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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE BHAKTA KAVI NARSINH MEHTA UNIVERSITY

BILL, 2015.

GUJARAT BILL NO. 24 OF 2015.

A BILL

to establish and incorporate a teaching and affiliating University at Junagadh, in the State of Gujarat to be known as the Bhakta Kavi Narsinh Mehta University.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Bhakta Kavi Narsinh Mehta University Act, 2015.

Short title
and
commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government

may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (1) "affiliated college" means a college affiliated to the University under section 40;
- (2) "Board" means the Board of Governors constituted under section 21;
- (3) "college" means an educational institution or an affiliated college teaching any of the courses leading to a degree or a diploma;
- (4) "Dean" means the Dean of the University appointed under section 15;
- (5) "Hostel" means a unit of residence for the students of the University or colleges or institutions maintained or recognised by the University under this Act;
- (6) "Principal" means the head of a college and includes in-charge principal;
- (7) "recognised institution" means an institution for research or specialised studies, other than an affiliated college, recognised as such under section 43;
- (8) "registered graduate" means a graduate registered under the provisions of this Act;
- (9) "self-financed course" means the course conducted by the University, college or self-financed institute as recognised by the University;
- (10) "self-financed institution" means an institution functioning on self-financed basis, which has obtained the previous sanction for the same of the State Government and is admitted to the privileges of the University subject to the conditions laid down in that regard by the University and which is affiliated to the University;
- (11) "Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;
- (12) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any of the affiliated colleges or recognised institution and whose appointment has been approved by the University and includes such person appointed on contractual basis or temporary basis or on ad-hoc basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;
- (13) "University" means the "Bhakta Kavi Narsinh Mehta University" constituted under section 3;

(14) "University area" means the areas specified in the Schedule appended to this Act;

(15) "University centre" means a centre where post-graduate studies is imparted and maintained by the University;

(16) "University college" means a college which the University may establish or maintain or administer under this Act or a college transferred to the University and maintained by it;

(17) "University department" means any post-graduate or research institute or department designated or recognised as such and maintained by the University.

CHAPTER II UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Bhakta Kavi Narsinh Mehta University".

Establishment
and
incorporation
of University.

(2) The Vice-Chancellor, the Pro-Vice-Chancellor and members of the Board of Governors, the Executive Council, the Academic Council, the Finance Committee, and the Building and Estate Committee of the University; and all persons who may hereafter become such officers, members, or authority, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Bhakta Kavi Narsinh Mehta University".

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

(4) The University shall be competent, to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, 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 no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

4. The headquarters of the University shall be at Junagadh, District: Junagadh, Gujarat.

Headquarters
of University.

5. The objects of the University shall be to develop the knowledge of different branches of Higher, Technical and Professional learning and research in relation to the different domains and their applications. The prime objects of the University shall be to create centers and institutes of

Objects
of
University.

excellence in the aforesaid areas in particular and other objects shall be as follows, namely:-

- (1) to disseminate, create and preserve knowledge and understanding by teaching, research and training;
- (2) to develop different patterns of teaching for a certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (3) to develop training facilities and to make arrangement for training in higher education, professional education and other fields, to provide for inter-relationship for national and international participation in the fields of science, technology, humanities, commerce, management, law, physiotherapy, medicine, paramedical, forestry, marine sciences, environmental sciences, and other fields;
- (4) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at the national and global level;
- (5) to introduce and nurture innovations in the existing education system through CBCS and interdisciplinary, skill based approach so as to reflect India's spiritual knowledge, robust intellectual and inexhaustible creativity;
- (6) to study and derive lessons from the ongoing latest experiments of education that are taking place in the State of Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (7) to establish Centre of Excellence or independent research centre(s).

Powers and
functions
of
University.

6. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and functions, namely:-

- (1) to provide for the instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provision for research, advancement and dissemination of knowledge;
- (2) to make such provision as would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (3) to organize common laboratories, libraries and other equipments for teaching and research;
- (4) to establish, take over, maintain and manage college, department, centres and institutes of research or specialised studies;

- (5) to institute Professorships, Associate Professorships or Assistant Professorships and other posts of teachers required by the University;
- (6) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or otherwise as teachers of the University;
- (7) to lay down the courses of instruction including inter-disciplinary studies for various examinations;
- (8) to guide teaching and research work in colleges, University departments, or recognised institutions;
- (9) to institute degrees, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, diplomas and other academic distinction on persons who -
 - (a) have pursued course of study in the University or in an affiliated college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations or Rules and have passed the examinations prescribed by the University, or
 - (b) have carried on research as per the conditions prescribed by the Ordinances, Regulation or Rules;
- (11) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (12) to grant such diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, Regulations or Rules;
- (13) to admit educational institutions to the privileges of the University and to withdraw such privileges;
- (14) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained and adequate library, laboratory and facilities for skill formation and enhancement are made therein;
- (15) to control and co-ordinate the activities of affiliated colleges, institutions and recognised institutions and to regulate the fees to be paid by the students in such colleges and recognised institutions;
- (16) to institute and award fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals, and prizes;

- (17) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (18) to make special provisions for disseminating knowledge and promoting arts and culture;
- (19) to fix, demand and receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (20) to establish, maintain and manage hostels by the University, and to recognise such hostels which are not maintained by the University. Such hostels may be inspected by the University and recognition may be withdrawn, if University deems it fit and proper;
- (21) to supervise, regulate and control the conduct and discipline of the students of the University, the affiliated colleges and the recognised institutions to make arrangements for promoting their health and general welfare;
- (22) to institute and manage-
- (a) Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureau; and
 - (d) Employment Bureau;
- (23) to make provisions-
- (a) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps, etc.;
 - (b) for sports and athletic activities;
 - (c) for compliance of other academic, extra-curricular and co-curricular activities;
 - (d) to make necessary arrangements for obtaining accreditation from the National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA), National Board of Assessment (NBA) or any other statutory accreditation agency constituted by the Central or the State Government, as the case may be;
 - (e) to comply with the directives/instructions of the State Government to the affiliated colleges and recognised institutions and the University from time to time;
- (24) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

- (25) to promote the development of the study of Gujarati and Hindi (in Devnagari script) and the use of Gujarati and Hindi (in Devnagari Script) or both or English as a medium of instruction in education and examination;
- (26) to make arrangements for training for competitive examinations for recruitment to the services under the Union and the State Government;
- (27) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;

- (28) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercised after obtaining previous approval of the State Government;

- (29) to do all such acts and things whether incidental to the powers and functions as, aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote Arts, Science and other branches of learning and culture.

7. (1) No educational institution within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law.

**Jurisdiction
and
admission to
privileges.**

(2) Any such privileges enjoyed from the Saurashtra University before the date on which this Act comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

Guj. 39 of
1965.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Saurashtra University and situated within the University area shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Saurashtra University and the Saurashtra University Act, 1965 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act,

admit such institutions to all such privileges as they had of the Saurashtra University immediately before such date.

(4) Any educational institution, situated outside the University Area, but within the State of Gujarat, may be admitted to the privileges of the University subject to prior permission of the State Government and subject to such conditions and restrictions as the University may think fit and proper.

(5) The State Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

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

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

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognise any college or institution exclusively for women, or reserved for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or 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 privileges of the University or benefaction thereof.

9. (1) The State Government shall have power to issue directions from time to time as may be required for compliance of any of the provisions made by or under this Act.

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts

Power of State
Government to
give directions,
order assessment,
and order inquiry.

in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or *prima facie* case to believe that the University has contravened any of the vital provisions of this Act, Statutes, Regulations or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days as to why an inquiry should not be ordered. If the reply of the University to the notice is not satisfactory, the State Government may order an inquiry.

V of 1908. (4) The inquiry officer or the committee as such appointed by the State Government shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, and production of documents and record from any office, etc.

(5) The report of the inquiry shall also be given to the University to present its case before the State Government. However, on consideration of the presentation of the University and the corrective steps proposed by it, still if the State Government is of the opinion that continuation of the existing University administration will gravely harm to the interests of the students, staff and the objectives of the University, or there is a gross financial mismanagement and serious mal-administration, the State Government may take appropriate steps as it may deem fit and proper.

CHAPTER III OFFICERS OF UNIVERSITY

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

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Registrar;
- (v) the Law Officer;
- (vi) the Finance and Accounts Officer;
- (vii) the Controller of Examinations;
- (viii) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

**Officers of
University.**

11. No person shall be appointed, nominated or, as the case may be, co-opted,-

**Eligibility of age
limit in various
authorities and
offices.**

- (i) as an officer referred to in clauses (iii), (iv), (v), (vi), (vii), and (viii) of section 10;
 - (ii) on the post of teacher; or
 - (iii) as a member of any of the authorities of the University, any committee or any other board or body thereof, .
- after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairperson or a member of any of the authorities of the University committee or any other board or body thereof, who is the Chairperson or member by virtue of his office as the Vice-Chancellor or the Pro-vice Chancellor:

Provided further that nothing in this section shall apply to the visiting teachers, Emeritus Professors, Consultants, Scholars, Mentors or Advisors.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) To be eligible for being appointed as the Vice-Chancellor, a person shall be,-

- (i) an eminent academician having Ph. D. Degree with a minimum of ten years of experience as a professor, or;
- (ii) a distinguished academician having Ph. D. Degree with a minimum of twelve years of academic/educational administrative experience in a University, reputed academic or administrative or research institute or organisation.

(3) The Vice-Chancellor shall be appointed by the State Government from among three persons recommended by a Search Committee constituted for the purpose under sub-section (4).

(4) For the purpose of sub-section (3), the State Government shall constitute a Search Committee which shall consist of the following members, namely:-

(i) two members (not being persons connected with the University or with any affiliated college, recognised institution or institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly; and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;

(ii) one member, who is an eminent educationist and has contributed to the University education system, to be nominated by the State Government.

(5) The State Government shall designate one of the three members of the Committee as its Chairperson.

(6) The Committee so appointed shall, within maximum eight weeks and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.

(7) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for being re-appointed to that office for one more term only:

Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of seventy years.

(8) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government:

Provided that such emoluments and terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(9) (a) During the leave or absence of the Vice-Chancellor or,

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, the Pro-Vice-Chancellor or, in his absence, one of the Deans nominated by the State Government for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(10) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of acceptance of resignation by the State Government.

(11) The Vice-Chancellor may be removed from his office by the State Government, if it is satisfied that the incumbent,-

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;

- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is afforded to him.

**Powers of
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall preside at the meetings of the Board of Governors. He shall be an *ex-officio* Chairperson of the Executive Council, Academic Council, Finance Committee and Building and Estate Committee. He shall be entitled to be present with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have power to convene meetings of the Executive Council, the Academic Council and the Finance Committee and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all the powers necessary for this purpose.

(4) (a) The Vice-Chancellor shall nominate members on any of the authorities as required under this Act.

(b) (i) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University and the University as a whole shall vest in the Vice-Chancellor.

(ii) The Vice-Chancellor may delegate all or any of his power referred to in clause (i), as he deems proper, to the Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding action taken by him with the reasons he has considered as emergent, to such officer, authority

or body as would have in the ordinary course have dealt with the matter.

- (b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service, such person shall be entitled to prefer an appeal to the Executive Council, within a period of thirty days from the date on which notice of such action is communicated to him.

(6) The Vice-Chancellor shall give effect to the orders of the Board and the Executive Council regarding appointment, dismissal, suspension and punishment of the persons in the service of the University or of the teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University.

(7) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of opinion that the implementation of any order or a resolution of an authority specified in or declared under section 20, or the doing of anything which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, the State Government or Professional Regulatory bodies, as the case may be, he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to why the said order or resolution may not be rescinded or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority after reconsideration revises or modifies the order or resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, he shall refer the matter to the State Government for its decision.

(d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against such order or resolution.

(e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).

(f) In case where the authority modifies or revises its order or resolution under clause (b) or where the State Government revises or modifies the order or resolution under clause (d), any action, if taken prior to forwarding a copy of the order or resolution or making a reference with regard to doing of the thing by the Vice-Chancellor under clause (a), to the concerned Authority, shall be treated as *ab-initio* void.

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

Pro-Vice-Chancellor. 14. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from the panel of three persons recommended by the Vice-Chancellor.

(2) No person appointed as the Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years.

(3) The term of the office of the Pro-Vice-Chancellor shall be three years.

(4) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University and his emoluments and terms and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and terms and conditions of service of the holder of such office shall not during currency of the term of the holding of that office, be varied to his disadvantage without his consent.

(5) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such powers and perform such duties, which are specially or generally conferred or imposed on him by the Vice-Chancellor and as prescribed by the relevant Statutes.

(6) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor or in the event of being unable to perform the duties of his office, exercise all the rights and powers, and discharge all the functions and duties of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall preside,-

- (a) in absence of the Vice-Chancellor, at the meetings of the Board; and
- (b) in absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.

(8) The Pro-Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of the acceptance of resignation by the State Government.

15. (1) There shall be a Dean of each faculty who shall be elected from amongst the concerned faculty members of the University in the manner as may be prescribed by the relevant Statutes. **Dean of Faculty.**

(2) The Dean shall assist the Vice-Chancellor and the Pro-Vice-Chancellor in managing the academic and other allied affairs of the University as entrusted to him by the Vice-Chancellor.

(3) The Dean shall hold office for a term of three years.

(4) The Dean shall be the principal executive authority of the Faculty and shall exercise the following powers and perform the following functions, namely:-

- (i) he shall be the Chairperson of the Faculty concerned and shall preside at its meetings of the Faculty;
- (ii) he shall attend the meeting of any Board of Studies in the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
- (iv) he shall plan and organise seminars, refresher courses, and work-shops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and institutions in respect of subjects under the Faculty;

- (vi) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval of the proposals for the programmes of visiting teachers and for the exchange of teachers;
- (viii) he shall exercise such other powers and perform such other functions as may be prescribed under the relevant Statutes.

Registrar. 16. The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board, the Executive Council and the Academic Council. He shall be appointed by the University with the prior approval of the State Government and his emoluments and terms and conditions of service shall be determined by the Statutes. He shall be responsible for the due custody of records, the common seal and such other properties and assets of the University as the Executive Council shall commit to his charge. He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Law Officer. 17. (1) The Law Officer shall be appointed by the University. He shall be in-charge in respect of all the legal matters for and against the University.

(2) The qualifications, experience, powers, functions and duties of the Law Officer shall be such as may be prescribed by the Statutes.

Finance and Accounts Officer. 18. (1) The Finance and Accounts Officer shall be appointed by the State Government on deputation. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The qualifications, terms and conditions of service and the tenure of the Finance and Accounts Officer shall be such as may be determined by the State Government.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the same shall be performed by such other officer as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall,-

(i) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and

(ii) perform such other financial functions as may be prescribed by the Statutes; and also has assigned by the Vice-Chancellor.

19. (1) The Controller of Examinations shall be a whole time salaried officer of the University. He shall be appointed by the University with the prior approval of the State Government.

Controller of Examinations.

(2) The qualifications, terms and conditions of service and the tenure of the Controller of Examination shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF UNIVERSITY

20. The following shall be the authorities of the University, namely :-

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee;
- (v) the Buildings and Estate Committee;
- (vi) the Faculties;
- (vii) the Board of University Teaching and Research;
- (viii) the Boards of Studies;
- (ix) such other boards and bodies of the University as may be declared by the Statutes, to be the authorities of the University.

Authorities of University.

21. (1) The Board of Governors shall consist of the following members, namely:-

Board of Governors.

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (v) the Secretary to the Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (viii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (ix) the Commissioner of Health and Medical Services, and Medical Education, Gujarat State, or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Head of the Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) two Principals of affiliated colleges of each District, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) one University teacher, to be nominated by the Vice-Chancellor from amongst themselves taking into consideration the overall seniority and by rotation;
- (iv) four teachers of the affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) five registered graduates from Faculties of Arts, Science, Commerce, Professional and all others, one from each faculty in the manner as prescribed by the Statutes, to be nominated by the Vice-Chancellor for the term of one year;
- (vi) one member of any municipal corporation, to be nominated by the State Government from the University area;
- (vii) one member of any municipality, to be nominated by the State Government from the University area;
- (viii) one member of any District Panchayat, to be nominated by the State Government from the University area;
- (ix) three members of the State Legislative Assembly, to be nominated by the State Government from the University area;
- (x) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, representatives of backward communities, women and such other classes of persons;
- (xi) one donor, to be nominated by the State Government.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

(3) The term of members, other than *ex-officio* members shall be three years, except for the members under registered graduates category.

Meetings of Board of Governors.

22. (1) The Board shall meet on such date as may be fixed by the Vice-Chancellor, once in a year at a meeting to be called the annual general meeting of the Board.

(2) The Vice-Chancellor may, whenever, and shall, upon a requisition in writing by not less than one-third of the total members of the Board convene a special meeting of the Board of Governors.

(3) The Board shall meet at least two times during a calendar year generally.

(4) The quorum shall not be less than one-third of the total number of members of the Board (any fraction contained in that one-third being rounded of as one).

(5) A written notice of every meeting together with agenda shall be circulated by the Registrar, to the members of the Board at least not less than fifteen clear days invariably before the date of the meeting. The Vice-Chancellor may permit inclusion of any item for which due notice could not be given in the meeting.

(6) The Chairperson, if present shall preside over the meetings of the Board and in his absence, the Pro-Vice-Chancellor shall preside at the meeting.

(7) The ruling of the Chairperson on about any question of procedure shall be final.

(8) In case of difference of opinion amongst the members, the opinion of the Vice-Chancellor shall prevail.

(9) Each member of the Board, including the Chairperson shall have one vote and if there is a tie, viz. a deadlock, equality of votes on any question to be determined by the Board, the Chairperson of the Board shall have a casting vote.

(10) The minutes of the proceedings of a meeting of the Board shall be drawn up by the Registrar with the approval of the Chairperson of the Board and circulated invariably within twenty days to all the members of the Board. The minutes, along with amendments, if any suggested, shall be placed for confirmation at the next meeting of the Board. After the minutes are confirmed and signed by the Chairperson of the Board, they shall be recorded in the minute book which shall be kept open for inspection by the members of the Board.

23. Subjects to the other provisions of this Act, the Board shall exercise the following powers and perform the following duties, namely:-

**Powers
and duties of
Board of
Governors.**

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;
- (ii) to institute Professorships, Associate Professorships, Assistant Professorships and other posts of teachers as may be required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;

- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the annual financial estimates prepared by the Executive Council and pass resolutions with reference thereto;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act and all such other powers for achieving the objects of the University.

Executive Council. 24. (1) The Executive Council shall be the executive authority of the University and shall consist of the following members, namely:-

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (iv) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Health and Medical Services and Medical Education, Gujarat State or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Heads of Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (ii) four Principals of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iii) two teachers, to be nominated from amongst University teachers, other than Heads of the Department, by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iv) four teachers of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (v) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, public administrators, representatives of backward communities, women and such other classes of persons.
- (2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

Powers and duties of Executive Council. 25. (1) Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise or performance of the powers and duties assigned to it by this Act and the Statutes, in consultation with the Finance Committee, Buildings and Estate Committee or if there is a Legal Committee, with it;
- (iii) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to prepare the annual financial estimates of the University and to submit them to the Board;
- (vi) to sanction the transfer of any amount within the budget grant from one minor head to another or from subordinate head under the minor head to a subordinate head under another minor head;
- (vii) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
- (viii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
- (x) to transfer any movable or immovable property on behalf of the University;
- (xi) to raise loans on the security of the assets of the University;
- (xii) to manage and regulate finances, accounts and investments of the University;
- (xiii) to institute and manage -
 - (a) Printing and publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;
- (xiv) to make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (xv) to manage colleges, University Departments, institution of research or specialised studies, laboratories, libraries and hostel maintained by the University;
- (xvi) to arrange for, and direct, the inspection of affiliated colleges, recognised institution, and hostels and to issue instructions for maintaining their efficiency and/or ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;

- (xvii) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (xviii) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (xix) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (xx) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (xxi) to make recommendations for appointments of teachers and employees of the University, to fix their emoluments and define their duties and terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (xxii) to recognise a member of the staff of an affiliated college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (xxiii) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (xxiv) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxv) to make, amend and cancel the Ordinances ;
- (xxvi) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed upon by or under this Act;
- (xxvii) to exercise all the powers of the University not provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (ix), (x) and (xi) of sub-section (1).

(3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board and the State Government.

(4) The exercise of the powers by the Executive Council under clause (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised institutions shall be subject to the approval of the State Government.

(5) The Executive Council may by Ordinances appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

26. (1) The Academic Council shall be the academic body of the University and shall consist of the following members, namely:-

Academic Council.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) not more than six faculties, excluding the Deans of Faculties to be nominated by the Vice-Chancellor.

(2) The term of office of the members of the Academic Council other than the *ex-officio* members shall be three years:

Provided that a member specified in clauses (iii) and (iv) of subsection (1) shall cease to hold his office as such member, if he ceases to be a Dean of a Faculty or, as the case may be, a member of the respective Faculty.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decisions of Academic Council in so far as the academic matters are concerned, shall be final and be implemented forthwith.

Powers and duties of Academic Council.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:-

- (i) to approve Regulations made by the Faculty concerned laying down courses of studies;
- (ii) to approve Regulations made by the Faculty concerned, regarding the special courses of studies;
- (iii) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (iv) to promote research within the University;
- (v) to approve proposals for allocating subjects to Faculties;
- (vi) to make proposals to the Board for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories as well as centres for skill development and enhancement;
- (vii) to approve and recommend to the Executive Council proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other posts of teachers as may be required by the University and for prescribing the duties and fixing the emolument of such posts;

- (viii) to approve and recommend to the Board, the proposals for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals and prizes;
- (ix) to approve regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (x) to make and approve Regulations prescribing the equivalence of examinations;
- (xi) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xii) to grant inter-disciplinary courses and take all measures to improve Choice Based Credit System (CBCS);
- (xiii) generally, to advise the University on all academic matters;
- (xiv) to exercise such other powers and perform such other duties as may be conferred or, imposed on it by and under this Act.

**Finance
Committee.**

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

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (iv) one member of the Board, to be nominated by the Board;
- (v) one expert in the field of finance, to be nominated by the Board.

(2) The Finance and Accounts Officer 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) A nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and the resignation shall take effect from the date it is accepted by the Vice-Chancellor.

**Powers and
duties of
Finance
Committee.**

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

- (i) to examine the annual accounts and annual estimates of the University and to 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 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 proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget, and to place the same before the Board;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate the University Fund;
- (x) to grant tenders, contracts and other expenditure, projects, and recommend to the Executive Council for final approval; and
- (xi) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

30. (1) The Buildings and Estate Committee shall consist of the following members, namely:-

Buildings and
Estate
Committee.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Roads and Buildings Department or his nominee not below the rank of Deputy Secretary;
- (v) one representative of the Institute of Engineers (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members;
- (vi) one representative of the Institute of Architects (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members.

(2) The University Engineer shall function as the Secretary of the Committee.

(3) The term of the nominated members of the Committee shall be three years.

(4) The Committee shall,-

- (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilisation of the grants received from the University Grants Commission (UGC), the State Government or from any agency;

- (b) be responsible for the maintenance and upkeep of the University buildings;
- (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
- (d) exercise such powers, as delegated to it by the Executive Council.

(5) The Committee may constitute one or more sub-committees to oversee the work of any project.

Faculty. 31. (1) The University shall include the Faculties of Arts, Education, Sciences, Law, Medicine, Commerce and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

- (i) the Chairperson of the Boards of Studies for the subjects with which the Faculty is concerned; and
- (ii) not more than three members of the Board of Studies as are assigned to the Faculty by the Executive Council.

(3) A teacher in a subject included in more than one Faculties shall, within one month from the date on which he becomes a member of the Board of Studies, select by intimation in writing to the Registrar, any one of such Faculties to which he wishes to be assigned, if he intends to make such selection. The Executive Council shall assign to him any one of such Faculties and the selection or assignment so made shall be irrevocable for the entire term of membership.

(4) All Faculties shall be located at the headquarters of the University:

Provided that in respect of any of such Faculties, the State Government after consulting the University may, by notification in the *Official Gazette*, direct that the Faculty specified in the notification shall be located at such place outside the headquarters of University and thereupon the Faculty shall be located accordingly.

Powers and duties of Faculty.

32. (1) The Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and duties of the examination of the University for the subjects assigned to the Faculty.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions

of this Act, the Faculty shall exercise the following powers and perform the following duties, namely:-

- (i) to make regulations in consultation with the concerned Board of Studies laying down courses of studies;
- (ii) to make regulations regarding the special courses of studies;
- (iii) to make regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University; and suggest measures to develop research in University, affiliated colleges and recognised institutions;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of departments, institution of research and specialised studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships and Assistant Professorships and any other post of teachers as may be required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and other awards and to make regulations for their grant;
- (ix) to make regulations for the maximum workload of teacher, the minimum teaching work for every subject, minimum laboratory work, research library work, counseling, project work to be done by students for any subject;
- (x) to make regulations prescribing equivalence of examinations;
- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University, affiliated colleges or recognised institutions for qualifying for degree, diploma and other distinctions;
- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies;
- (xiii) to exercise such other powers and perform such other duties as may be conferred by or imposed upon it, by or under this Act.

33. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes. **Board of Studies.**

(2) Subject to the provisions of sub-section (3), each Board of Studies shall consist of,-

- (i) not more than one Head of the University Department, if any, in the subject;

- (ii) not more than three Heads of the Departments, in the special subjects taught at degree level in the affiliated colleges and recognised institutions;
- (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.

(3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency, subject, however, to the condition that the total number of co-opted and nominated members shall not exceed seven.

(4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, and for three years or maximum of two terms.

(5) The Chairperson and members of the Board of Studies shall be nominated by the Vice-Chancellor.

(6) The powers and duties of a Board of Studies shall be as follows, namely:-

- (i) to recommend courses of studies in the subject;
- (ii) to recommend and prescribe where necessary, books for study in the subject;
- (iii) to recommend programmes for extension services and research in the subject;
- (iv) to recommend organisation of seminars, refresher courses and workshops to the concerned Dean of the Faculty;
- (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based Education with Choice Based Credit System;
- (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books of study;
- (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
- (viii) to review periodically the terminology current in the subject; and
- (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(7) The Board of Studies shall meet at least twice during an academic term as may be determined by the Ordinances.

Constitution,
powers and
duties of other
boards and
bodies of
University.

34. The constitution, powers and duties of other Boards and Bodies which may be declared to be the authorities of the University under section 20, shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

35. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

Statutes.

- (i) to confer degrees and conferment of honorary degrees and holding of convocation;
- (ii) powers and duties of the officers of the University;
- (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iv) to institute and maintain the University departments, institutes of research or specialised studies, post-graduate centre in affiliated colleges and hostels;
- (v) acceptance and management of bequests, donations and endowments;
- (vi) registration of graduates and maintenance of a register of registered graduates;
- (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
- (viii) qualifications of Professors, Associate Professors, Assistant Professors and teachers in affiliated colleges and recognised institutions;
- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

36. (1) The Statutes may be made by the Board or may be amended, repealed or added to by the Board in the manner hereinafter provided.

Making
amendments,
operation and
repeal of
Statutes.

(2) The Board may take into consideration the draft of a Statutes either of its own motion or on a proposal by the Executive Council.

(3) The Executive Council may propose to the Board draft of any Statutes to be passed by the Board.

(4) The draft of Statutes shall be considered by the Board at its next succeeding meeting. The Board may approve such draft and pass the Statutes or may reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which the Board may suggest. After any draft of Statutes so returned has been further considered by the Executive Council together with any amendment suggested by it, it shall be again presented to the Board with the report of the Executive Council thereon and the Board may then deal with the draft in the manner as it thinks fit and proper.

(5) Where a Statute affects the powers or duties, of an officer, authority or Board of the University-

- (i) the Executive Council shall, before proposing the draft of such Statutes, ascertain and consider the views of the concerned officer, authority or Board concerned; and
- (ii) the Board, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Executive Council.

(6) Where the Statutes seek to provide for academic matters, the Board shall, before passing such Statutes, consult the Academic Council.

(7) Every Statute passed by the Board shall be submitted to the State Government which may give or withhold approval thereto or refer it back to the Board for its reconsideration.

(8) No Statute passed by the Board shall have validity until approved by the State Government.

Ordinances. 37. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:-

- (i) conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of students of the University, affiliated colleges and recognised institutions;
- (vi) recognition of hostels;
- (vii) inspection of affiliated colleges, recognised institutions and hostels;
- (viii) rules to be observed and enforced by the affiliated colleges and recognised institutions in respect of transfer of students;
- (ix) to fix the fees to be charged from the students;
- (x) mode of execution of contracts or agreements for, or on behalf of the University;
- (xi) all matters which, by this Act are to be or may be provided for by the Ordinances; and
- (xii) generally all matters for which provision is, in the opinion of the Executive Council, necessary for the exercises of the powers conferred or the performance of the duties imposed upon the Executive Council by this Act or the Statutes.

Making of Ordinances. 38. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 37, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made unless a draft of the same has been proposed by the Academic Council.

(2) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power, by a resolution, to cancel or to refer back, but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Board.

(4) The Vice-Chancellor shall, on application of not less than one-third of the members of the Board, suspend the operation of any such Ordinance until the Board has considered it as provided in sub-section (3).

39. (1) The Academic Council, or as the case may be the Faculty, may, subject to the approval of the Academic Council, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for, by Regulations and for all other matters solely concerning itself.

Regulations
and rules.

(2) Any authority of the University specified in clauses (iv) to (ix) of section 20 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any authority or other Boards shall have effect from such date as the authority making the Regulations or rules, may direct:

Provided that a Regulation or rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI AFFILIATION, RECOGNITION AND ACCREDITATION

40. (1) A college applying for affiliation to the University shall send an application to the Registrar, and shall satisfy the Executive Council and the Academic Council,-

Affiliation.

- (a) that the college will supply a need in the locality, and the suitability of the locality where the college is to be established;
- (b) that the college shall be under the management of a regularly constituted governing body under registered trust or, as the case may be, registered society;
- (c) that the strength and qualifications of the teaching and non-teaching staff and the conditions governing their tenure of office are such as to make due provision for the course of instruction, teaching or training to be undertaken by the college;
- (d) that the buildings in which the college is to be located are suitable, and provision shall be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of the students;
- (e) that due provision has been made or shall be made for library;
- (f) that where affiliation is sought in any branch of experimental science, that arrangements have been or shall be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (g) that the financial resources of the college are such as to make due provisions for its continued maintenance and efficient working.

(2) The application shall contain an undertaking that after the college is affiliated, any transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Executive Council.

(3) On receipt of an application under sub-section (1), the Executive Council shall-

- (a) direct local inquiry to be made by a competent person or persons authorised by the Executive Council in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
- (b) make such further inquiry as may appear to it to be necessary;
- (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
- (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry made under clauses (a), (b) and (c) of sub-section (3).

(4) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated, and, where the application or any part thereof is refused the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board a report regarding the application, the action taken thereon under sub-sections (3) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

41. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 40 shall be followed. **Additional of courses of instruction.**

42. (1) The rights conferred on a college by affiliation may be withdrawn by the Executive Council in whole or in part or may be modified, if the college fails to comply with the provisions of the Statutes or Ordinances governing the affiliation or if the affairs of the college are conducted in a manner which are prejudicial to the interests of education: **Withdrawal of affiliation.**

Provided that no such affiliation shall be withdrawn unless the college is given an opportunity of being heard.

(2) If any affiliated college aggrieved by sub-section (1) raises any dispute as to the withdrawal of its rights of affiliation, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

43. (1) Any institution situated within the University area, which conducts specified research or studies may be recognised by the Executive Council in consultation with the Academic Council as a recognised institution for such purpose and in such manner and subject to such conditions, as may be prescribed by the Statutes. **Recognised institution of research and specialised studies and withdrawal thereof.**

(2) Any such recognition may be withdrawn either in whole or in part or may be modified in such manner and for such reasons, as may be prescribed by the Statutes.

44. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Executive Council, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or institution. **Inspection of colleges and reports, etc.**

(2) The Executive Council shall cause such college or institution to be inspected from time to time by one or more competent persons authorised by the Executive Council in this behalf.

(3) The Executive Council may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary on the basis of the findings and recommendations as a result of inspection as referred to in section (2).

Accreditation
of University.

45. The University shall obtain accreditation from the National Council of Assessment Accreditation (NAAC) within five years of its establishment and such other regulating bodies of the Government of India and the Government of Gujarat which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

CHAPTER VII

POST-GRADUATE TEACHING AND RESEARCH

Post-graduate
instruction,
teaching
and training.

46. (1) Within the University area, all post-graduate instruction, teaching and training shall be conducted by the University or subject to control of the University by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes.

(2) For the purpose of organising and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching and Research.

(3) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(4) The University may maintain University Centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes.

(5) The Board of University Teaching and Research shall,-

- (i) advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (ii) consider and report to the authorities on the institution of research degrees in the University;
- (iii) propose regulations regarding the award of research degrees;

- (iv) appoint supervisors for research studies and to determine the subjects of their thesis;
- (v) recommend panel of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf;
- (vi) perform such other functions as may be prescribed by the Statutes.

CHAPTER VIII CONFERMENT OF DEGREES, DIPLOMAS, ETC.

47. (1) The Board may, in consultation with the Academic Council and the Executive Council institute such degrees, diplomas and other academic distinctions as may be prescribed under the relevant Statutes. **Conferment of degrees, diplomas and other academic distinctions.**
- (2) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant degrees, diplomas, honorary degrees and other academic distinctions in accordance with the provisions of this Act.
- (3) The Academic Council shall by an appropriate resolution or resolutions confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided by the Statutes, who have passed an examination at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.
- (4) The convocations of the University for the conferment of honorary degree, degrees, diplomas, certificate and academic distinctions shall be held in such manner as may be prescribed by the Statutes.

48. (1) If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board present at a meeting of the Board, such majority comprising not less than one-half of the members of the Board, and the recommendation is confirmed by the State Government, the Board may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination. **Honorary degree.**

(2) Not more than two persons shall be conferred with such academic distinction of honorary degree during an academic year, by the University.

(3) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, recommend to the State Government after consultation with the Vice-Chancellor to withdraw an honorary degree granted to any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

Removal of person from the register of graduates and withdrawal of degree or diploma.

49. (1) The Vice-Chancellor may, on the recommendation of the Executive Council and the Academic Council supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or a degree if he has been convicted by a court of law of any offence which in the opinion of the competent authority is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(2) No action under sub-section (1) shall be taken unless the person concerned is given an opportunity of being heard.

CHAPTER IX COMMITTEES

Examiners' Committee.

50. (1) There shall be formed a committee for each Faculty for the purpose of drawing up the list for appointment of the University Examiners, consisting of,-

- (i) the Dean, who shall be the *ex-officio* Chairperson;
- (ii) the Chairperson of the Board of Studies; and
- (iii) two members of the Board of Studies, nominated by the Vice-Chancellor for the year.

(2) The list of Examiners prepared by the Committee shall be placed by the Academic Council before the Vice-Chancellor for approval who may either approve, or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the Committee shall be such as may be prescribed by the Statutes.

51. The Board of Governors, the Executive Council, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing such committees.

Other
Committees.

CHAPTER X FINANCE

52. (1) The University shall establish a fund to be called the "University Fund".

University
Fund.

(2) The following shall form part of, or be paid into, the University fund,-

- (a) any contribution or grants by the State Government, the Central Government, or the University Grants Commission;
- (b) the income of the University from all sources including income from fees and charges;
- (c) bequests, donations, endowments and other grants, if any;
- (d) any sum borrowed from the banks with the permission of the State Government.

(3) All moneys credited to the fund of the University shall be deposited in any of the Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the surplus fund shall be invested, in such manner as the Board on the recommendation of the Finance Committee or as per the directions of the State Government issued from time to time in this behalf.

II of 1934.

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

53. (1) The annual accounts of the University shall be prepared and audited under the direction of the Executive Council and shall be submitted to the State Government.

Annual
accounts and
financial
estimates and
audit.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Board and to the State Government.

(3) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit; and finally adopt the accounts and financial estimates. The Executive Council

shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

(5) The annual accounts of the University shall be audited every year within three months of the closing of the financial year, by the auditors, appointed by the Finance Committee from amongst the firms of Chartered Accountants, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so audited within the stipulated time limit, failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

(6) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be submitted to the State Government, and, on receipt of such audited accounts, the Board shall consider and pass such resolution thereon as it thinks fit.

(7) The State Government shall cause to be conducted the audit of the accounts of the University at least once in a year by the auditors appointed by the State Government.

Annual reports.

54. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes and shall be considered by the Board at the annual meeting. The Board may pass resolution thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

CHAPTER XI

SUPPLEMENTARY PROVISIONS

Appointment of teachers and other employees.

55. (1) Subject to the provisions of this Act, the teachers, officers, and other employees of the University shall be appointed in such manner and with such designations and grades as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(2) The teachers, officers, and other employees of the University appointed under this Act shall be entitled to such salary and allowances, and shall be governed by such conditions of service and code of conduct as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(3) No person shall be appointed as a teacher of the University, affiliated college or, as the case may be, recognised institution, unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grants Commission, the State

Government, the University or other statutory regulatory bodies, as specified in the relevant Statutes, Ordinances and Regulations.

(4) Till the first Statutes, Ordinances, Regulations and Rules under section 69 are framed, relevant Government rules, norms as underlined by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

45 of 1860. 56. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servant.

Explanation.- For the purposes of this section, any person who is appointed by the University for a specified period, or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or an employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

57. (1) The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

Pension, insurance and provident fund of staff of University, etc.

(2) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or institution in matters of pension, insurance and provident fund or for other benefits as may be prescribed by the Statutes.

58. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 57, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give and thereupon,-

Provident fund to be deposited in Government Treasury.

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government employee is for the time being entitled to on the balance in his provident fund account; and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to the Government employees shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies.

Vacating of
office.

59. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of the receipt of the letter by the Vice-Chancellor, whichever event occurs earlier.

(2) Any member of any authority or body of the University shall cease to be a member on being convicted by a court of law of an offence, which in the opinion of the Executive Council, involves moral turpitude.

Filling of
casual
vacancies.

60. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Liability
for
damage.

61. (1) It shall be the duty of every officer, teacher and other employee of the University to ensure that the interests of the University are duly safeguarded.

(2) If it is found that any damage or loss has been caused to the University by any unlawful act not done in good faith, on the part of such officer, teacher, or other employee, or by any wilful failure to act in conformity with the provisions of this Act, the Statutes, Ordinances, Regulations or Rules, or by any wilful neglect or default on his part, such damage or loss shall be liable to be recovered from him in accordance with the procedure prescribed by the Statutes.

Proceedings
not
invalidated
by
vacancies.

62. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to
constitution of
University
authority or
body.

63. Where any question arises as to,-

(i) the interpretation of any provision of this Act, or Statute, Ordinance, Regulation or Rule, or

(ii) whether a person has been appointed as, or is entitled to be or ceases to be, a member of any authority or other body of the University,-

(a) it may be referred to the State Government if it relates to a matter specified in clause (i); and

(b) it shall be referred to the State Government if,-

(i) it relates to a matter specified in clause (ii); or

(ii) if twenty members of the Board so require irrespective of whether it relates to a matter specified in clause (i) or clause (ii), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

64. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

Protection of acts and orders.

CHAPTER XII TRANSITORY PROVISIONS

Guj. 39 of
1965.

65. (1) Notwithstanding anything contained in the Saurashtra University Act, 1965 or in the Statutes, Ordinances, Regulations, Rules and orders made thereunder, the colleges and the departments and the centres situated within the University area shall, from the date of the commencement of this Act, cease to be the colleges, departments or, as the case may be, centres of the Saurashtra University and shall be transferred to and vest in the University.

Transfer of certain colleges, departments and centres of Saurashtra University to the University.

(2) The control and management of the colleges, departments and centres referred to in sub-section (1) shall, with effect on and from the date of the commencement of this Act, stand transferred to the University and all properties and assets (whether movable or immovable) and liabilities of the Saurashtra University in relation thereto shall stand transferred to and vest in or devolve upon the University.

(3) Where immediately before the date of commencement of this Act, the Saurashtra University has made any contract in relation to the said colleges, departments or centres, such contracts shall be deemed to have been made by the University and any reference therein to the Saurashtra University shall be construed as reference to the University.

(4) Where immediately before the commencement of this Act, the Saurashtra University is a party to any legal proceedings with respect to any

property and assets transferred to the University under this section or with respect to any of the rights, liabilities or obligations of the Saurashtra University which have become the rights, liabilities and obligation of the University, the University shall be deemed to be substituted for the Saurashtra University as a party to those proceedings and the proceedings shall continue accordingly.

Terms and conditions of employees of affiliated colleges who were holding the posts in affiliated colleges of Saurashtra University.

66. Notwithstanding anything contained in this Act, every employee of the college affiliated to the University or the recognised institution, who is holding office (whether teaching or non-teaching) of the Saurashtra University immediately before the commencement of this Act, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.

Completion of courses of students in colleges affiliated to Saurashtra University.

67. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situated within the University area and affiliated to the Saurashtra University, who immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the Saurashtra University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Saurashtra University.

Appointment of first Vice-Chancellor.

68. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory powers of first Vice-Chancellor.

69. (1) It shall be the duty of the first Vice-Chancellor,-

- (a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 43; and
- (b) to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University, within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of Advisory Committee consisting of not more than fifteen members nominated by the State Government,-

(a) subject to the provisions of this Act and the approval of the State Government,-

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business;

(ii) draw up any rules that may be necessary for constituting the aforesaid authorities;

(b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

70. The Vice-Chancellor appointed under section 68 shall have powers until the Executive Council commences to exercise its functions,-

Extraordinary powers of first Vice-Chancellor.

(a) with the previous approval of the State Government to make additional Statutes to provide for any matter not provided for by the first Statutes;

(b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;

(c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force;

(d) with the sanction of the State Government, to make for a period not exceeding two years such appointments as may be necessary to enable this Act or any part thereof to be brought into force;

(e) to appoint any committee as he may think fit, to discharge such of functions as he may direct; and

(f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

71. Notwithstanding anything contained in section 14, the first Pro-Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment of first Pro-Vice-Chancellor.

Appointment
of first
Registrar.

72. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

First appointment
of officers and
teachers of
University.

73. (1) At any time after the commencement of this Act until such time as the authorities of the University commence to exercise their functions,-

- (a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the State Government;
- (b) the teachers of the University may be appointed by the State Government after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Commissioner of Higher Education, Gujarat State and such other person or persons, if any, as the State Government thinks fit to associate with them.

(2) Any appointment made under sub-section (1), shall be for such period not exceeding two years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Prohibition
of
membership.

74. Notwithstanding anything contained in the Saurashtra University Act 1965, no member, other than an *ex-officio* member of any of the authorities of the Saurashtra University shall be eligible to become a member of any of the authorities of the University established under this Act till such member has completed his term or has resigned from his office. Guj. 39 of 1965.

Power to
remove
difficulties.

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Amendment
of Schedule
to Guj. 39 of
1965.

76. In the Saurashtra University Act, 1965, in the Schedule, entry 4 shall be deleted. Guj. 39 of 1965.

SCHEDULE

[See section 2(14)]

1. Junagadh District.
2. Porbandar District.
3. Gir-Somnath District.
4. Devbhumi-Dwarka District.

STATEMENT OF OBJECTS AND REASONS

The Saurashtra University was carved out from the Gujarat University and was established in the year 1965 under the Saurashtra University Act, 1965. Thereafter, in view of the persistent demand of the people of Bhavnagar District and the fact that number of colleges and educational institutions under the supervision and control of the Saurashtra University had increased significantly, the Bhavnagar University in the year 1978 was established by enacting the Bhavnagar University Act, 1978. At present, there are as many as 302 colleges and educational institutions under the control of the Saurashtra University. The State Government is of the view that an University which has reasonable number of colleges and other educational institutions under its supervision and control would be able to function more efficiently and the standard of instructions would be improved considerably. Moreover, some of the existing colleges and institutions of the Saurashtra University are far away from the headquarters of the Saurashtra University which is at Rajkot and the students of the districts of Gir Somnath and Devbhumi-Dwarka have to face hardships whenever they are required to visit the University. It is, therefore, felt necessary to establish a new University at Junagadh in the name of Bhakta KaviNarsinh Mehta University for the districts of the Junagadh, Porbandar, Gir Somnath and Devbhumi Dwarka so as to serve the local needs of the students as also to cater the needs of the region.

The Finance Minister in his Budget Speech on 24.2.2015 while presenting the Annual Budget for the Financial Year 2015-16 of the State on the floor of the State Legislative Assembly had declared the intention of the State Government to establish two Universities and accordingly the Bill provides for the establishment of the Bhakta Kavi Narsinh Mehta University at Junagadh.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.-This clause provides for short title and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 to 7.-These clauses provide for establishment and incorporation of the Bhakta Kavi Narsinh Mehta University, its headquarters, objects and powers and functions, jurisdiction of the University.

Clause 8.- This clause provides that the University shall be open to all irrespective of their sex, race, creed, caste, class, place of birth, religious, belief or political or other opinion.

Clause 9.- This clause provides for the power of the State Government to give directions, order assessment and inquiry on the grounds of teaching standards, examinations, research or administration if it is deteriorated substantially and not of the acceptable level.

Clauses 10 and 11.- These clauses provide for the officers of the University and eligibility of age limit of officers of the various authorities.

Clauses 12 and 13.- These clauses provide for the qualification, other terms and conditions of service for appointment of the Vice-Chancellor of the University and his powers.

Clause 14.- This clause provide for the appointment of the Pro-Vice-Chancellor and terms and conditions of service for appointment of the Pro-Vice-Chancellor of the University and his powers.

Clauses 15 to 19.- These clauses provide for the appointment, conditions of service and powers and functions of the Deans of Faculties, Registrar, Law Officer, Finance and Accounts Officer and Controller of Examinations.

Clause 20.- This clause provides for the authorities of the University.

Clauses 21 to 23.- These clauses provide for the constitution of the Board of Governors, term of members of the Board, meetings of the Board, powers and duties of the Board of Governors.

Clauses 24 to 30.- These clauses provide for the constitution of Executive Council, Academic Council and Finance Committee, Buildings and Estate Committee of the University, term of members of the Council and Committee, resignation of members and their powers and functions.

Clauses 31 to 33.- These clauses provide for the constitution of Faculties and Board of Studies of the University and their powers and duties.

Clause 34.- This clause provides for the constitution, powers and duties of the boards and bodies which may be declared as the authority of the University in accordance with the Statutes.

Clauses 35 and 36.- These clauses provide for making of Statutes by the Board for matters specified therein.

Clauses 37 and 38.- These clauses provide for making of Ordinances by the Executive Council for matters specified therein.

Clause 39.-This clause provides of making of regulations by the Academic Council or Faculty. It also provides for making of rules by other authority such as Finance Committee, Buildings and Estate Committee, specified in clause 20 of the Bill.

Clauses 40 to 42.-These clauses provide for affiliation of a college to the University, extension of affiliation and withdrawal of affiliation.

Clause 43.-This clause provides for recognition of institution of research and specialised studies and withdrawal thereof.

Clause 44.-This clause provides for inspection of colleges and obtaining the reports thereon.

Clause 45.-This clause casts a duty on the University to obtain the accreditation from regulating agencies within five years.

Clause 46.-This clause provides for the post-graduate teaching and research in the University and at other places other than the University headquarters and further provides for the constitution of the Board of University Teaching and Research and its functions.

Clauses 47 to 49.-These clauses provide for the powers of the University to confer and withdraw degrees, diplomas, honorary degrees, grant certificates and other academic distinctions as approved by the Board of Governors.

Clause 50.-This clause provides forming of Examiners Committee's for each Faculty.

Clause 51.- This clause empowers the Board of Governors and other authorities to appoint such committees as deemed fit.

Clause 52.- This clause provides for the establishment of the University Fund.

Clause 53.- This clause provides for the preparation of accounts of the University and audit thereof and the audit by the State Government at least once in a year.

Clause 54.-This clause provides for preparation of the annual report of the University and submission to the Board of Governors.

Clause 55.- This clause provides for the appointment of the teachers, officers and other employees of the University, affiliated colleges and recognised institution their emoluments and conditions of services.

Clause 56.- This clause provides that all the officers, teachers and employees shall be deemed to be the public servants.

Clause 57.- This clause provides for the pension, provident fund and insurance for the benefits of the officers, teachers and other employees of the University, affiliated colleges and recognised institution.

Clause 58.- This clause provides for the provident fund to be deposited in the Government treasury.

Clauses 59 and 60.- These clauses provides for the manner in which a member of any authority or body may resign from his office and filling of the casual vacancies.

Clause 63.- This clause provides for the redressal of disputes with regard to the interpretation of this Act or Statutes, etc., and disputes regarding the appointment, entitlement and cessation of a member of any authority or any other body of the University.

Clause 64.- This clause provides for usual indemnity for acts done in good faith.

Clause 65.- This clause provides for the different consequences with regard to the transfer of colleges, department from the Saurashtra University on the establishment of the University under this Act.

Clause 66.- This clause provides for the continuation of holding their offices by the employees of the colleges as a result of establishing the University under this Act.

Clause 67.- This clause provides for the completion of the courses by the students in the Saurashtra University.

Clauses 68 to 70.- These clauses provide for the appointment of the first Vice-Chancellor by the State Government for a period not exceeding three years, transitory powers and extra ordinary powers of the first Vice-Chancellor.

Clauses 71 and 72.- These clauses provide for the appointment of the first Pro-Vice-Chancellor and the first Registrar by the State Government.

Clause 73.- This clause provides for the appointment of the Officers and teachers by the Vice-Chancellor with the previous sanction of the State Government for a period not exceeding two years immediately after coming into force in this Act.

Clause 74.- This clause provides for prohibition of a member of any authority of the Saurashtra University for becoming a member of any of the authorities of the University to be established under this Act till the term of such member expires or resigns from his office.

Clause 75.- This clause empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act, within a period of two years from the commencement of this Act.

BHUPENDRASINH CHUDASAMA,

FINANCIAL MEMORENDOM

Sub-clause (2) of clause 52 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would involve an estimated annual expenditure for the financial year 2015-16 of rupees 27.50 crore and for the financial year 2016-17 of rupees 27.50 crore from the Consolidated Fund of the State. In the Budget Estimate for the year 2015-16 a provision of rupees 27.50 crore and for the year 2016-17 a provision of rupees 27.50 crore will be made out of which rupees 27.50 crore would be of recurring nature and rupees Nil crore would be of non-recurring nature.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which provisions other than section 1 of this Act shall come into force and also to appoint different dates for different provisions.

Clause 6.- (i) This clause empowers the concerned authority of the University to prescribe conditions subject to which the University shall have the powers specified in that clause;

- (i) sub-clauses (10) and (11) of this clause empower the University to confer degrees, diplomas and other academic distinctions in the manner prescribed by the Statutes;
- (ii) sub-clause (12) of this clause empowers the University to grant diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, by the Statutes, Ordinances, Regulations and Rules;
- (iii) sub-clause (19) of this clause empowers the University to fix, demand and receive or recover such fees and other charges as prescribed by the Ordinances.

Clause 7.- Sub-clause (5) of this clause empowers the State Government to direct by notification in the *Official Gazette*, that this Act shall from the date specified in the notification cease to apply to any area included in the University area.

Clause 10.- This clause empowers the Board of Governors to declare by Statutes, other officers who are in the service of University to be the officers of the University.

Clause 12.- (i) para (i) of sub-clause (4) of this clause empowers the Executive Council and the Academic Council to jointly nominate one person on the Committee and the Vice-Chancellors of all Universities established by law in the State of Gujarat to nominate another person on the Search Committee in the manner prescribed by the Statutes;

(ii) sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the time within which and the manner in which the Committee shall select three persons whom it considers fit for being appointed as the Vice-Chancellor; and also empowers to prescribe other particulars which the Committee shall recommend to the State Government.

Clause 13.- Sub-clause (8) of this clause empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Vice-Chancellor.

Clause 14.- Sub-clause (5) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other duties to be performed by the Pro-Vice-Chancellor.

Clause 15.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which the Deans of Faculties shall be elected;

(ii) para (viii) of sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes the other powers to be exercised and the other functions to be performed by the Deans of Faculties.

Clause 16.- This clause empowers the Board of Governors to prescribe by Statutes, the emoluments and conditions of service on which the Registrar shall be appointed. It also empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Registrar.

Clause 17.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, experience, powers, functions and duties of the Law Officer of the University.

Clause 18.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other functions to be performed by the Finance and Accounts Officer of the University;

(ii) para (ii) of sub-clause (4) of this clause empowers the State Government to prescribe by Statutes, the other financial functions to be performed by the Finance and Accounts Officer.

Clause 19.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, terms and conditions of service and the tenure of the Controller of Examination of the University.

Clause 20.- Item (ix) of this clause empowers the Board of Governors to declare by Statutes, the other Boards and Bodies of the University to be the authorities of the University.

Clause 21.- This clause empowers the Board of Governors to prescribe by Statutes, the manner in which five registered graduates referred to in item (v) falling under the heading "Class II Ordinary Members" shall be nominated by the Vice-Chancellor.

Clause 25.- (i) Sub-clause (1) of this clause empowers the concerned authority of the University to prescribe, conditions subject to which the Executive Council shall have the powers specified in paras (i) to (xxvi) of this clause;

(i) item (xix) of sub-clause (1) empowers the Board of Governors to prescribe by Statutes, the manner in which honorary degrees and academic distinction shall be conferred by the Board of Governors;

(iii) item (xxiv) of sub-clause (1) empowers the Executive Council to prescribe by Ordinances, the fees and other charges to be fixed, demanded and received;

(iv) sub-clause (5) empowers the Executive Council to prescribe by Ordinances, to appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

Clause 27.- Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe conditions subject to which the Academic Council shall have the powers for the matters specified in paras (i) to (xiv) of this clause.

Clause 29.- This clause empowers the Finance Committee to exercise other powers and perform other duties conferred or imposed upon it by the Regulations.

Clause 31.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the faculties other than the faculties of Arts, Education, Sciences, Law, Medicine, Commerce, which shall be included;

(ii) proviso to sub-clause (4) of this clause empowers the State Government after consulting the University, to direct, by notification in the *Official Gazette*, that the Faculties specified in the notification may be located at the place other than the headquarters of University.

Clause 32.- (i) Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe the conditions subject to which the Faculty shall exercise the powers and perform the duties for the matters specified in paras (i) to (xii) of this clause.

Clause 33.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects or group of subjects for a Board of Studies;

(ii) para (ii) of sub-clause (6) of this clause empowers the concerned Faculties to prescribe by regulations, the books for study in the subject;

(ii) para (ix) of sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers which shall

be exercised and other duties which shall be performed by the Board of Studies.

Clause 34.- This clause empowers the Board of Governors to prescribe by Statutes, the constitution, powers and duties of the Boards and Bodies which may be declared to be the authorities of the University under section 20.

Clause 35.- This clause empowers the Board of Governors to prescribe conditions subject to which the Board of Governors shall make Statutes specified for the matters specified therein.

Clause 36.- This clause empowers the Board of Governor to make, amend, repeal or add the Statutes in the manner specified therein.

Clauses 37 and 38.- These clauses empower the Executive Council to prescribe by Statutes, the conditions subject to which the Executive Council shall make Ordinances for the matters mentioned in this clause.

Clause 39.- (i) This clause empowers the Academic Council and Faculty to make regulations consistent with the provisions of the Act and Ordinances for the matters concerning itself;

(ii) sub-clause (2) of this clause empowers authorities declared under section 20, to make rules consistent with the Act, Statutes, Ordinances with the approval of the Executive Council.

Clause 43.- (i) Clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the purpose for which, the manner in which and the conditions subject to which, any institute situated within the University area, which conducts specified research or studies shall be recognised by the Executive Council in consultation with the Academic Council;

(ii) clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which and the reasons for which the recognition of any institute may be withdrawn either in whole or in part or may be modified.

Clause 46.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects in which the post-graduate instruction, teaching and training shall be conducted by the University or the affiliated colleges or institutions;

(ii) sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes, the terms and conditions subject to which the University Centres shall be maintained by the University at the places other than the headquarters of the University.

Clause 47.- (i) Clause (1) of this clause empowers the concerned authority to prescribe by Statutes, the degrees, diplomas and other academic

distinctions which the Board of Governors in consultation with the Academic Council and Executive Council may institute and confer;

(ii) clause (4) of this clause empowers the concerned authority to prescribe by Statutes, the manner in which convocation of the University for conferment of honorary degree, diploma, certificate and academic distinction shall be held.

Clause 50.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed by Examiners' Committee for appointment of the University Examiner.

Clause 53.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the date before which the Executive Council shall prepare the financial estimates for the ensuing year.

Clause 54.- This clause empowers the Board of Governors to prescribe by Statutes, the date on or before which the annual report of the University shall be prepared and submitted to the Board of Governors.

Clause 55.- Sub-clauses (1) to (3) of this clause empower the concerned authorities of the University to prescribe by the Statutes, Ordinances and Regulations, the designations and grades, entitlement of salary and allowances, conditions of service and code of conduct; of the teachers, officers and other employees of the University, and qualifications for appointment of teachers.

Clause 57.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the manner and conditions subject to which the University shall make provisions for insurance, pension, provident fund and other benefits of the officers, teachers and other employees of the University;

(ii) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the adequate provisions by the Governing body of the any college and recognised institution for insurance, pension, provident fund and other benefits of the members of teaching and other academic and non-teaching staff of such college or institution.

Clause 61.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed for the recovery of damage or loss caused to the University by any officer, teacher, or other employee.

Clause 67.- This clause empowers the Board of Governors to prescribe by Statutes, the period for which and the manner in which the University shall provide for completion of courses, instruction, teaching, training and examination of students in colleges affiliated to the Saurashtra University.

Clause 69.- (i) Sub-clause (1) of this clause empowers the State Government to extend by notification in the *Official Gazette*, a period up to one year within which the First Vice-Chancellor shall perform functions of giving recognition to the institutions and constitution of the authorities specified in that sub-clause;

(ii) sub-clause (3) of this clause empowers the State Government to direct by notification in the *Official Gazette*, the date or dates on which the authorities constituted under sub-clause (1) of this clause shall commence to exercise their functions.

Clause 70.- (i) This clause provides for the extra-ordinary powers of the First Vice-Chancellor to make additional Statutes with the previous approval of the State Government, for the matters not included in the first Statutes.

Clause 75.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arised in giving effect to the provisions of this Act within a period of two years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 19th August, 2015. **BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th August, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.