Body-**

- a. The Governing Body of the College shall be the supreme body which shall supervise and control the overall College affairs including financial and management and take necessary steps for smooth functioning and development of the College. The Governing Body shall act as custodian for the assets and properties of the College.
- b. The Governing Body shall guide the College for its governance, discipline and appointment of teaching and non-teaching staff and to fix their emoluments including reorganization of their grade.
- c. The Governing Body shall see that the teachers perform their duties in classes and examinations and attend the College as per norms of the Dibrugarh University and the

Bar Council of India. A self appraisal report regarding performance from every teacher may be obtained annually by the Governing Body who will take necessary action on the same.

- d. The Governing Body shall appoint a qualified Auditor to audit the Annual Accounts of the College within six month from the end of closing of financial year and take necessary action in respect of the points raised in the Audit report.
- e. The Governing Body will appoint an internal auditor and fix his/her remuneration.
- f. The Governing Body shall observe and comply with the rules/guidelines laid down/issued by the Government, Bar Council of India and Affiliating University.
- g. The Governing Body of the College will frame rules or bye laws regarding recruitments, appointment, service conditions, enabling Group Gratuity schemes and other beneficial schemes for welfare of the teaching and non-teaching staff of the College, leave and other terms and conditions of service and guide in these respect until such rules are framed.
- h. The Governing Body will appoint Pay Revision Committee from time to time to revise Pay Structure of Teaching and non-teaching staff of the College consisting of five members being the Principal as convener, two teachers' representatives in the Governing Body, and two other members of the Governing Body who are not interested party. The said Committee shall place before the Governing Body its recommendation within the stipulated period. The Governing Body shall arrive at a decision in the matter based on the recommendation submitted.

The Governing Body will also appoint Fee Structure Committee from time to time to revise the fee structure to be paid by the students of the College.

The Governing Body may further appoint/constitute Subcommittee(s) to look after various affairs of the College.

- i. The decision of the Governing Body of the College shall be final in all matters save and except with respect to Article 1



of the Constitution i.e., change in the name of the College.

#### **Article 6: Tenure of the Governing Body and its Members**

- a. The Governing Body of the College is a perpetual one.
- b. The tenure of the President of the Governing Body shall be of five years. However, she/he may be reelected for one more consecutive term.
- c. The tenure of the Secretary would be "till she/ he continues in service".
- d. The tenure of the Vice-Principal would be "till she / he continues in service".
- e. The tenure of the State Govt., nominee would be as mentioned in the appointment letter of the State Government.
- f. The tenure of University Nominee shall be 3 years, but would continue beyond this period till new persons are nominated by the University.
- g. The tenure of teachers' representatives shall be for a period of three years who will be appointed on the basis of seniority, one being from the full time faculty and other being from the visiting faculty.
- h. The non-teaching staff representative will be elected by the non teaching staff among themselves whose tenure would be for three years.
- i. The Guardian Representative shall have a term of three years or till his / her ward is a student of the College, whichever is earlier.
- j. The tenure of leading Educationist/ citizens shall be of three years. However, such members may be re-nominated for a second term.

#### **Article 7: Meetings-**

- a. **Meeting of Governing Body:-** The Governing Body shall meet at least once in every four months, but it may meet at shorter interval also, if circumstances demands and the

President of the Governing Body is satisfied that such meeting is necessary.

A meeting of the Governing Body shall be called by the Secretary with prior consent of the President, with not less than 7 (seven) days' notice.

Where 7 days notice is not feasible and the matter or matters to be discussed is/are urgent in nature, the Secretary in due consultation with the President, may call an emergent meeting in which case three days notice would suffice. In case of extreme urgency a day's notice or notice on even a telephonic call may be given depending upon the circumstances of the matter.

- b. **Requisition Meeting:-** If some members feel that a matter of importance requires immediate discussion and decision, they may petition to the President to the effect that a meeting of the Governing Body should be convened; but for convening a requisitioned meeting at least two third of the total number of members must sign such a petition with the agenda. On receiving such a petition along with the agenda the President may direct the Secretary to convene a meeting of the Governing Body on the date fixed by the President.

However, even after elapse of one month of such petition of the members of the Governing Body, the President does not take any initiative to convene the meeting; the members themselves may take initiative to convene a meeting whereon two third of the members present in the meeting may take decision.

- c. **Adjourned Meeting:-** If a valid meeting could not be held for want of quorum, it shall automatically stand adjourned to the same day in the next week at the same place and time or as otherwise decided by the President and Secretary of the Governing Body. The adjourned meeting shall not be invalidated for want of a quorum.

- d. **Teachers' Meeting:-** Meeting of the faculty members of the College shall be convened by the Principal at



least once in a academic session to discuss matters connected to the academic development, discipline, library affairs of the College etc.

For convening such meeting at least 5 days notice shall be given to each faculty member.

#### **Article 8: Quorum-**

At least seven members of the Governing Body shall form a quorum of the meeting.

#### **Article 9: President:- Powers and Functions-**

- a. The President shall preside over the meeting of the Governing Body and shall exercise such powers as laid down in this Constitution.
- b. The President, whenever he/she deems it necessary, may direct the Secretary to convene a meeting of the Governing Body and in the event of the latter's failure to do the same; the President may himself/ herself take steps to convene a meeting.
- c. The President shall have right to exercise his/ her casting vote, in case of equality of vote casted.
- d. The President shall exercise powers jointly with the Secretary as mentioned hereinafter in Article 10.
- e. In the absence of the President, any other member present and chosen to the Chair, shall preside over the meeting of the Governing Body and exercise all such power or powers as laid down in this Constitution.

#### **Article 10: Principal cum Secretary:- Powers and Functions-**

- a. Except otherwise decided by the Governing Body, the Principal of the College shall look after all academic affairs, conduct periodical examinations and all other administrative matters of the College.
- b. The Principal may, whenever any vacancy arises in any post of the College, after consultation with the President of the Governing Body, may adopt adequate and necessary steps

including constitution of an Interview Board to fill up the vacancy. The appointment of the candidate, who is selected by the Interview Board, should subsequently be approved by Governing Body of the College.

- c. The Principal of the College may keep up-to Rs. 10,000 (Rupees Ten Thousand) only as imprest cash with her/ him for meeting day to day expenses and the said amount may be enhanced by the decision of the Governing Body
- d. The Secretary of the Governing Body by virtue of her/his office shall be responsible for executing and implementing all the decisions and directions of the Governing Body. Under the direction of the Governing Body, she/he shall make all correspondence with the appropriate authority on behalf of the Governing Body.
- e. The meeting of the Governing Body shall be convened by the Secretary with the consent of the President. The proceedings of the meeting shall be recorded in the minute book by the Secretary. If any note of dissent given by any member, it should also be recorded. The minutes of the proceeding shall be send to the members preferably within 15 days of the meeting and shall be confirmed by the Governing Body in the next meeting and the same shall be signed by the President in each page.
- f. The Bank Accounts of the College shall be operated by the President, Secretary of the Governing Body and the Vice-Principal of the Dr. R. K. B. Law College.  
Normally President and Secretary will jointly operate the Bank account and in absence of any one of them the Vice-Principal of the College shall be one of the Signatory.
- g. The Principal and Secretary of the College shall be the Drawing and Disbursing Officer' (DDO) and she/ he shall see that all receipts and payments of the College are duly recorded in the Books of Accounts.
- h. The College may sue in the name of the President and the Principal / and Secretary of the Governing Body of the College.



- i. The Secretary shall place before the Governing Body the Auditor's report along with his/her suggestions, if any, regarding the action to be taken.
- j. It shall be the duty of the Principal and Secretary to bring to the notice of the Governing Body regarding completion of tenure of any member of the Governing Body and adoption of adequate procedure to fill up the same.

#### **Article 11: Duties of Vice-Principal-**

The College shall have a Vice-Principal who, besides teaching, shall assist the Principal to look after the works of class allotment to teachers, including allotment of practical papers, preparation of class routine, supervision of library and matters relating to Legal Aids, student's attendance etc. Further, the Vice-Principal shall assist the Principal in administrative and academic matters as and when such assistance is sought for by the Principal.

#### **Article 12: Age of Retirement of Teaching and Non-Teaching Members-**

The age of retirement for the teaching and non-teaching staff shall be as per State Government Rules (Assam). However, after retirement an employee may be reappointed on contractual basis with fixed pay which will be renewed annually if deems necessary by the authority.

#### **Article 13: Conduct and Punishment -**

- a. Dishonesty, Breach of Trust, Misappropriation of College fund or property, Act prejudicial to the academic atmosphere, Insubordination, habitual absenteeism, Misbehavior, Theft, Affray etc will constitute misconduct.
- b. Punishment for the above may result in dismissal from service, deduction from salary, recovery of money, warning etc. depending upon the gravity of the misconduct.

#### **Article 14: Disciplinary action-**

- a. If it is brought or comes to the notice of the President that the Secretary of the Governing Body or the Principal of the College has committed any serious irregularity and her /his continuance as Secretary of the Governing Body or the Principal of the College shall jeopardize the smooth running

of the College, the President may convene a meeting of the Governing Body which may considering the gravity of the irregularity, forthwith take necessary action against him/her and may make alternative arrangements as deemed proper till the alleged charges on the Principal or Secretary are proved or vacated.

- b. Against any order of the Principal, it shall be open for any aggrieved party to approach the Governing Body, which may depute one or more members of the Governing Body to enquire into these matters and based on such report the Governing Body shall take appropriate action.
- c. When it comes to the notice of the Principal of the College that an employee either teaching or non-teaching is alleged to have committed a misconduct mentioned in Article 13 hereinabove, he/she would constitute a preliminary enquiry committee of three senior teachers and on receipt of the preliminary enquiry report if he/ she considers that there is/ are ground(s) of proceeding in the matter, the Principal shall place the matter before the Governing Body which will consider the matter, and appoint an enquiry committee of three members.

The Committee shall place the enquiry report before the Governing Body which will consider the report and inflict punishment required, if any or dispose of the case as deemed proper.

The sub-clause (b) and (c) shall also be applicable for the students of the College.

#### **Article 15: Expulsion/ Removal/Release/ Resignation of members -**

Any member who remains absent himself/ herself from four consecutive meetings of the Governing Body without information shall cease to be the member of the Governing Body. Further, membership of the Governing Body, other than ex- officio member, may be vacated subject to confirmation by the Governing Body on the following grounds-

- a. If he/ she becomes insolvent



- b. If by reason of his/ her physical or mental disability becomes incapable to act as such.
- c. On death or resignation.
- d. On being convicted of a criminal offence, which in the opinion of the Governing Body is of a serious nature.

#### **Article 16: Control of fund-**

Control of fund of the College shall be in the hands of the Governing Body. However, the Secretary is authorized to spend to meet the expenditure pertaining to salaries payable to both teaching and non-teaching staff.

#### **Article 17: Impeachment of the President-**

The President of the Governing Body can be removed from his office for-

- a. Serious violation of the Constitution
- b. Conviction involving moral turpitude

The motion for impeachment of the President shall be moved by not less than  $\frac{1}{2}$  members of the Governing Body. The proposal to move charges for impeachment must be contained in the form of a resolution which shall be forwarded to the Secretary, who shall convene a special meeting for impeachment of the President after issuing a notice of minimum 14 days. The notice must accompany the resolution in writing and signed by not less than  $\frac{1}{2}$  of the total members of the Governing Body. The notice must express the intention to move such a resolution. An opportunity of hearing should be given to the President in the special meeting convene for the purpose of impeachment. Such resolution must be passed by a majority of  $\frac{2}{3}$  members of the Governing Body personally present and voting. Any fraction for the purpose of calculation shall be rounded to next one.

#### **Article 18: Office Seal-**





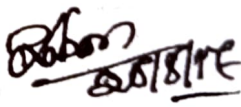
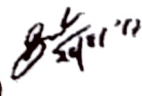


The College shall have an official seal to authenticate the contents of documents. The seal will be under the custody of the Principal or person authorized by him/her.

## Article 19: Amendment-

The Governing Body, by decision of 2/3rd members of the total members of the Governing Body may amend, omit or abridge any of the provision of the Constitution except Article 1 i.e. Name of the College.

The Governing Body of Dr. Rohini Kanta Barua Law College has adopted this Constitution of the College on this 26<sup>th</sup> Day of August, 2017 and the will come into force from the same day.

### Members of Governing Body present on the day of adoption of the Constitution :

Sl.No.	Name	Designation	Signature
1.	Ajit Chaliha	President	
2.	Dr. Gautomi Dutta	Principal and Secretary	
3.	Sudeb Ch. Goswami	Vice-Principal (Ex-officio Member)	
4.	Sr. Adv. Asim Dutta	Member (University Nominee)	
5.	Prof. (Dr) Mukut Hazarika	Member (University Nominee)	
6.	Dr. Prakash Barooah	Member (leading educationist/citizen)	
7.	Ajit Borgohain	Member (Teachers Representative)	
8.	R.K. Agarwalla	Member (Teachers Representative)	
9.	Pratap Kr. Dey	Member (Guardian Representative)	