

GUJARAT BILL NO. 11 OF 2021.

THE GUJARAT AYURVED UNIVERSITY BILL, 2021.

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THE GUJARAT AYURVED UNIVERSITY BILL, 2021.

GUJARAT BILL NO. 11 OF 2021.

A BILL

to repeal the existing the Gujarat Ayurved University Act, 1965 and to re-enact the same in the new dynamic format by doing away certain processes that consume more time and include therein a new system of governance of Ayurved University and colleges.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Gujarat Ayurved University Act, 2021. **Short title and commencement.**
(2) It shall be deemed to have come into force on the 10th November, 2020.

Definitions. 2. In this Act, unless the context otherwise requires:

- (1) "Academic Council" means the Academic Council of the University constituted under section 19;
- (2) "affiliated college or Institution" means a college or Institution imparting education in Ayurved and allied subjects which has been granted affiliation by the University;
- (3) "approved institution" means hospital, health centre or such other institutions recognised by the University as an institution in which a person may undergo training, if any, required by a course of study leading to degree, diploma or certificate or other academic distinction of the University;
- (4) "authorities" means the authorities of the University as specified by or under this Act;
- (5) "Ayurvedic institution" means an educational institution imparting instruction, teaching and training in the Ayurvedic system of medicine;
- (6) "Ayurvedic system of medicine" means the Ashtang Ayurvedic system of Medicine including Nisargopachar system, whether supplemented or not by such modern advances as are consistent with the fundamental principles of Ayurved and as the University may from time to time prescribe;
- (7) "Board of Governors" means the Board of Governors of the University constituted under section 15;
- (8) "Chairman" means the Chairman of the Board of Governors;
- (9) "Chancellor" and "Vice-Chancellor" means respectively, the Chancellor and the Vice-Chancellor of the University;
- (10) "collaboration" means collaborative activities of the University with other Universities, academic institutions (includes local or national or international) research institutions or organization;
- (11) "college" means a college or an institution teaching courses leading to a Degree and/or a Diploma and/or a certificate;
- (12) "conducted college or school or institution" means a college, school or institution maintained and managed by the University;

- (13) "Council of Post-Graduate Studies and Research" means any post-graduate studies and research institution or department maintained by the University;
- (14) "Director" means the Director of the School of Post-Graduate Studies and Research;
- (15) "Finance Committee" means the Finance Committee of the University appointed under section 23;
- (16) "Government" means the Government of Gujarat;
- (17) "National Statutory Council" means concerned councils constituted by the Central Government in the field of education in Ayurved and allied subjects;
- (18) "officer" means the officer of the University as specified by or under this Act;
- (19) "Post-Graduate Centre" means a centre in the affiliated colleges recognised as the Post-Graduate Centre by the University for imparting Post-Graduate teaching in such manner as may be prescribed;
- (20) "Post-Graduate Department" means a department of higher learning research or specialized studies imparting Post-Graduate instruction or guidance for research recognised to be so by the University;
- (21) "prescribed" means prescribed by the regulations;
- (22) "Registrar" means the Registrar of the University;
- (23) "regulations" means regulations of the University;
- (24) "School of Post-Graduate Studies and Research" means a School under which the Post-Graduate Studies and Research are conducted, as determined by the regulations.
- (25) "Student of the University" means a person enrolled in the University for under going a course of study leading to a degree, diploma, certificate or other academic distinctions of the University;
- (26) "teacher" means full time approved Assistant Professors/Lecturers, Associate Professors/Readers or Professors and other persons teaching or giving instruction or conducting research on full time basis in affiliated colleges, institutions or approved institutions of the University;

(27) "University" means the Gujarat Ayurved University established and incorporated under this Act;

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

(29) "University teacher" means a teacher appointed by the University.

CHAPTER II

UNIVERSITY

**Establishment
and
incorporation
of University.**

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

(2) The Chancellor, the Vice-Chancellor, the Board of Governors, the Academic Council, the Finance Committee, the Council of Post-Graduate Studies and Research, the Directors, and all other persons who may hereafter become such officers or members of the authorities so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name "The Gujarat Ayurved University".

(3) The University shall function as an affiliating and a teaching University and it shall affiliate any college or institution for the courses leading to conferment of degrees, diplomas or grant certificate to the students admitted therein.

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

(5) 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 such place as the State Government may, by notification in the *Official Gazette*, specify. Headquarters of University.

5. The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension in the field of Ayurved and allied subjects and in relation to the domain of Ayurved and allied subjects and such other related domain of Ayurved. The prime object of the University shall be to create centres and institutions of excellence in Ayurved and allied subjects in particular and other objects shall be as follows, namely:- Objects of University.

- (i) to create institutions and centres of excellence for imparting state of the arts education, training, instruction and conducting research in the field of Ayurved and allied subjects;
- (ii) to create capabilities for advancement of knowledge, skill and competency at various levels;
- (iii) to create capabilities for upgrading the infrastructure of global standard for education, training and research in the areas related to Ayurved;
- (iv) to develop patterns of teaching and training at various levels of educational accomplishment so as to set high standards of education in Ayurved;
- (v) to function as a leading resource centre for knowledge management in the areas of Ayurved and allied subjects;
- (vi) to provide inter-relationship for national and global participation in the field of Ayurved;
- (vii) to establish close linkages with concerned industry to make teaching, training and research at the University, relevant to the needs of the society, and national and global levels;
- (viii) to make such provisions as would enable affiliated colleges and institutions to undertake specialization of studies; and

- (ix) to establish, maintain or take over by agreement and manage colleges, departments, institutes and centres of research or specialised studies.

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

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

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, cast, 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 any other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

(3) The University shall adopt the Government policy, orders and directions issued from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, Other Backward Classes and any other reservation for appointments, admission of students, etc. in the affiliated colleges, University departments, or conducted colleges and institutions.

**Powers
and
functions
of
University.**

7. (1) Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall exercise following powers and perform the following functions, namely: -

- (i) to administer and manage the University and to establish such colleges, institutes and centres of research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to Ayurved and allied subjects;

- (iii) to conduct innovative experiments in new methods and technologies in the field of Ayurved and allied subjects in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses of studies and curricula and to provide for flexibility in the education system and delivery methodologies;
- (v) to hold examinations and confer degrees, diplomas and grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates or other academic distinctions or titles in the prescribed manner;
- (vi) to confer honorary degree or other distinctions in the prescribed manner;
- (vii) to establish such special centres, specialised study centres for research and instruction as in the opinion of the University for the furtherance of its objects;
- (viii) to provide for planning, reproduction and publication of research and other works and to organise exhibitions, workshops, seminars, conferences, etc.;
- (ix) to sponsor and undertake research in all aspects of Ayurved and allied subjects and its management;
- (x) to offer management development programmes for the Institutes of Ayurved and allied subjects;
- (xi) to collaborate or associate with, advise, administer, control, develop maintain any educational institutions with like or similar objects;

- (xii) to develop and maintain linkages with educational, research or other institutions in any part of the world having objects wholly or partly similar to those of the University, through exchange of teachers, scientists, researchers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xiii) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (xiv) to receive grants, donations, subscription, subventions and gifts for the purpose of University and consistent with the objects of the University and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or any concerned National statutory councils or bodies at Central or State level for receiving any grants or funding;
- (xv) to receive fund from national and international organisations or any other sources as donation, gifts, benefactions, bequests by transfers of movable or immovable properties for the purposes and objects of the University;
- (xvi) to establish, maintain and manage for the residence of students and accommodation for teachers, officers and employees of the University;
- (xvii) to supervise and control of residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xviii) to fix, demand, and receive or recover fees and such other charges as may be prescribed;
- (xix) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xx) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;

- (xxi) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, whether movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University, with the previous sanction of the State Government;
- (xxii) to draw and accept, to make and endorse, discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxiii) to raise and borrow money on bond, mortgage, promissory note or other obligations and securities founded or based upon all or any of the proprieties and assets of the University or without any securities on such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, to repay and redeem any money borrowed with the previous sanction of the State Government;
- (xxiv) to invest the fund of the University in or upon such securities and transpose any investments from time to time in such manner as it may deem fit in the interest of the University;
- (xxv) to execute conveyance regarding transfer, mortgage, lease licenses, agreements and other conveyance in respect of the property, whether movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the previous sanction of the State Government;
- (xxvi) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvii) to create academic, technical, administrative, ministerial and other posts with the previous sanction of the State Government and make appointments thereto;

- (xxviii) to regulate and enforce discipline among the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxix) to institute professorship, associate professorship/ readership, assistant professorship/lectureship, endowed professorship, honorary professorship, adjunct professorship and any other teaching, academic or research posts and to prescribe qualifications for the persons to be appointed on such posts;
- (xxx) to recognise the institution as recognised institutions for the purpose of higher learning, research or specialised studies other than affiliated college or institution;
- (xxxi) to approve hospital, health centre or such other institution for practical training required by a course of study before the conferment of degree, diploma, certificate and other academic distinction;
- (xxxii) to prescribe code of conduct for the managements of the affiliated colleges, institutions, approved or recognised institutions;
- (xxxiii) to delegate all or any of its powers (except the powers to make regulations) to any other officers or authorities of the University;
- (xxxiv) to upgrade the skill and knowledge of teaching and non-teaching staffs of the University colleges by developing a mechanism for arranging induction training programmes, orientation programmes, refresher courses, etc.;
- (xxxv) to undertake development programmes in Ayurved and allied subjects and research, consultancy based projects and training programmes for outside agencies, by charging fees to generate resources; without diverting from the objects of the University.
- (xxxvi) to do such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

- (2) Without prior approval of the State Government, the University shall not,
- (a) create any new posts of teachers, officers or other employees;
 - (b) revise pay-scales, allowances, post-retirement benefits and any other benefit of its teachers, officers and other employees;
 - (c) divert any earmarked funds received for any purpose other than that for which it is received from the Government, University Grants Commission or any other statutory commission or bodies;
 - (d) take any decision regarding affiliated colleges or institutions resulting in increased financial liability, direct or indirect for the Government:

Provided, that the University shall be competent to incur expenditure from the fund received from various sources, where no sharing or contribution from the Government, or the academic programmes or projects started on self-supporting basis.

8. (1) The jurisdiction of the University shall extend to the whole of the State of Gujarat. **Jurisdiction of University.**
- (2) The Government may at any time, by notification in the *Official Gazette*, transfer any Government college of Ayurved and allied subjects to the University on such terms and conditions as it may specify in the said notification and from the date of such transfer the said college or institution shall be a University college or institution.
- (3) The University may impose such terms and conditions upon the colleges or institutions as it may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University.
9. (1) The Governor of the State of Gujarat shall be the Chancellor of the University. **Chancellor.**
- (2) The Chancellor shall, by virtue of his office, be the Head of the University and preside at any convocation of the University.

(3) The Chancellor shall have such other powers as may be conferred on him by this Act or the regulations.

**Inspection
and
Inquiry.**

10. (1) The Chancellor shall have a right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipments of any college, institution or centre maintained or affiliated to, the University, and also of the teaching and other work conducted by the University and of the conduct of examinations held by the University, college or institution affiliated to the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

(2) The Chancellor shall in every case give notice to the University of its intention to cause an inspection or an inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Chancellor shall communicate to the University his views with reference to results of such inspection or inquiry and advise the University the action to be taken in the matter.

(4) Where the University does not within the reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may issue such direction to the University as he thinks fit and the University shall comply with such direction.

(5) The State Government may, whenever deems fit, cause a like inspection or inquiry to be made in the manner prescribed in sub-sections (1) to (3) and shall have, for the purposes of such inspection and inquiry, all the powers of the Chancellor under the said sub-sections (1) to (3).

**Vice-
Chancellor.**

11. (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by the Committee appointed for the purpose under sub-section (2).

(2) (a) The Chancellor for the purpose of sub-section (1) shall appoint a Committee which shall consist of the following members, namely: -

- (i) two members to be appointed, one each by the Chancellor and the State Government who shall be eminent persons and educationalist in the field of Ayurved and allied subjects not connected with the University or with any affiliated college or institution or approved institutions;
- (ii) one member to be nominated by the National Commission for Indian System of Medicine (NCISM); and
- (iii) one member to be nominated by the University Grants Commission.

(b) The Chancellor shall appoint one of the members of the Committee as its Chairman.

(3) The Committee so appointed under sub-section (2) shall within such time and in such manner as directed by the State Government, select three persons whom it considers fit for being appointed as a Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as it deems fit.

(4) The person to be appointed as a Vice-Chancellor shall-

- (i) be an eminent educationalist, scientist in the field of Ayurved and administrator having vision for the development of education and research development;
- (ii) not have attained the age of 65 years on the date of nomination or re-nomination

(5)The Vice-Chancellor shall hold office for a term of three years and shall be eligible for re-nomination on that office for a further term of three years only which shall be the final term.

(6)The emoluments and other terms and conditions for the Vice - Chancellor shall be such as may be determined by the State Government.

(7)Whenever a temporary vacancy occurs in the office of the Vice-Chancellor and cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1), one of the Directors or in absence of the Director one of the Principals nominated by the State Government shall carry on the current duties of the office of the Vice-Chancellor.

(8)The Vice-Chancellor may resign from his office by writing under his hand addressed to the Chancellor and such resignation shall take effect from the date it is acceptance by the Chancellor.

**Powers of
Vice-
Chancellor.**

12. (1)The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at any convocation of the University and shall preside at the meetings of the Board of Governors, the Academic Council and the Finance Committee.

(2)The Vice-Chancellor shall ensure that the provisions of this Act and the regulations are faithfully observed and he shall have all the necessary powers for this purpose.

(3) The Vice-Chancellor shall,-

- (i) exercise general supervision and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and

(iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board of Governors or the Chancellor.

- (4) In any emergency which, in the opinion of the Vice-Chancellor require that immediate action should be taken, he shall take such action as he deems fit and shall at the earliest opportunity thereafter furnish information about his action to such authority or body as would have in the ordinary course dealt with the matter:

Provided that if such authority or body is of the opinion that such action ought not to have been taken by the Vice-Chancellor, it may refer the matter to the Chancellor who may either confirm the action taken by the Vice Chancellor or annul the same or modify it in such manner as he thinks fit and thereupon it shall cease to have effect or as the case may be, shall take effect in such modified form, however, such modification or annulment shall be without prejudice to the validity of anything previously done by or under the orders of the Vice- Chancellor.

- (5) Where the exercise of the powers by the Vice- Chancellor under sub-section (4) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations not later than six months from the date of the order of the Vice-Chancellor, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of the order of the Vice- Chancellor.

CHAPTER III
AUTHORITIES AND OFFICERS OF UNIVERSITY

- Authorities of University.** 13. The following shall be the authorities of the University, namely.-
- (i) The Board of Governors,
 - (ii) The Academic Council,
 - (iii) The Council of Post-Graduate Studies and Research,
 - (iv) The Finance Committee,
 - (v) The Boards of Studies,
 - (vi) The Board for Sports and Students' Welfare, and
 - (vii) Such other Boards and bodies of the University as may be declared by the regulations to be the authorities of the University.
- Officers of University.** 14. The following shall be the officers of the University, namely:-
- (i) The Chancellor,
 - (ii) The Vice-Chancellor,
 - (iii) The Registrar,
 - (iv) The Director, School of Post-Graduate Studies and Research, and
 - (v) Such other officers in the service of the University as may be declared by the regulations to be the officers of the University.
- Board of Governors.** 15. (1) The Board of Governors shall be the supreme authority of the University.
- (2) The Board of Governors shall consist of the following members, namely :-
- (i) the Vice-Chancellor, who shall be the *ex-officio* Chairman of the Board of Governors;
 - (ii) the Director of School of Post-Graduate Studies and Research;
 - (iii) the Secretary to the Government, Health and Family Welfare Department;

- (iv) the Secretary to the Government, Finance Department;
- (v) the Secretary to the Government, Higher and Technical Education;
- (vi) the Commissioner of Health, Medical Education and Medical Services, Gujarat State;
- (vii) the Director, Institute of Teaching and Research in Ayurveda (ITRA) Gujarat State;
- (viii) the Director of AYUSH, Gujarat State;
- (ix) upto two Heads of University Departments nominated by the Government by rotation;
- (x) three Principals of affiliated colleges to be nominated by the Government by rotation;
- (xi) two eminent academicians in the field of Ayurved to be nominated by the Government;
- (xii) upto three expert representing disciplines such as finance, legal, administration, humanities and management to be nominated by the Government;
- (xiii) one expert from the Good Manufacturing Practices (GMP) certified Ayurved Drug Industries nominated by the Government;
- (xiv) one expert from the Institutes of Research and Development in the field of Ayurved and allied subjects to be nominated by the Government;
- (xv) the Registrar, who shall be the Secretary to the Board of Governors:

(3) The nominated members shall continue for a period of three years from the date of their nomination.

**Powers of
Chairman.**

16. (1) The Vice-Chancellor shall be the Chairman and shall preside at the meetings of the Board of Governors.
- (2) The Chairman shall exercise such other powers and perform such other functions as may be assigned to him by or under this Act or the regulations.

**Powers and
functions of
Board of
Governors.**

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

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

- (i) to take decision on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve Annual Report and Annual Budget, annual accounts with balance sheet of the University for every financial year;
- (v) to invest money and funds of the University and to take decision on the recommendation of the Finance Committee;
- (vi) to finance and publish the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sale or arrange for the sale as it may deem fit;

- (vii) to create or abolish posts of teachers, officers and employees of the University;
 - (viii) to appoint such committees as it considers necessary for the exercise of powers and the performance of its duties under this Act;
 - (ix) to appoint Directors of the schools, department or Institute of studies of the University;
 - (x) to delegate any of its powers to the Directors, Registrar or any other officers, employees or any authority of the University or to the committee appointed by it;
 - (xi) to upgrade the skill and knowledge of teaching and non-teaching staffs of the university colleges by developing a mechanism for arranging induction training programme, orientation, refresher courses, etc. as prescribed; and
 - (xii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and such other powers for achieving the objects of the University.
18. (1) Save as otherwise provided in this section, the term of a nominated member of the Board of Governors shall be three years from the date of nomination.
- (2) The *ex-officio* member shall continue to be a member so long as he holds the office by virtue of which he is the member of the Board of Governors.
- (3) Any vacancy in the Board of Governors occurring before the next reconstruction or before the expiry of the prescribed period shall be filled in the same manner as prescribed in section 15 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

Term of office and vacancies among members of Board of Governors.

- (4) A member shall be eligible for re-nomination for the next term.
- (5) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

**Academic
Council.**

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

- (i) The Vice-Chancellor who shall be the *ex-officio* Chairman of the Academic Council;
- (ii) Two academicians to be nominated by the Board of Governors;
- (iii) Two experts in Ayurved, having special knowledge and experience in the field of education and research to be nominated by the Board of Governors;
- (iv) Three Chairman of the Board of Studies from clinical subject to be nominated by the Board of Governors;
- (v) Three Chairman of the Board of Studies from non-clinical subject to be nominated by the Board of Governors;
- (vi) The Director of School of Post-Graduate Studies and Research;
- (vii) Upto three academic heads of Post-Graduate department to be nominated by the Vice-Chancellor by rotation;
- (viii) Upto two principals of the affiliated colleges by rotation to be nominated by the Vice-Chancellor;
- (ix) One professor or associate professor/reader or assistant professor/lecturer having ten years' experience in academic field from any discipline of the University by rotation to be nominated by the Vice-Chancellor:

Provided that, where three or more professors or associate professors/readers are available such nominations be made from that category only.

(2) The Registrar shall be the Secretary of the Council.

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

20. The Academic Council shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
Academic
Council.**

- (i) to exercise and control over the academic policies of the University and shall be responsible for the maintenance and the improvement of standards of instruction, education evaluation and research;
- (ii) to consider the matters of general academic interest either on its own initiative or on reference from the Board of Studies or the Council of Post-Graduate Studies and Research and to take appropriate action thereon;
- (iii) to recommend to the Board of Governors such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of the students;
- (iv) no academic programme, curriculum, syllables, or method of instructions shall be implemented without the approval of the Academic Council; and
- (v) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

**Council of
Post-Graduate
Studies and
Research.**

21. (1) The Council of Post-Graduate Studies and Research shall consist of the following members, namely:-

- (i) the Vice-Chancellor;
- (ii) three Heads of Department of Post-Graduate Section of University by rotation;
- (iii) one member nominated by the Board of Governors from amongst fix members, who are pursuing Post-Graduate qualification in Ayurved;
- (iv) the Director of School of Post-Graduate Studies and Research;
- (v) three Senior Professors in Post-Graduate Teaching to be nominated by Vice-Chancellor;
- (vi) three Professors or Associate Professors/Readers or Assistant Professors/Lecturers, who are recognised for guiding research leading to Ph.D;
- (vii) two outside academician who have been conducting research or heading any research in any laminating institute outside the University.

(2) The term of the members of the Council of Post-Graduate Studies and Research shall be three years.

**Powers and
functions of the
Council of Post-
graduate
Studies and
Research.**

22. Subject to the provisions of this Act and the regulations, the Council of Post-Graduate Studies and Research shall exercise following powers and perform the following functions, namely:-

- (i) to exercise and control over the academic policy of Post-Graduate Teaching and Research and shall be responsible for the maintenance of standards and quality of Post-Graduate Teaching and Research in different fields of Ayurved;
- (ii) to organize and co-ordinate the Post-Graduate instruction, teaching and training in the University area;

- (iii) to deal with all matters relating to Post-Graduate instruction, training and research in various subjects taught in the University or in which training is given research conducted;
- (iv) to report to the Board of Governors on all matters referred to it by either of them;
- (v) to recommend to the Board of Governors the names of teachers in faculties to be recognised as University teachers for Post-Graduate instruction or guidance in research;
- (vi) to lay down conditions under which Post-Graduate students should work;
- (vii) to recommend to the Board of Governors the names of suitable persons as referees for examining the thesis submitted by the students;
- (viii) to exercise such other powers and discharge such duties as may be provided for by regulations; and,
- (ix) generally, to advise on all academic matters falling within its purview.

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

**Finance
Committee.**

- (i) the Vice-Chancellor, who shall be the *ex-officio* Chairman of the Committee;
- (ii) one member of the Board of Governors, to be nominated by the Board of Governors;
- (iii) one Director, by rotation, to be nominated by the Vice-Chancellor; and
- (iv) One expert in the field of finance, to be nominated by the Board of Governors.

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

(3) The term of the office of the nominated member shall be three years.

**Powers and
functions of
Finance
Committee.**

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

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board of Governors thereon;
- (ii) to review from time to time, the financial position of the University;
- (iii) to make recommendation to the Board of Governors on all proposals involving raising of funds, receipts and expenditure,
- (iv) to provide guidelines for investment of surplus fund;
- (v) to make recommendation to the Board of Governors on all financial policy matters of the University;
- (vi) to make recommendation to the Board of Governors on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, up-gradation of pay-scales and those items which are not included in the budget prior to placing before the Board of Governors; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon by the regulations.

**Board of
Studies.**

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

(2) The constitution, powers and duties of the Boards of Studies shall be such as may be prescribed by the regulations.

26. (1) The University shall establish a Board of Sports and Students' Welfare and such other Boards as may be prescribed by the regulations. **Board for Sports and Students' Welfare and other boards.**
- (2) The constitution, powers and duties of the Boards established under sub-section (1) shall be such as may be prescribed by the regulations.
27. The constitution, powers and duties of the other bodies as may be declared by the regulations to be the authorities of the University shall be such as may be prescribed. **Other university bodies.**
28. All the authorities of the University shall have power to appoint committees. Such committees may include persons who shall not be the members of the authority appointing the committee. **Committees.**
29. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed. **Registrar.**
- (2) The Registrar shall-
- (i) be responsible for the custody of records, common seal, funds of the University and such other properties of the University;
 - (ii) place before the Board of Governors and other authorities of the University all such information and documents as may be necessary for the transaction of the business;
 - (iii) be responsible to the Vice-Chancellor for the proper discharge of his function;
 - (iv) be responsible for the administration and services of the University and conduct of the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;

- (v) attest and execute all documents on behalf of the University verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served upon the Registrar; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board of Governors or by the Vice- Chancellor.

CHAPTER IV

AFFILIATION, RECOGNITION AND APPROVAL

Affiliation.

30. (1) A college or institution applying for affiliation to the University shall submit an application to the Registrar one year prior to the proposed date of starting the college or institution:

Provided that on the recommendation of the Vice-Chancellor, the Board of Governors may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain an application for affiliation not submitted to the Registrar within the aforesaid period.

- (2) Any college or Institution applying for affiliation shall apply in such form, along with such fees and details, in such manner and shall fulfil such norms and criteria as may be prescribed before applying for affiliation.
- (3) On receipt of an application made under sub-section (1), the Board of Governors shall, in consultation with the Academic Council and after giving to the college or the institution an opportunity of stating its case, determine whether the college shall supply a need in the locality, having regard to the type of

education intended to be provided by the college or the institution, the existing provision for the same type of education made by other college or the institution in the neighborhood and the suitability of the locality where the college or institution is to be established and comply with the provisions of this Act and the regulations, record its opinion as to whether the application should be granted or refused either in whole or in part and communicate the decision to the college or institution.

- (4) When an application for affiliation or any part thereof is granted, the order of the Board of Governors shall specify the courses of the instruction in respect of which the college or institution is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded and shall be communicated to such college or institution.
- (5) Any college or institution aggrieved by the decision of the Board of Governors as referred to in sub-section (4), may prefer an appeal to the State Government within thirty days from the date of communication of such decision and the decision of the State Government on such appeal shall be final.
- (6) Notwithstanding anything contained in this section, such affiliation shall be subject to the previous approval of the concerned National Statutory Council and subject to strictly follow the norms as prescribed by such Council.

31. When affiliated college or institution desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 30 shall as far as possible be followed.

**Extension of
affiliation.**

32. (1) Every affiliated college and institution shall furnish such reports, returns and other information as the Board of Governors, after consulting the Academic Council, may require in order to judge the efficiency of such college or institution.

**Inspection of
colleges and
report.**

(2) The Board of Governors shall cause every such college or institution to be inspected from time to time by the Inspection Committee as constituted by the Vice-Chancellor.

(3) It shall be the duty of the Inspection Committee on the direction of the Board of Governors in this behalf, to inspect an affiliated college or institution and make a report to the Board of Governors.

(4) The Board of Governors may call upon the college or institution so inspected, take, within a specified period, such action as may appear to it to be needed in respect of any of the matters referred to in section 30.

**Withdrawal of
affiliation.**

33. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college or institution has failed to carry out any of the provisions of section 30 or the regulations or has failed to observe any of the conditions of the affiliation and the norms fixed by the concerned National Statutory Council or the college or institution is conducted in a manner which is prejudicial to the interests of education. Such motion can be initiated only in the Board of Governors. The member of the Board of Governors who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(2) Before taking such motion into consideration, the Board of Governors shall send a copy of the notice and written statement referred to in sub-section (1), to the Principal or, as the case may be, the Head of the college/institution concerned, together with intimation that a representation in writing submitted within a period specified in such intimation on behalf of the college institution shall be considered:

Provided that the period so specified may, if needed, be extended by the Board of Governors.

(3) On receipt of the representation or on expiry of the period referred to in sub-section (2), the Board of Governors after considering the notice of motion, statement and representation, and after such inspection, by the competent person or persons authorised by the Board of Governors in this behalf, and such further inquiry as may appear to it to be necessary by a resolution on the grounds stated therein, withdraw in whole or in part, or modify, the rights conferred by the affiliation and shall communicate to the concerned college or the institution:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the right conferred by the institution affiliated college are not acceptable to the Board of Governors, it shall, before passing such resolution, refer the matter again to the Academic Council with its comments and the Academic Council shall communicate again its views in the matter to the Board of Governors.

34. Any college or institution aggrieved by the resolution withdrawing wholly or partly or modifying the rights conferred by affiliation passed under sub-section (3) of section 30, may prefer an appeal to the State Government within thirty days from the date of communication of the resolution and the decision of the State Government on such appeal shall be final.

**Appeal
against
withdrawal
of
affiliation.**

35. The Board of Governors may, on the recommendation of the Academic Council and Council of Post-Graduate Studies and Research, recommend to the State Government withholding or reduction of grant to an affiliated college or institution which on a report by the Inspection Committee or otherwise, is found to be making persistent default in carrying out the conditions of affiliation.

**Withholding
or reduction
of grant to
an affiliated
college.**

CHAPTER V
POST-GRADUATE TEACHING AND RESEARCH

**Post-graduate
teaching and
research.**

36. (1) All post-graduate instruction, teaching, research and training shall be conducted by the University or by such affiliated colleges or institutions and in such subjects as may be prescribed by the regulations.

(2) 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.

(3) 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 regulations.

**Qualifications
for enrolment
of students of
University.**

37. No student shall be enrolled as a student of the University unless he possesses such qualifications as may be prescribed by the regulations.

**Degrees,
diploma and
other
academic
distinctions.**

38. The Board of Governors may institute and confer such degrees, diplomas and other academic distinctions as may be prescribed by the regulations.

**Honorary
Degree.**

39. If not less than two-thirds of the members of the Board of Governors 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 of Governors present at a meeting of the Board of Governors, such majority comprising not less than one-half of the members of the Board of Governors and the recommendation is confirmed by the Chancellor, the Board of Governors may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

40. (1) The Chancellor may, on the recommendation of the Board of Governors and 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 degree if he has been convicted by a court of law of any offence which in the opinion of the Board of Governors, is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

Removal of membership of University and withdrawal of degree or diploma.

(2) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the regulations.

CHAPTER VI SUPPLEMENTARY PROVISIONS

41. (1) The University shall establish, a fund to be called the "University Fund" consisting of:-

Fund of University.

- (i) any contribution or grant or loan by the State Government and the Central Government;
- (ii) the income of the University from all sources including income from the fees and charges;
- (iii) bequest, donations, gifts, endowments and other grants; if any,
- (iv) the money received by the University from the collaborating organisation or industry in terms of the provisions of the Memorandum of Understanding between these two for establishment of sponsored chairs, fellowship and infrastructure facilities of the University.

(2) All funds of the University shall be deposited in such Banks or invested in such manner as the Board of Governors may decide on the recommendation of the Finance Committee.

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

**Accounts
and audit.**

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

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

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

**XXXVIII
of 1949.**

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

(5) An internal auditor shall audit the accounts of the University to ensure concurrent audit of all book of accounts and such periodical internal report shall be placed before the Board of Governors for review.

43. (1) The University shall prepare for each financial year an annual report containing such particulars as the Board of Governors may specify and shall submit to the Board of Governors on or before such date as may be prescribed. The Board of Governors shall consider such report and may pass resolution thereon and thereupon the Finance Committee shall take action in accordance with such resolution and if no action is taken, the reasons for taking no action shall be communicated to the Board of Governors.

Submission
of annual
report

(2) The copy of the Annual Report along with the resolution of the Board of Governors thereon shall be submitted to the State Government.

44. (1) The University shall, with the approval of the Board of Governors, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund, insurance as it may deem fit, and also aid in establishment and support of the associations, funds, trusts and conveyance calculated to benefit of the officers, teachers and other employees of the University.

Pension,
Provident
Fund and
Insurance.

(2) Where any such provident fund has been so constituted, the provision for the Provident Fund Act, 1925 shall apply to such fund as if it is a Government Provident Fund.

XIX of
1925.

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

Acts and
proceedings
not to be
invalidated
by
vacancies.

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

46. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer honorary degrees and other academic distinctions and titles as approved by the Board of Governors.

Returns and information.

47. The University shall furnish to the State Government, University Grants Commission, the National Statutory Bodies concerned, such reports, returns, statements, documents and other information, as may be required by them from time to time.

Officers and employees to be public servants.

48. Every officers, teachers and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal code.

XXXXV
of 1860.

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

Dismissal, removal, reduction and termination of service of staff of University.

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

Provided that nothing in this section shall apply to any person who is appointed on purely temporary basis only.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall lie to the Vice-Chancellor or when the Vice-Chancellor has passed for such penalty, to the Board of Governors within thirty days from the date of communication of such order and the decision of the Vice-Chancellor or the Board of Governors, as the case may be, shall be final.

50. The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulations and under any other law for the time being in force and the University shall comply with such direction.

Power of State Government to give directions.

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

Power to make regulations.

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

- (i) the summoning and holding of the meetings of the authorities of the University, other than the first meeting of the Board of Governors and the quorum and conduct of business at such meetings;
- (ii) the powers and functions to be exercised and discharged by the Vice-Chancellor as the Chairman;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities of such authorities, term of office of the membership, appointment and the removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board of Governors and any committee or the other body constituted under this Act or by the regulations in the conduct of its business, exercise of the powers and discharge of its function;

- (v) the procedure and the criteria to be followed in establishment of courses of study and admission of the students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of properties of the University;
- (viii) the diplomas, the degree, the certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas certificates and other distinctions and other titles and the requirement thereof, including procedure to be followed;
- (ix) the conduct of examinations including the terms of office and appointment of examiners;
- (x) the creation of the posts of directors, professors, associate professors, assistant professors or equivalent academic designations or posts, officers and employees of the University and the appointment of persons to such posts including the qualifications requisite thereof;
- (xi) the fees and other charges, which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, provident fund, pension and such other schemes for the benefits of officers, employees and staff of the University;
- (xiii) the terms and conditions for associations of the University with other institutions or organisations;
- (xiv) the preparation of the budget estimates and maintenance of accounts;

- (xv) the model of executing of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice-Chancellor, Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers, employees of the University;
- (xix) the powers and duties of the Vice-Chancellor, Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board of Governors;
- (xxii) the matter relating to the hostels and housing for the teachers, officers and employees of the University including the disciplinary control therein;
- (xxiii) the powers to be exercised and functions to be performed by different committees, officers, directors and other employees of the University; and
- (xxiv) all other matters which by this Act are to be or may be prescribed.

52. No suit, prosecutions or other legal proceedings shall lie against and no damage shall be claimed from the University, the Vice-Chancellor, the Director, the authorities or officers or employees of the University or any person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Indemnity.

Power to
remove
difficulties.

53. (1) 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 appears to be necessary or expedient for removing the difficulties:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER VII

TRANSITORY PROVISIONS

Transitory
provisions.

54. On and from the commence of this Act, all the affiliated colleges, recognised institutions, approved institutions, if any, shall continue to enjoy all privileges associated with them under the provisions of the Gujarat Ayurved University Act, 1965, statutes, ordinances, etc. made thereunder.

Guj. 40 of
1965.

Notwithstanding anything contained in this Act, the Vice-Chancellor of the University shall exercise all the powers of the authorities of the University as defined under section 13, for the period of six months or the authorities regularly constituted, whichever is earlier.

Guj. Ord. 12
of 2020.

Till the time, the Vice-Chancellor under the Gujarat Ayurved University Ordinance, 2020, is appointed, the existing Vice-Chancellor appointed under the Gujarat Ayurved University Act, 1965 shall continue to the expiry date of his existing term of appointment.

Guj. 40 of
1965.

However, when the powers of the Board of Governors are exercised by the Vice-Chancellor, the same shall be done with the prior approval of the State Government.

CHAPTER VIII
REPEAL AND SAVING

**Guj. 40 of
1965.**

55. (1) On and from the commencement of this Act, the Gujarat Ayurved University Act, 1965 shall stand repealed.

(2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under that Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken by or under this Act and shall continue to be in force until superseded by anything done or any action taken under the provisions of this Act.

**Repeal
of Guj.
40 of
1960
and
saving.**

**Repeal
of Guj.
Ord. 12
of 2020
and
saving.**

56. (1) The Gujarat Ayurved University Ordinance, 2020 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

**Guj. Ord.
12 of
2020.**

STATEMENT OF OBJECTS AND REASONS

During recent past, Gujarat has been the proud witness to the declaration of three of the premier Ayurveda institutes like Institute of Post Graduate Teaching and Research in Ayurveda, Jamnagar; Shree Gulabkunverba Ayurved Mahavidyalaya, Jamnagar and the Indian Institute of Ayurvedic Pharmaceutical Sciences, Jamnagar being declared Institutes of National Importance under section 2 of the Institute of Teaching and Research in Ayurveda Act, 2020 by the Parliament.

Feeling inspired and encouraged by the above declaration contained in the Act of Parliament, the State Government has taken up the task of up-gradation of the teachings in Ayurveda and bringing professionalism in management of the institutes and colleges imparting the ancient knowledge of Ayurveda as propounded by the *Atharva-Veda* and the *Maharshi Charak* along with innumerable known or unknown *rishis* so that the said institutes and the colleges scale new heights in dissemination of knowledge among the people of the State as well as the country.

For this purpose, it is found necessary that the new teaching methods by in-depth research in the Ayurvedic System of Medicine may be evolved by fast-tracking the teaching and the management systems of the present institutes and colleges so that Ayurveda System becomes a common medical system along with the Allopathic, Homoeopathic systems of medicine.

The State Government has therefore, taken the call and has found it fit to repeal the existing Gujarat Ayurved University Act, 1965 (Guj. 40 of 1965) and re-enact the same in the new dynamic format by doing away certain processes that consume more time and include therein a new system of governance of Ayurved University and colleges.

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 5.*-These clauses provide for establishment and incorporation of the Gujarat Ayurved University, its headquarters and objects.
- Clause 6.* - This clause provides that the University shall be open to all irrespective of their sex, race, creed, caste, place of birth, religious belief or political or other opinion.
- Clauses 7 and 8.*-These clauses provide for powers and functions, jurisdiction of the University.
- Clauses 9 and 10.* - These clauses provide for the Chancellor of the University and powers of the Chancellor regarding Inspection and Inquiry.
- Clauses 11 and 12.*- These clauses provide for the qualification, other terms and conditions of service for appointment of the Vice-Chancellor of the University and his powers.
- Clauses 13 and 14.* - These clauses provide for the authorities of the University and the officers of the University.
- Clause 15.* - This clause provides for the constitution of the Board of Governors.
- Clause 16.* - This clause provides for the powers of Chairman of the Board of Governors.
- Clauses 17 and 18.*-These clauses provide for the powers and functions of the Board of Governors and also the term of office and vacancies among members of the Board of Governors.
- Clauses 19 and 20.*- These clauses provide for the constitution and powers and functions of the Academic Council.
- Clauses 21 and 22.* -These clauses provide for the constitution of Council of Post-graduate Studies and Research and its powers and functions.
- Clauses 23 and 24.*- These clauses provide for the constitution of the Finance Committee of the University and its powers and functions.
- Clauses 25 to 27.* -These clauses provide for the Board of Studies, Board for Sports and Students' Welfare and Other University bodies and their powers and duties.

Clause 28. - This clause provides for the Committees.

Clause 29. - This clause provides for the appointment, conditions of service and powers and duties the Registrar.

Clauses 30 to 34. - These clauses provide for affiliation of a college to the University, extension of affiliation, Inspection of colleges and withdrawal, appeal against withdrawal of affiliation.

Clause 35. - This clause provides for withholding or reduction of grant to an affiliated college.

Clause 36.-This clause provides for the post-graduate teaching and research in the University and at other places other than the University headquarters.

Clause 37.-This clause provides for the Qualifications for enrolment of students of University.

Clauses 38 and 39. - These clauses provide for the powers of the University to confer degrees, diplomas, honorary degrees as approved by the Board of Governors.

Clause 40.-This clause provides for the removal of membership of University and withdrawal of Degree or Diploma.

Clause 41. - This clause provides for the establishment of the University Fund.

Clause 42. - 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 43. - This clause provides for preparation of the annual report of the University and submit it to the Board of Governors.

Clause 44.-This clause provides for the pension, provident fund and insurance for the benefits of the officers, teachers and other employees of the University as approved by the Board of Governors.

Clause 45. - This clause provides for Acts and proceedings not to be invalidated by vacancies.

Clause 46.-This clause provides for the conferment of degrees, diplomas and grant of certificates by the University as approved by the Board of Governors.

- Clause 47.*-This clause provides for furnishing returns and information to the State Government, University Grants Commission and concerned National Statutory Bodies from time to time.
- Clause 48.* - This clause provides that the officers, teachers and employees shall be deemed to be the public servants.
- Clause 49.* - This clause provides for dismissal, removal, reduction and termination of service of staff of the University.
- Clause 50.* - This clause provides for the powers of State Government to give directions for compliance of the provisions of the Act.
- Clause 51.* - This clause provides for powers of the Board of Governors to make regulations for administration and management of the affairs of the University.
- Clause 52.* - This clause provides for usual indemnity for acts done in good faith.
- Clause 53.* - This clause provides for removal of difficulties arising in giving effect to the provisions of the Act, within a period of two years from the commencement of this Act by the State Government.
- Clause 54.* - This clause provides for the transitory provisions with respect to the Gujarat Ayurved University Act, 1965.

NITIN PATEL,

FINANCIAL MEMORANDUM

The existing staff of the Gujarat Ayurved University shall perform the function to carry out the objects of the Act. Hence, there would not be any financial liability on State Exchequer on this count. Therefore, the Bill, if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.- (i) Sub-clause (5) of this clause empowers the Board of Governors to prescribe by regulations the Ayurvedic system of medicine other than the Ashtang Ayurvedic system of Medicine and Nisargopachar system, whether supplemented or not by such modern advances as are consistent with the fundamental principles of Ayurved;

(ii) sub-clause (28) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which a centre in the affiliated colleges shall be recognised as a Post-Graduate Centre by the University for imparting post-graduate teaching.

Clause 7.- (i) Sub-clause (iv) of this clause empowers the Board of Governors to prescribe by regulations, the courses of studies and curricula and provide for flexibility in the education system and delivery methodologies

(ii) sub-clause (v) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which the University shall hold examinations and confer degrees, diplomas and grant certificates and other academic distinctions or titles on persons subject to such condition as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates or other academic distinctions or titles;

(iii) sub-clause (vi) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which the University shall confer honorary degree or other distinctions;

- (iv) sub-clause (xviii) of this clause empowers the Board of Governors to prescribe by regulations, the fees and other charges to be to fixed, demanded, and received or recovered;
- (v) sub-clause (xxvi) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which the students shall be admitted for the courses offered by the University;
- (vi) sub-clause (xxviii) of this clause empowers the Board of Governors to prescribe by regulations, the disciplinary measures regulate and enforce discipline among the officers and employees of the University;
- (vii) sub-clause (xxvix) of this clause empowers the Board of Governors to prescribe by regulations, the qualifications for the persons to be appointed for the post of professorship, associate professorship/ readership, assistant professorship/lectureship, endowed professorship, honorary professorship, adjunct professorship and any other teaching, academic or research post;
- (viii) sub-clause (xxxii) of this clause empowers the Board of Governors to prescribe by regulations, the code of conduct for the managements of the affiliated colleges, institutions, approved or recognised institutions;

Clause 8.- sub-clause (2) of this clause empowers the State Government to transfer by notification in the *Official Gazette* any Government colleges of Ayurved and allied subjects to the University on such terms and conditions as it may decide.

Clause 13.- Sub-clause (vii) of this clause empowers the Board of Governors to declare by regulations, the other Boards and Bodies of the University to be the authorities of the University.

Clause 14.- Sub-clause (v) of this clause empowers the Board of Governors to declare by regulations, the other officers in the service of the University to be the officers of the University.

Clause 25.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, a Board of Studies for every subject or group of subjects;

(ii) sub-clause (2) of this clause empowers the Board of Governors to prescribe by regulations, the constitution, powers and duties of the Boards of Studies.

Clause 26.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, to establish the Boards other than a Board of Sports and Students' Welfare;

(ii) sub-clause (2) of this clause empowers the Board of Governors to prescribe by regulations, the constitution, powers and duties of the Boards established under sub-clause (1) of this clause.

Clause 27.- This clause empowers the Board of Governors to prescribe by regulations, the constitution, powers and duties of such other bodies as may be declared by the regulations to be the authorities of the University.

Clause 29.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which and the terms and conditions subject to which the Registrar shall be appointed by the University.

Clause 30.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by regulations, the form in which, the fees and details alongwith which, the manner in which and the norms and criteria to be fulfilled by the college or Institution for making an application for affiliation.

Clause 36.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, the subjects in which the post-graduate instruction, teaching, research and training shall be conducted by the University or by such affiliated colleges or institutions

(ii) sub-clause (2) of this clause empowers the Board of Governors to prescribe by regulations, the terms and conditions subject to which the University may maintain University centres at places other than the headquarters of the University.

Clause 37.- This clause empowers the Board of Governors to prescribe by regulations, the qualifications to be possessed by the students for enrolment as a student of the University.

Clause 38.- This clause empowers the Board of Governors to prescribe by regulations, degrees, diplomas and other academic distinctions which the University may institute or confer.

Clause 40.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which in which an opportunity of being heard in his defence shall be given to the person concerned before an action is taken under that clause.

Clause 42.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, the form and the manner in which the University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including income and expenditure account and the balance sheet;

- (ii) Sub-clause (2) of this clause empowers the Board of Governors to make regulations for adoption of a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions.

Clause 43.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, the date on or before which the annual report of the University shall be prepared and submitted to the Board of Governors.

Clause 44.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by regulations, the manner in which and the conditions subject to which the University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund, etc.

Clause 53.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove difficulty arising within two years from the commencement of the Act.

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

Dated the 19th March, 2021.

NITIN PATEL.

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THE NATIONAL ASSOCIATION OF STATE HISTORIANS

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 11 OF 2021.

A BILL

to repeal the existing the Gujarat Ayurved University Act, 1965 and to re-enact the same in the new dynamic format by doing away certain processes that consume more time and include therein a new system of governance of Ayurved University and colleges.

[SHRI NITIN PATEL,
MINISTER FOR HEALTH
AND FAMILY WELFARE]

(As published in the Gujarat Government
Gazette of 20th March, 2021)

D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.
