



The Gujarat Biotechnology University Act, 2018

Act 16 of 2018

Keyword(s):

Academic Council, Advisory Council, Board, Competent Authority, Dean, Director General, Finance Committee, University

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LIX] MONDAY, OCTOBER 8, 2018/ASVINA 16, 1940

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th October, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 8th October, 2018).

AN ACT

*to provide for establishment and incorporation of Biotechnology
University in the State of Gujarat and the matters connected therewith
and incidental thereto.*

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Biotechnology University Act, 2018. Short title and
commencement.

(2) It shall come into force on such date as the State Government may,
by notification in the *Official Gazette*, appoint.

- Definitions. 2. In this Act, unless the context otherwise requires: -
- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
 - (ii) "Advisory Council" means the advisory council of the University constituted under section 17;
 - (iii) "Board" means the Board of Governors of the University constituted under section 12;
 - (iv) "Chairman" means the Chairman of the University appointed under section 10;
 - (v) "Competent Authority" means any person who is legally delegated or invested authority or power to perform designated functions in relation with the affairs of the University;
 - (vi) "Dean" means the Deans of the University appointed under section 26;
 - (vii) "Director" mean the Directors of the University, or of the Institutes or of the schools or of the Centers of the University appointed under section 25;
 - (viii) "Director General" means the Director General of the University appointed under section 21;
 - (ix) "Finance Committee" means the Finance Committee of the University constituted under section 19;
 - (x) "prescribed" means prescribed by regulations;
 - (xi) "Registrar" means the Registrar of the University appointed under section 24;
 - (xii) "Regulations" means the regulations of the University made under section 38;
 - (xiii) "State Government" means the Government of Gujarat;
 - (xiv) "Student of the University" means a person enrolled in the University for studying for a degree, diploma or other academic distinction under the provisions of this Act;
 - (xv) "University" means the Gujarat Biotechnology University established and incorporated under the provisions of this Act;

CHAPTER II

THE UNIVERSITY

Establishment and
incorporation of
University.

3. (1) There shall be established a University by the name of the "Gujarat Biotechnology University".

(2) The Chairman, Director General, the Board, the Academic Council, the Advisory Council, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members thereof so long as they continue to hold such office or membership, hereby constitute a body corporate by the name of the "Gujarat Biotechnology University".

(3) The University shall be a body corporate by the name as aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold and dispose of property, to contract and shall, by the said name sue or be sued.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and be served on, the Registrar.

(5) The University shall be competent to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that the, power to raise any such loan shall be exercised after obtaining the previous permission of the State Government.

4. The headquarters of the university shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. Headquarters of University.

5. The University shall be deemed to be established and incorporated for the following objects, namely: Objects of University.

- (i) to create schools, centers and institutions of excellence for imparting State of the art product focused, research based, education and skill in the field of biotechnology and allied sciences;
- (ii) to create capabilities for developing world-class infrastructure, intellectual property base and skill sets for education, training, research, product development and technology commercialization in biotechnology and allied sciences;
- (iii) to develop innovative methods for applied and translational research, teaching and skill at various levels of educational accomplishment so as to set high standards of practice based education in biotechnology and allied sciences;
- (iv) to address the societal challenges of the State and the nation and to develop linkages with institutions of national and global repute and to create templates and models of collaboration for interdisciplinary study and research to solve developmental problems using the tools and techniques of biotechnology and allied sciences;
- (v) to create a platform for developing industry linkages delivering research solutions to society by catalyzing translational opportunities;
- (vi) to function as a leading resource center for knowledge and development in the areas of biotechnology and allied sciences;
- (vii) such other objects, not inconsistent with the provisions of this Act which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

University open to all
irrespective of sex,
religion, class, creed,
nationality or
opinion.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, nationality, place of birth, religious belief or political or other opinion or any of them.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, nationality, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or, a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

(3) No bequest, donation or transfer of any property shall be accepted by University which in the opinion of the Board, involves conditions or obligations opposed to the spirit and objects of the University.

Powers and
functions of
University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

- (i) to administer and manage the University and to establish such institutes, schools and centers for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in areas and subjects pertaining to biotechnology and allied sciences;
- (iii) to develop innovative methods in teaching, research and development, and training in order to achieve international standards of such education, training, research and development;
- (iv) to prescribe courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner as may be prescribed;
- (vi) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vii) to establish such special centres, schools, specialized study centres or other units for research and development as are, in

- the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other work and to organize exhibitions, workshops, seminars, conferences, etc.;
 - (ix) to sponsor, obtain sponsorship and undertake research in all aspects of biotechnology and allied sciences;
 - (x) to collaborate or associate with any educational or other institution with like or similar functions or activities;
 - (xi) to develop and maintain linkages with educational or other institutions in any part of the world having functions or activities wholly or partially similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
 - (xii) to regulate the expenditure, manage the finances and to maintain accounts of the University;
 - (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the University and consistent with the objects for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
 - (xiv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests and by transfers of movable and immovable properties for the purposes and objects of the University;
 - (xv) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;
 - (xvi) to supervise and control the residences and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
 - (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed;
 - (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
 - (xix) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;

- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University after taking prior permission of the State Government;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate Government promissory notes and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay and redeem any money borrowed after taking prior permission of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University after taking prior permission of the State Government;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic; technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professors and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as Directors, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Adjunct Professors, Registrar, or otherwise as teachers, researchers and other categories of employees as decided by the competent authority;

- (xxx) to develop and maintain relationships with teachers, researchers and experts in the domains of development of technologies related to Biological Sciences or involving Biological Sciences for achieving the objects of the University;
- (xxxi) to enter into partnerships, agreements, arrangements, service delivery agreements with other national or international Universities or Institutes of repute for faculty exchange or for collaborative research or, for service agreement for academic instructions as service for knowledge, skill development, research and innovation subject to prior approval of the Government of Gujarat;
- (xxxii) to enter in to partnerships, agreements, arrangements, service delivery agreements with industry or corporations for sponsored or contract research, and for commercialization and further development of technologies subject to such intellectual property sharing arrangements as may be prescribed by general or special regulations by the Board;
- (xxxiii) to set up and operate, or acquire on rental basis or through lease infrastructure and research and development related facilities for the needs of the students and the faculties for the furtherance of the objectives of the University;
- (xxxiv) to set up and operate incubation centers for startups, technology development cell, research park providing colocation research and development facilities for industry and corporations and other institutes;
- (xxxv) to setup and operate animal houses, green houses, plant herbaria, veterinary and medical facilities, bio-banking, gene banking, biosafety facilities, and other incidental facilities to support high tech biotechnology translational and product focused education and research;
- (xxxvi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

Authorities of
the University.

8. The following shall be the authorities of the University, namely: -
- (i) the Chairman;
 - (ii) the Board of Governors;
 - (iii) the Academic Council;
 - (iv) the Advisory Council;
 - (v) the Finance Committee; and

(vi) such other authorities as may be specified by regulations to be the authorities of the University.

Officers of the University.

9. The following shall be the officers of the University, namely: -

- (i) the Director General
- (ii) the Directors
- (iii) the Deans
- (iv) the Registrar, and
- (v) such other persons associated with the functions of the University as may be specified by regulations, to be the officers of the University.

Chairman.

10. (1) The Chairman of the University shall be appointed by the State Government, who shall be an eminent educationalist or technologist or scientist or industrialist or administrator; and be associated with education, philanthropy, research and development, industry or business development or administration in the State services, corporations or public bodies.

(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.

(3) The other terms, conditions and process of appointment of the Chairman shall be such as may be decided by the State Government.

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Interim Chairman of the University for such period as may be decided in such order in accordance with the provision of sub-section (1).

(5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

11. (1) The Chairman shall preside over the meetings of the Board and at the convocation of the University.

Powers of Chairman.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or center or

school maintained by the University, and also of the examinations, teaching, research 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, academic affairs and finances of the University.

12. (1) The Board of Governors of the University shall consist of following members, namely: **Board of Governors.**

- (i) the Chairman of University;
- (ii) the Chairman of the Advisory Council;
- (iii) the Director General;
- (iv) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*;
- (v) the Secretary to the Government of Gujarat, Higher and Technical Education, Education Department, *ex-officio*;
- (vi) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vii) the Mission Director, Gujarat State Biotechnology Mission, *ex-officio*;
- (viii) the Director, Gujarat Biotechnology Research Center, *ex-officio*;
- (ix) one Vice-Chancellor or ex-Vice-Chancellor of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the Board;
- (x) two expert academicians, to be nominated by the Board;
- (xi) three experts representing other disciplines such as finance, legal, management, science or industries, to be nominated by the Board; and
- (xii) in the event of the University having a significant collaborative partnership for academics or research with any University or institutions or school or center of repute, two nominees of such partnering University or institution or center.

(2) The first time nomination of members listed at serial no (ix), (x), (xi) shall be done by the State Government.

(3) The Registrar shall be the Secretary of the Board.

Powers and functions of Board.

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, Finance Committee and other committees or authorities constituted by the University.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely: -

- (i) to take decisions on questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;
- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;
- (vii) to create or abolish posts of teachers, officers and other employees of the University
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to decide and approve partnerships, commercial arrangements with other legal entities in furtherance of the objectives of the University
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers and functions for achieving the objectives of the University.

(3) The Board may delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it.

14.(1) Save as otherwise provided in this section, the term of a member of the Board nominated under sub-section (1) of section 12 shall be three years from the date of his nomination, and such member shall be eligible for re-nomination

Term of office
and vacancies
amongst
members of
Board and
allowances, etc.

(2) A member nominated under sub-section (1) of section 12 may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

15. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and evaluation within the University.

Academic
Council.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;
- (iii) the Directors,
- (iv) the Deans,
- (v) two faculty members from the programs being run at the University campus, to be nominated by the Board,
- (vi) one faculty of each University School, to be nominated by the Director General.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of office of the members other than the *ex-officio* members, shall be three years and shall be eligible for re-nomination.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Board and his resignation shall take effect from such date it is accepted by the Chairman of the Board.

Powers and
functions of
academic
council.

16. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely: -

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instructions, education, research and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculties/officers of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

Advisory
Council.

17. (1) The Advisory Council of the University shall consist of the following members, namely:

- (i) the Chairman;
- (ii) the Director General;

- (iii) five academicians or research scientists of national or global eminence, to be nominated by the Board;
 - (iv) two leading members from biotech industry or industry associations having national or international operations nominated by the Board;
 - (v) Directors;
 - (vi) two faculty members from the programs being run at the University campus, to be nominated by the Board.
- (2) The Registrar shall be the Secretary of the advisory council.
- (3) The term of the nominated members of the Advisory Council shall be for a period of three years from the date of constitution. The other terms and conditions of the members of the Advisory Council shall be such as may be determined by the regulations.
- (4) The Chairman of the Advisory Council shall be appointed by the State Government, who shall be an eminent educationalist or technologist or industrialist or administrator having vision for research or innovation; and be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.
- (5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Advisory Council and his resignation shall take effect from such date it is accepted by the Chairman of the Advisory Council.
- (6) The other terms and conditions, including remuneration for the members of the Advisory Council shall be such as may be decided by the Board.

18. The Advisory Council shall advise the Board in relation to:

- (i) matters related to research focus, infrastructure and campus development, internationalization of the activities and programs, technology enhanced curriculum and pedagogy, technology commercialization, intellectual property rights policy, protection of inventions, and licensing of University-owned technology, procedures and functions;
- (ii) matters of strategic vision, direction and partnerships for the University, global and national tie ups, research collaborations at institution level, program diversification.

Powers and functions of advisory council.

19. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Director General, who shall be the Chairman of the Committee;

Finance committee.

- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean of the University, to be nominated by the Director General;
- (iv) one Director from each of non-co-located schools or centers or institutions affiliated to the University;
- (v) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vi) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*; and
- (vii) one expert in the field of finance, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

**Powers and
functions of
finance
committee.**

20. Subject to other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University, its schools or institutions or centers and advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed;
- (ix) to decide the principles of financial delegation and recommend to the Board;

- (x) to decide the principles of procurement process and recommend to the Board; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Director
General.

21. (1) The Director General shall be appointed by the Chairman with the prior approval of the State Government, through a process wherein the Board shall recommend a panel comprising of up to three names based on the recommendations of a Search-cum-Selection Committee constituted by the Board in the manner as may be prescribed by regulations.

(2) The Director General shall be an eminent educationalist or technologist or scientist or administrator having vision for science, technology, research and innovation; and be associated with education, philanthropy, research and development or administration in the State services, corporations or public bodies.

(3) The Director General shall preside over the meetings of the Academic Council and the Finance Committee.

(4) The term of office of the Director General shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to perform duties of the Director General and may, from time to time, extend the term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date when it is accepted by the Board.

(7) Notwithstanding anything contained in any other clauses of this section, the Chairman may on recommendation of the Board, remove from the office the Director General if he –

- (i) is adjudged an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the Board, involves moral turpitude; or
- (iii) engages during his term of office in any paid employment outside the duties of his office; or
- (iv) is, in the opinion of the Board, unfit to continue in office by reason of infirmity of mind or body; or
- (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Director General.

(8) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board.

22. Without prejudice to the generality of the provisions of this Act, the Director General shall: -

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chairman or any committee of the University.

Powers and functions of Director General.

Emergency powers of Director General.

23. (1) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the authority or body of the University empowered, under this Act to deal with it, the Director General may take such action as he may deem fit and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effects or, as the case may be, shall take effect in such modified form so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General under subsection (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

Registrar. 24. (1) The Registrar shall be appointed by the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall: -

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General or any of the authority of the University.

25. (1) The Directors of the University or Institute or School or Center shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

Directors.

(2) The qualifications and other terms and conditions of the Directors shall be such as may be prescribed by the regulations.

(3) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the University Departments, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

26. (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University.

Deans.

(2) The Deans shall assist the Director General and respective Directors of University Schools in managing the academic and other affairs of the University, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

Delegation of powers.

27. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.

28. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed.

Withdrawal of the degree or diploma and other academic distinction.

29. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons.

CHAPTER IV FINANCE AND ACCOUNTS

University Fund.

30. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of—

- (i) any contribution or grants or loans by the State and the Central Government;
- (ii) the income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of the sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as

the Board, on the recommendation of the Finance Committee, decides from time to time.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

31. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

Accounts, audit
and annual report.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

38 of 1949.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions and directions to the Director General in respect thereof as it deems fit and the Director General shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

32. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such

Pension, provident
fund and
insurance.

manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

CHAPTER V MISCELLANEOUS

Act and proceedings not to be invalidated by vacancies.

33. No act or proceedings of the Board or any authority of the University or any committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or committee of the University.

Return and information.

34. The University shall furnish to the State Government, University Grants Commission and other statutory authorities, such reports, returns, statements and other information as may be required by them from time to time.

Officers and employees to be public servant.

35. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation: - For the purpose of this section, any person, who is appointed or, as the case may be, nominated by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

Dismissal, removal, reduction or termination of services of staff of University.

36. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the

Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

37. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulation made thereunder and any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give directions.

38. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely: -

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Advisory Council, Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) the procedures and criteria to be followed establishing courses of study and admission of students;
- (viii) the procedure to be followed for enforcing discipline in the University;
- (ix) the management of the properties of the University;
- (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such

- degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
- (xi) the conduct of examinations including the term of office and appointment of examiners, controller of examination;
 - (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
 - (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
 - (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
 - (xv) the terms and conditions for association of the University with other institutions;
 - (xvi) the preparation of budget estimates and maintenance of accounts;
 - (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
 - (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and other employees of the University;
 - (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
 - (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
 - (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
 - (xxiii) the authentication of the orders and the decisions of the Board;
 - (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees; guest house, library, reading rooms, sporting facilities, medical and health facilities, facilities for benefit of students and of officers of the University including disciplinary control therein; and
 - (xxv) all matters which, by this Act, are to be or may be prescribed.

39. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Indemnity

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties.

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of five years from the date of commencement of this Act.
(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER VI TRANSITORY PROVISIONS

41. Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board.

Appointment of
first Chairman and
members of the
Board.

42. (1) Notwithstanding anything contained in section 21, for a period of not exceeding three years immediately after coming in to force of this Act, the State Government shall have the power of appointing the first Director General on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise all the powers and discharge all the functions of the Director General.

Appointment of
first Director
General.

(2) The first Director General may, with the prior approval of the first Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations made thereunder and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations made thereunder are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations made thereunder.

Appointment of
first Registrar.

43. Notwithstanding anything contained in section 24, the State Government shall have the power of appointing the first Registrar for a

period of not exceeding three years after the commencement of this Act on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise the powers and discharge the functions of the Registrar.

**Appointment of
first Chairman and
other members of
Advisory Council.**

44. Notwithstanding anything contained in section 17, the State Government shall appoint the first Chairman and other members of the Advisory Council for a period of three years, on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Advisory Council.
