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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 GUJARAT PUBLIC UNIVERSITIES BILL, 2023.

GUJARAT BILL NO. 25 OF 2023.

A BILL

to unify law relating to the Maharaja Sayajirao University of Baroda, the Gujarat University, the Sardar Patel University, the Veer Narmad South Gujarat University, the Saurashtra University, the Maharaja Krishnakumarsinhji Bhavnagar University, the Hemchandracharya North Gujarat University, the Dr. Babasaheb Ambedkar Open University, the Krantiguru Shyamji Krishna Verma Kachchh University, the Bhakta Kavi Narsinh Mehta University and the Shri Govind Guru University in the State of Gujarat.

WHEREAS it is expedient to provide for a uniform pattern for the constitution, academic autonomy and administration of non-agricultural, non-medical and non-sectorial Universities in the State of Gujarat and to make better provisions thereof;

AND WHEREAS the Government of Gujarat with a view to considering and recommending on different aspects of higher education and learning and to suggest various measures to ensure such quality education;

AND WHEREAS after considering the recommendations, it is expedient to make a law to provide for better governance of such universities, better academic standards, enhancement of quality education for academic autonomy and excellence, adequate representation through democratic process, transformation, strengthening and regulating higher education and to regulate the non-agricultural, non-medical and non-sectorial universities in the State of Gujarat in more effective manner, to provide for participation of universities in social and educational spheres; to constitute various Boards and Committees and to repeal the Acts of the Universities of the State of Gujarat to implement into entirety the above mandate contained in the decision of the Apex Court in (2002) 8 SCC 481 and certain other judgments;

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

CHAPTER I PRELIMINARY

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Gujarat Public Universities Act, 2023.
- (2) It shall extend to all universities mentioned in the Schedule.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) “ABC” means Academic Bank of Credit;
 - (b) “academic services unit” means University science and instrumentation centre, academic staff college, computer centre, University printing press or any other unit providing specialised services for the promotion of any of the objectives of the University;
 - (c) “adjunct professor”, “adjunct associate professor” or “adjunct assistant professor” means a person from industry, trade, agriculture, commerce, social, cultural, academic or any other allied field who is so designated during the period of collaboration or association with the University;
 - (d) “affiliated college” means a college which has been granted affiliation by the University;
 - (e) “authorities” means the authorities of the University as specified by or under this Act;

- (f) “autonomous college”, “autonomous institution” or “autonomous department” means a college, institution or department to which autonomy is granted and is designated to be so by the Statutes;
- (g) “autonomy” means a privilege of the University conferred by the Statutes to permit a college, institution or a university department to conduct academic programme, examinations and develop syllabus for the respective subjects. A college, institution or a university department, which has been granted autonomy shall have full academic, administrative and financial autonomy subject to the provisions of University Grants Commission (UGC);
- (h) “bodies” means the bodies of the university formed by the respective authorities;
- (i) “BoM” means Board of Management;
- (j) “collaboration” means collaborative academic activity of the university or college or institution with other universities, academic institutions including local, regional, national or international institutions, research institutions and organisations in the field of agriculture, industry, trade and commerce, sports, social, cultural, science, technology and any other such field;
- (k) “college” means a college constituted by the university, or affiliated to the university, situated in the university area;
- (l) “community college” means an institution providing skill-based expert academic programme as prescribed in the Statutes;
- (m) “conducted college” means a college maintained and managed by the university;
- (n) “De-Notified Tribes (Vimukta Jatis)” means tribes declared as such by the State Government, from time to time;
- (o) “department” means a department conducting research, providing consulting and extension services, and teaching a particular subject or a group of subjects in a college and university as prescribed in the Statutes;
- (p) “Director” means a head of an institution or a centre or a school of the university as designated by the Board of Management or a head of a recognised institution;
- (q) “Director of Higher Education” and “Director of Technical Education” means respectively Director of Higher Education, Gujarat State and Director of Technical Education, Gujarat State;
- (r) “Empowered Autonomous College” means an autonomous college that is approved by the University Grants Commission (UGC) as a College with potential for Excellence or College of Excellence, which has high level grade as specified by the Government by notification in the *Official Gazette* as has been given the status of Empowered Autonomous College by the Authority under the Statutes, with a power to grant degree of such College jointly with the affiliating University;

- (s) “Empowered Autonomous Cluster Institutions” means a group of autonomous colleges or institutions of the same management or educational society which includes the colleges or institutions, identified by the University Grants Commission (UGC) as College with potential for excellence or College of Excellence, which have high level grade as specified by the Government by notification in the *Official Gazette* as has been given the status of Empowered Autonomous Cluster Institution by the Authority under the Statutes, and is empowered to grant a joint degree with the affiliating University;
- (t) “Empowered Autonomous Skills Development College” means a college which has been recognised by the university for conducting the skills development programmes as prescribed by the university as per the National, State Level policy regarding Skills Qualification and Education Framework and which is given the status of Empowered Autonomous Skills Development College by the university to which it is affiliated/constituted and is empowered to grant a joint degree, certificate, diploma and advanced diploma with the affiliating university;
- (u) “fee” means tuition fees, other fees and charges, including developmental charges; paid for imparting education;
- (v) “Head of the University Department”, “Head of the Institution” and “Head of the College Department” means respectively, a Head of the University Department, a Head of the Recognised Institution and a Head of the College Department, as prescribed in the Statutes;
- (w) “higher education” means the pursuit of knowledge beyond learning at the stage of higher secondary school education;
- (x) “Hostel” means a place of residence for the students of the university or a college or an institution, provided, established, maintained, by the university or college or institution, as the case may be;
- (y) “institution” means an academic institution of learning, other than a college, associated and admitted to the privileges of the university;
- (z) “management” means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Gujarat Public Trusts Act, 1950, or any society registered under the Societies Registration Act, 1860 or a Company registered under section 8 of the Companies Act, 2013, under the management of which one or more colleges or recognised institutions or other institutions of higher learning, are conducted and admitted to the privileges of the university;

Bom. XXIX of 1950.
XXI of 1860.
18 of 2013.

Provided that, in relation to any college or institution established or maintained by the Central Government or the State Government or a local authority like a Municipal Council or a Municipal Corporation means, respectively, the Central Government or the State Government or the Municipal Council or the Municipal Corporation, as the case may be;

- (aa) “NAAC” means National Assessment and Accreditation Council;

- (bb) “NBA” means National Board of Accreditation;
- (cc) “Nomadic Tribes” means tribes wandering from place to place in search of their livelihood, as declared by the State Government and the Central Government, from time to time;
- (dd) “non-vacational academic staff” means such staff as the State Government may classify to be non-vacational academic staff and includes all such staff which is complimentary to academic staff but, shall not include the staff engaged purely in discharging administrative functions;
- (ee) “Other Backward Classes” means any socially and educationally backward classes of citizens as declared by the State Government and includes Other Backward Classes declared by the Government of India in relation to the State of Gujarat;
- (ff) “post-graduate department” means a department in a college or institution of higher learning, research or specialised studies, recognised to be so by the university and imparting post-graduate instruction or guidance for teaching and research;
- (gg) “prescribed” means prescribed by Statutes or Ordinances or Regulations, as the case may be, made by or under this Act;
- (hh) “principal” means the head of a college or an institution duly approved by the State Government;
- (ii) “Professor”, “Associate Professor” or “Assistant Professor” means as notified by the University Grants Commission (UGC) from time to time;
- (jj) “Principal Executive Officer” means the Principal Executive Officer appointed under section 8 of this Act;
- (kk) “recognised institution” means an institution of higher learning, research or specialised studies, other than a college, and recognised to be so by the university;
- (ll) “registered graduate” means a graduate of a university registered or deemed to be registered by or under this Act with one of the universities;
- (mm) “Schedule” means the Schedule appended to this Act;
- (nn) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed under article 341 of the Constitution of India to be the Scheduled Castes for the purpose of this Act;
- (oo) “Scheduled Tribes” means such tribes or tribal communities or parts of or groups within, such tribes or tribal communities as are deemed under article 342 of the Constitution of India to be Schedule Tribes for the purpose of this Act;

- (pp) “school” means a school of studies maintained by or recognised as such by the university or autonomous college, Empowered Autonomous College, Empowered Autonomous Cluster Institution;
- (qq) “Special Backward Category” means Socially and Educationally Backward Classes of citizens declared as a Special Backward Category by the State Government;
- (rr) “State Government” means the Government of Gujarat;
- (ss) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean, respectively, the Statutes, Ordinances, Regulations and Rules made by or under this Act;
- (tt) “Student” means an individual who is admitted and registered for an academic programme of the University or affiliated, conducted, autonomous colleges and recognised, institutions of the University;
- (uu) “Sub-Campus” means a comprehensive inherent independent unit of the university for a predetermined geographical jurisdiction approved by the competent authority for decentralization of academic, administrative, research and extension activities of that jurisdiction, with the objective of improving efficiency and effectiveness;
- (vv) “teacher” means full time approved professor, associate professor, assistant professor, reader, lecturer, librarian, principal, Director of an Institution, deputy or assistant librarian in the university, college librarian, Director or Instructor of physical education in any university department, conducted, affiliated or autonomous college, autonomous institution or department or recognised institution of the university;
- (ww) “university” means any of the public universities mentioned in the Schedule;
- (xx) “university area” means the area specified against the name of the university in the Schedule;
- (yy) “university department” means a department established and maintained by the university as prescribed by the Statutes, conducting research, providing consultancy and extension services, and teaching a particular subject or a group of subjects;
- (zz) “University Grants Commission” means the University Grants Commission established under the University Grants Commission Act, 1956;
- (aaa) “university institution” means a centre, a school, or an institute established and maintained by the university as prescribed by the Statutes;
- (bbb) “university teacher” means a full time teacher appointed by the university;
- (ccc) “Vice-Chancellor” means the Vice-Chancellor of the University.

CHAPTER II
PUBLIC UNIVERSITIES

- 3.** (1) Each of the existing public universities specified in Part I of the Schedule, with effect from the date of commencement of this Act, shall be deemed to be constituted under this Act for the same area specified in the said part, for which it was constituted immediately before the date of commencement of this Act. **Incorporation of Universities.**
- (2) The State Government may, from time to time, by notification in the *Official Gazette*, constitute any new university under this Act by such name, for such area and with effect from such date, as may be specified by it, and insert necessary entries in Part II of the Schedule; and may for that purpose or any other purposes specified in that behalf diminish, increase or alter the area of any existing or new university, by amending the Schedule, by the said notification, and thereupon the entries in Part I or in Part II, as the case may be, of the Schedule, shall stand amended accordingly, and all educational institutions, whether colleges, institutions, autonomous or empowered autonomous colleges, empowered autonomous cluster institutions, post-graduate departments, schools on the sub-campuses, by whatever name called, within the area of the new university, which are affiliated/constituted to or recognised by the existing university shall, from the date aforesaid, stand affiliated/constituted to or recognised by the new university.
- (3) Each university shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the university, and to contract and do all other things necessary for the purposes of this Act:
- Provided that, no such lease, sale or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the university and without the prior written consent of the State Government.
- 4.** The objects of the university, in general, shall be to disseminate, create and preserve knowledge and understanding by teaching, research and development, skill development, training and education, extension and service and by effective demonstration and influence of its corporate life on a society in general, and in particular, the objects shall be to- **Objects of University.**
- (a) carry out its responsibility of creation, preservation and dissemination of knowledge;
- (b) promote discipline and the spirit of intellectual inquiry and to dedicate itself as a fearless academic community to the sustained pursuit of excellence;
- (c) encourage individuality and diversity within a climate of tolerance and mutual understanding;

- (d) promote freedom, secularism, equality, social justice as enshrined in the Constitution of India, and to be catalyst in patriotic socio-economic transformation by promoting basic attitudes and values of essence to national development;
- (e) promote the conducive environment for ensuring social harmony, co-existence, integral humanism and upliftment of the poorest of the poor;
- (f) extend the benefits of knowledge, life and employability skills for development of individuals and society by associating the university closely with local, regional and national problems of development;
- (g) carry out social responsibility as an informed and objective critic, to identify and cultivate talent, to train the right kind of leadership in all walks of life and to help younger generation to develop right attitudes, interests and values;
- (h) promote equitable distribution of teaching, learning, training and other support services facilities of higher education;
- (i) to promote training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing higher educational network with the use of state of art, communication, media and technologies appropriate for a learning society;
- (j) devise motivational systems to ensure that individual cognitive abilities are not constrained, but rather the innovative spirit and desire to make true contribution and realize self-achievement is nurtured;
- (k) promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing a higher educational network with use of modern communication media, information and communication technology and other emerging and future technologies appropriate for a learning society;
- (l) promote national integration, fraternity and preserve cultural heritage and inculcate respect towards different religions and diverse cultures of India through the study of different religions, literature, history, science, art, civilisations and cultures;
- (m) develop work culture and promote dignity of labour through applied components in the syllabi;
- (n) build up financial self-sufficiency by undertaking academic teaching, training and allied programme, research and development activities for State and private industries, Government organisations at local, regional, national and global level and resource generative services in a cost-effective manner;
- (o) promote better interaction and co-ordination among different universities, institutions and colleges in the given university, other universities in the State, in the region, in the nation and at a global level by all such means generally to improve the governance of the university and facility it provides for higher education;

- (p) generate and promote a sense of self-respect and dignity amongst the weaker sections of the society;
- (q) promote gender equality and sensitivity in society;
- (r) strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;
- (s) register with Academic Bank of Credits (ABC), a national-level facility which will be a bank for academic purposes with students as an academic account holders;
- (t) develop various strategies and initiatives and provide an excellent opportunity through a wide array of activities for Internationalization such as internationally relevant curricula, brand building of Education Institutions in abroad, academic and research collaboration with foreign universities, credit recognition under twining arrangements, global citizenship approach and engaging with foreign alumni;
- (u) develop separate 'Centres of Adult Education' for achieving 100% literacy as per the guidelines issued by the University Grants Commission (UGC);
- (v) carry out all instructions, norms, regulations as and when issued by the University Grants Commission (UGC) from time to time.

5. The university shall have the following powers and duties, namely: —

- (1) to make provision for research and for the advancement and dissemination of knowledge, and generally to cultivate and promote the arts (including fine arts and performing arts), humanities, social sciences, accounts and commerce, pure and applied sciences, present and emerging technologies, managements, different forms of medicine, engineering, law, physical education and other branches of learning and culture and their multi-disciplinary and inter-disciplinary areas;
- (2) to make provisions to enable conducted and affiliated/constituent colleges and recognised institutions to undertake specialised studies;
- (3) to make provisions for creation of autonomous, empowered autonomous and empowered autonomous cluster of institutions;
- (4) to develop procedures and processes for recognition of private skills education providers and empowered autonomous skills development colleges;
- (5) to organise, maintain and manage university departments, schools, institutions, laboratories, learning resource centres, libraries, museums and equipment for teaching, learning, training, research and development or extension;
- (6) to establish, maintain and manage departments, institutions of research, institutions of specialised studies or academic services unit;
- (7) to establish, maintain and manage constituent, community and conducted colleges, institutions, hostels, health centres, auditoria and gymnasiums;

**Powers and
duties of
University.**

- (8) to provide for establishment, on the university campus and Sub-Campuses, of autonomous institutions like multi-university and inter-university centres, research laboratories, modern instrumentation centres and like centres of learning, set up by the University Grants Commission (UGC), the Central Government or the State Government, teaching or learning or training colleges or institutions at local, regional, national and global level, which may be used by the university or college or group of universities or colleges:

Provided that, in the case of any industry or any non-Government organisation availing themselves of such facility of a university or such organisations providing the facility to a university, prior approval of the State Government shall be obtained by the university concerned;

- (9) to provide for establishment of sub-campuses for serving a group of colleges, and also to provide for and maintain common resource centres in such sub-campuses in the form of post-graduate departments, multi-disciplinary or inter-disciplinary schools, libraries, laboratories, computer centres and the like centres of learning and skills training, as per the guidelines laid down by the State Government or by the University Grants Commission (UGC);
- (10) to create posts of directors, principals, university teachers, non-vacational academic staff, non-teaching skilled, administrative staff and other posts required by the university, from its own fund and from the funds received from other funding agencies, prescribe their qualifications, experience and pay-scales, as per the University Grants Commission (UGC) recommendation, after approval of the State Government, and to make appointments thereto;
- (11) to make appointments to the posts of directors, principals, university teachers, non-vacational academic staff, non-teaching skilled, administrative staff and other posts sanctioned by the State Government as per the qualifications and experience specified by the State Government and the University Grants Commission (UGC);
- (12) to appoint or recognise persons working in any other university or organisation as adjunct professors, adjunct associate professors, adjunct assistant professors, visiting professors of the university for specified periods;
- (13) to facilitate mobility of teachers within the university and to other universities with the consent of the teacher concerned;
- (14) to prescribe the courses of instruction and studies for the various examinations leading to specific degrees and diplomas or certificates;
- (15) to make provision, wherever feasible, in the university departments, colleges, institutions, recognised institutions and schools, for survey and collection of statistics, data and other particulars relevant to various developmental activities including State and National plans, evaluation of the developmental schemes with the participation of the students as a part of their curricular activities;

- (16) to supervise, control and regulate admission of students for various courses of study in university departments, schools, multi-disciplinary and inter-disciplinary schools, community, conducted and affiliated/constituent colleges, institutions and recognised institutions;
- (17) to guide teaching in colleges by deputation of teachers from a pool of teachers of the university and supplement teaching in colleges for improving their standards;
- (18) to institute degrees and post-graduate diplomas and post-higher secondary diplomas, certificates and other academic distinctions on the basis of examinations or by other tests;
- (19) to hold examinations or evaluations and confer degrees and post-graduate diplomas and award post-higher secondary diplomas and certificates and other academic distinctions on persons who, —
 - (a) unless exempted therefrom in the manner prescribed, have pursued approved courses of study in the university, or in a college or in an institution or a recognised institution or a school and have passed the examinations and earned the required credits or marks or grades prescribed by the university; or
 - (b) have pursued approved courses of study in the university, or in a college or in an institution or a recognised institution or in an autonomous college or an autonomous recognised institution or in empowered autonomous college or empowered autonomous cluster institutions or a school and have passed the examinations and earned the required credits or marks or grades prescribed by the university; or
 - (c) have engaged in research under conditions provided by Ordinances and Regulations;
- (20) to confer and award such degrees, diplomas and certificates to, and provide for such lectures, instruction and training for external students, and the students under correspondence and distance education, online and continuing education courses;
- (21) to confer honorary degrees or other academic distinctions as prescribed by the Statutes;
- (22) to lay down the conditions of affiliation of colleges and recognition of institutions taking into account the credibility of the management and the norms of academic performance of colleges, faculties and subjects, as may be laid down, from time to time, and satisfy itself by periodical assessment or otherwise, that those conditions are fulfilled;
- (23) to admit to the privileges of the university, affiliated/constituent colleges and institutions not maintained by the university and withdraw all or any of those privileges, temporarily or permanently;
- (24) to designate a university department, conducted college, an affiliated/constituent college, institution or school as an autonomous

university department, conducted college, affiliated/constituent college or institution or school, as the case may be, in accordance with the guidelines, if any, laid down by the State Government or University Grants Commission (UGC);

- (25) to designate a conducted college, an affiliated/constituent college, institution or school as an empowered conducted college, affiliated/constituent college or institution or school, in a stand-alone or cluster form, as the case may be, in accordance with the guidelines, if any, laid down by the State Government or the University Grants Commission (UGC);
- (26) to monitor and evaluate the academic performance of university departments, university institutions, conducted colleges and of affiliated/constituent colleges, autonomous or empowered colleges in a stand-alone or cluster form and recognised institutions for affiliation or recognition, as the case may be, for periodical State, National and World accreditations/ rankings;
- (27) to inspect, where necessary, all types of colleges or institutions and recognised institutions through suitable machinery established for the purpose, and take measures to ensure that proper standards of instruction, teaching, learning, training and research, and extension are maintained by them and adequate library, class rooms, laboratory, hostel, workshop and other academic facilities are provided for;
- (28) to hold and to manage trusts and endowments and to institute and award fellowship, travelling fellowship, scholarship, studentship, medals and prizes for teachers and students of the university and colleges;
- (29) to fix, demand and receive or recover such fees and other charges, as may be regulated by the Ordinances, from time to time;
- (30) to supervise, control and regulate the conduct and discipline of the students of the university, colleges, institutions, recognised institutions, schools and hostels;
- (31) to provide for mobility of students from formal to non-formal stream and *vice-versa*, and also among the other universities in the State and outside the State;
- (32) to provide facilities for revision or in-service courses for teachers of the university, colleges, schools and institutions;
- (33) to make arrangements for promoting the healthy atmosphere, corporate life and welfare of the students of the university, colleges, schools and institutions;
- (34) to make arrangements for promoting welfare of the employees of the university;
- (35) to co-ordinate and regulate teaching, learning, training and research and extension in the colleges and recognised institutions;

- (36) to provide for the training and education in the domain of quality, intensive workshops or learning exercises on enhancing quality and also mechanism for setting up of internal quality assurance for quality improvement of teachers and non-teaching employees;
- (37) to provide for periodical assessment of the performance of teachers and non-teaching employees in the colleges, institutions and university in accordance with the norms prescribed by the University Grants Commission (UGC) or the State Government;
- (38) to regulate and provide for attendance of the teachers on the premises of the university or colleges or institutions during teaching hours and beyond teaching hours, as prescribed and to prohibit teachers from taking or conducting private tuitions or private coaching classes;
- (39) to regulate and provide for attendance of the non-teaching employees on the premises of the university or colleges or institutions during working hours and beyond working hours, as prescribed;
- (40) to enforce conduct and discipline rules for teachers and non-teaching employees prescribed by the State Government;
- (41) to prescribe code of conduct for managements;
- (42) to prescribe and enforce students charter;
- (43) to establish, maintain and manage, whenever necessary, —
 - (a) university extension boards;
 - (b) information bureaus;
 - (c) employment guidance bureaus;
 - (d) Autonomous Evaluation Boards; and
 - (e) such other activities as may be necessary and possible to fulfill the objects of the university;
- (44) to make provision for participation of students with necessary incentives in, —
 - (a) the national service scheme;
 - (b) the national cadet corps;
 - (c) home guards and civil defense;
 - (d) the national sports organisation;
 - (e) physical and military training;
 - (f) extra-mural teaching and research;
 - (g) programme related to Lifelong Learning and Extension;
 - (h) any other programme, services or activities directed towards cultural, economic and social betterment as may be necessary and possible, to fulfill the objects of the university by the State Government or / and the Government of India;

- (45) to provide for special training or coaching for competitive examinations, for recruitment to the public services, public sector undertakings and other competitive employment opportunities;
- (46) to arrange periodical employment programme and to provide internship;
- (47) to co-operate or collaborate with any other university, institution, authority or organisation for research and advisory services and for such purposes to enter into appropriate arrangement with other universities, institutions, authorities, or organisations to conduct certain courses as the situation may demand;
- (48) to rescind or suspend affiliation or recognition or empowered status granted to colleges or institutions or cluster of institutions;
- (49) to borrow funds for the purposes of the university on the security of the property of the university, with the prior permission of the State Government;
- (50) to explore the possibilities of augmenting the resources of the university by exploring or innovating activities such as research and development, consultancy, training programme and providing services for different clients from industry, trade or any other non-government organisations;
- (51) to transfer the management of an affiliated/constituent college, institution or autonomous college or empowered autonomous college or cluster of institutions in case where irregularities or commissions or omissions of criminal nature by the management of such college or institution or mismanagement of such college or institution are prima-facie evident, to any other management, following proper legal procedure and with prior approval of the State Government;
- (52) to undertake academic collaboration programme, research and advisory services with universities and institutions abroad, with the prior approval of the State and the Central Government;
- (53) to receive funds for collaborative programme from foreign agencies, subject to rules and regulations of the Central Government and the State Government in that behalf;
- (54) to create development corpus out of surplus that the university may generate through its teaching, learning, training, research, emerging technology, startup, innovations and development, consultancy and any other academic and support activities and to invest it in a professional manner and use the interest generated through it for the growth and development of academic, research and development, academic and physical infrastructure development and any other infrastructure;
- (55) to lay down for teachers and university teachers, such instructions or directions as, in the opinion of the university, may be necessary in academic matters;

- (56) to undertake development programme in higher education, research, consultancy based projects and training programme for outside agencies, by charging fees, so as to generate resources;
- (57) to make special provisions for the benefit of university education to be made available to classes and communities which are socially and educationally backward;
- (58) to make special provisions for such benefits of university education to be made available for women students and differently-abled students as the university may think necessary;
- (59) to make special provisions for higher education in rural and tribal areas;
- (60) to take appropriate measures in order to increase the gross enrolment ratio;
- (61) to implement the national literacy and adult education programme through teachers and students on voluntary basis in the university system and to evolve measures to give due weightage to the efforts and performance of the students in this area in addition to their normal academic performance and also to evaluate the performance of the teachers in this area;
- (62) to promote by itself, or in co-operation with other universities, the study of Gujarati and the use of Gujarati as a medium of instruction, study, research and examination, in adherence to the policies of the State Government;
- (63) to promote by itself, or in co-operation with other universities or organisations, the study of regional, national and foreign languages in general and Asian languages in particular;
- (64) to evolve an operational scheme for ensuring accountability of teachers, non-vocation academic and non-teaching staff of the university, institutions and colleges;
- (65) to provide for joint appointments in single grade of pay in more than one department or administrative section in the university, as also between university departments and between the university-public or university-private or university public-private partnership research laboratories or university-industry or university-other bodies;
- (66) to create knowledge and disseminate it and foster high quality research which is contemporary, globally competitive and locally as well as regionally and nationally relevant;
- (67) to have a learner-centric approach and perform the role of being a knowledge creator;
- (68) to strengthen education at under-graduate and post-graduate level, enhance research develop culture and relevant degree programme and cultivate desire for entrepreneurship;

- (69) to create a comprehensive digital university framework for both, e-learning and e-administrative services;
- (70) to exploit the power of 'learning by collaboration' and 'participation' with use of information and communication technology;
- (71) to cultivate research parks, technology incubators and other engagement entities to translate university research to commercial domain and coordinated projects involving multiple faculty groups from several disciplines that address some important issues before the State;
- (72) to identify skills to which students need to be exposed to, by taking into account the local needs, training facilities available, emerging needs and new employment opportunities;
- (73) to provide an environment for the all-round development of youth by exposing them to the rich cultural heritage of the country and creating opportunities for development of skills in sports;
- (74) to facilitate mobility of teachers to collaborating institutions such as industries, research and development laboratories, non-Government organisations, engaged in societal development, to enable translation of knowledge to viable real life applications and in turn enrich university programme;
- (75) Oversea Educational Campuses
 - (a) to establish centres or institutions in foreign countries with the permission of the Central and the State Government;
 - (b) to establish centres / departments or institutions of foreign countries within University campus with the prior permission of the regulatory bodies, the Central Government and the State Government;
- (76) to establish vocational or skill based community colleges in partnership with industry;
- (77) to comply with and carry out any directives issued by the State Government, from time to time, with reference to above powers, duties and responsibilities of the university;
- (78) to conduct academic audit of university departments, conducted colleges, affiliated/constituent colleges, institutions or schools, at regular intervals;
- (79) to do all such other acts and things as may be necessary for, or incidental or conducive to, the attainment of all or any of its objects.

6. (1) The territorial limits, within which the powers conferred upon the university by this Act shall be exercised, shall comprise the whole of the university area as specified against the name of such university in the Schedule:

**Jurisdiction
and admission
to privileges
of University.**

Provided that, the benefit of distance-education courses, correspondence courses, Open University courses or external degree courses of any university may, with the prior permission of the State Government, extend and cover the entire area of the State outside the university area:

Provided further that, if a university desires to establish sub-campus or centre or institution in any foreign country, on its own or in collaboration with any other Indian or foreign university or institution, it may do so with the prior sanction of the State Government and the Central Government.

- (2) Subject to the provisions of clause (p) of sub-section (2) of section 53, no educational institution situated within the university area shall, except with the consent of the university and the sanction of the State Government, be associated in any way with, or seek admission to any privilege of, any other university established by law with the exception of the public university and Research or Project collaborations of university, colleges with any other university or colleges:

Provided that, if an educational institution, State or private, Indian or foreign, seeks to be associated with or be admitted to the privileges of a university, jurisdiction of which is not restricted to any State or area, such association or admission may be permitted by the State Government:

Provided further that, if a university, the jurisdiction of which is not restricted to any State or area, wishes to establish a centre or other unit of research in the university area on its own or in collaboration with any public or private Indian or foreign university or institution, it may do so with the sanction of the State Government and also with the sanction of the Central Government, if the collaboration is with the foreign university or institution.

- (3) If an educational institution, public or private, Indian or foreign, associated with or admitted to the privileges of any other university established by law, seeks to be associated with, or be admitted to the privileges of a university, such association or admission may be permitted with the sanction of the State Government and consent of the university concerned.
- (4) Save as otherwise, provided by or under this Act, any privilege enjoyed by any educational institution within the area of another university before the date on which this Act comes into force, shall not be withdrawn, without the sanction of the State Government.
- (5) If a new district is created by the State Government, the area of such district shall be under the jurisdiction of such university, as may be declared by the State Government, by notification in the *Official Gazette*, for the purpose of admission to the privileges of such university.

**University
open to all.**

7. (1) No citizen of India shall be excluded from any office of the university or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession or political or other opinion:

Provided that, the university may maintain, accredit or recognise any college or institution exclusively for women, or reserved for women.

- (2) The university shall adopt government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Economically Weaker Section and Other Backward Classes for appointment to different posts of teachers and non-teaching employees and for the purpose of admission of students in the affiliated or conducted or community colleges, university departments, university institutions or recognised institutions.
- (3) The university shall adopt with the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society, minorities, women and persons with disability as directed by the State Government, from time to time.

CHAPTER III

OFFICERS OF UNIVERSITY

**Officers of
University.**

8. (1) The following shall be the officers of the university, namely:-
- (1) the Chancellor;
 - (2) the Vice-Chancellor;
 - (3) the Deans of Faculties;
 - (4) the Registrar;
 - (5) the Controller of Examination;
 - (6) the Directors of Board of Examinations;
 - (7) the Finance and Accounts Officer;
 - (8) Director of Research;
 - (9) such other officers in the service of the university as may be prescribed by Statutes.
- (2) No person shall be appointed, nominated or, as the case may be, co-opted, 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:

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

9. (1) The Governor of the State of Gujarat shall be the Chancellor of the university: **Chancellor.**

Provided that for The Maharaja Sayajirao University of Baroda, Her Highness Shrimati Shubhangini Raje Gaekwad shall be the Chancellor of the University.

- (2) The Chancellor shall, by virtue of his/her office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees.

10. (1) There shall be a Vice-Chancellor who shall be the principal academic and executive officer of the university and *ex-officio* Chairperson of the Board of Management, Academic Council, Executive Council and Board of Examinations and Evaluation. **Appointment of Vice-Chancellor.**

- (2) Save as otherwise provided, pay and allowances, terms and conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government, from time to time.

- (3) The Vice-Chancellor shall be appointed by the State Government, as per University Grants Commission (UGC) norms, in the following manner, namely:-

- (a) There shall be a search committee consisting of the following members to recommend most suitable names to the State Government for appointment of Vice-Chancellor, namely: —

(i) a member to be nominated by the State Government, who shall be most prestigious eminent senior person either from judiciary or academics or administration;

(ii) the Director or Head of an institute or organisation of highly national repute established by an Act of Parliament, nominated by the Board of Management, Executive Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette*;

(iii) the representative of University Grants Commission (UGC);

(iv) the Registrar of the University shall act as the Member-Secretary of the search committee without any voting right in the committee.

- (b) The member nominated by the State Government shall be the Chairman of the committee.

- (c) The members nominated on the committee shall be persons who are never connected with the concerned university or any college or any recognised institution of the university.

- (d) No meeting of the committee shall be held unless three members of the committee are present.

- (e) The committee shall recommend a panel of 3 (three) best competent persons for the consideration of the State Government for being appointed as a Vice-Chancellor. The names of the persons so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability of each person included in the panel.
- (f) The eligibility conditions and the process for recommendation of names for appointment as a Vice-Chancellor shall be given wide publicity to ensure the recommendation of most competent candidates.
- (4) The State Government may appoint one of the persons included in the panel to be the Vice-Chancellor:

Provided that, if the State Government does not approve any of the persons so recommended, it may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.

- (5) The process of preparing the panel of the most competent persons for being appointed as a Vice-Chancellor, shall invariably begin at least six months before the probable date of occurrence of the vacancy of the post of a Vice-Chancellor and the process of appointment of the Vice-Chancellor shall be completed invariably at least one month before the probable date of occurrence of the vacancy of the post of Vice-Chancellor. It shall be the responsibility of the Registrar as member secretary of the committee.
- (6) The person appointed as a Vice-Chancellor shall, subject to the terms and conditions of contract of service, hold office for a period of five years from the date on which he takes charge of his office or till he attains the age of sixty-five years, whichever is earlier and he shall not be eligible for re-appointment in the same university.

Provided that, on the basis of his work done and found most efficient and competent he/she shall be eligible for re-appointment to any other university for one term of five years only, unless he/she should not have attained the age of 65 years on the date of re-appointment.

- (7) The person appointed as a Vice-Chancellor shall hold a lien, if any, on the substantive post held by him prior to the appointment.
- (8) In any of the following circumstances, the exigency whereof shall solely be judged by the State Government, namely: —
 - (a) where the committee appointed under clause (a) of sub-section (3) is unable to recommend any name within the time limit specified by the State Government;
 - (b) where the vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise, and it cannot be conveniently and expeditiously filled in, in accordance with the provisions of sub-sections (3) and (4);

- (c) where the vacancy in the office of the Vice-Chancellor occurs temporarily because of leave, illness or other causes; or
- (d) where there is any other emergency;

the State Government may appoint any suitable person, to act as the in-charge Vice-Chancellor for a term not exceeding twelve months, in the aggregate as may be specified in his order:

Provided that, the person so appointed shall cease to hold such office on the date on which the person appointed as a Vice-Chancellor in accordance with the provisions of sub-sections (3) and (4) assumes office or the Vice-Chancellor resumes office.

- (9) The Vice-Chancellor shall be the whole-time salaried officer of the university and shall receive pay and allowances, and other facilities as may be determined by the State Government from time to time. In addition, he shall be entitled to free furnished residence, a motor car including its maintenance, repairs and fuel required thereof, with the service of a chauffeur, and all other sanities to act as a Vice-Chancellor of the University.
- (10) Such sumptuary allowance shall be placed at the disposal of the Vice-Chancellor, as the State Government may approve.
- (11) If a person receiving an honorarium from the Consolidated Fund of the State, or if a principal of an affiliated/constituent college or a recognised institution or a university teacher is appointed as a Vice-Chancellor, his terms and conditions of service shall not be altered to his disadvantage during his tenure as a Vice-Chancellor.
- (12) Notwithstanding anything contained in the foregoing sub-sections, the person referred to in sub-section (7) shall stand retired from his original post in accordance with the terms and conditions of service of that post.
- (13) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice to resign from his office and shall cease to hold his office on the acceptance of his resignation by the State Government or from the date of expiry of the said notice period, whichever is earlier.
- (14) The Vice-Chancellor may be removed from his office after due inquiry, if the State Government is satisfied that the incumbent, —
 - (a) has become insane and stands so declared by a competent court; or
 - (b) has been convicted by a court for any offence involving moral turpitude; or
 - (c) has become an undischarged insolvent and stands so declared by a competent court; or
 - (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability; or

- (e) has willfully 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 or any other conditions, prescribed by the State Government under sub-section (2), or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the university or have sufficient criminal evidence against him; or found guilty on the charges levelled against him after due inquiry during existing tenure as a Vice-Chancellor;
- (f) is a member of, or is otherwise associated with, any political party or any organisation which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity or working against the Government or interest of education;

Explanation.- For the purposes of this sub-clause, whether any party is a political party, or whether any organisation takes part in politics or whether any movement or activity falls within the scope of this sub-clause, the decision of the State Government there on shall be final:

Provided that, the Vice-Chancellor shall be given a reasonable opportunity to show cause and personal hearing by the State Government before taking recourse for his removal under sub-clauses (d), (e) and (f).

Appointment of Registrar.

- 11.** (1) The Registrar shall be appointed by the Vice-Chancellor on the recommendation of a selection committee constituted for the purpose under this Act, as per the University Grants Commission (UGC) norms.
- (2) The appointment of the Registrar shall be for a term of five years or till he attains the age of superannuation as per the University Grants Commission (UGC) norms whichever is earlier and he shall be eligible for re-appointment by selection on the recommendation of a selection committee constituted for the purpose, for only one more term of five years in the university in which he is serving.
- (3) The Registrar shall be the Chief Administrative Officer and custodian of the university. He shall be a full time salaried officer and shall work according to rules directly under the superintendence, direction and control of the Vice-Chancellor.
- (4) The Registrar shall supervise and maintain discipline of the staff of entire university. He shall report all such matters in writing to the Vice-Chancellor.
- (5) The qualifications and experience for the purpose of selection of the Registrar shall be as laid down by the University Grants Commission (UGC).
- (6) When the office of the Registrar falls vacant or the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office for a period not exceeding six months, the Vice-Chancellor shall appoint a suitable Deputy Registrar to officiate as the Registrar until the new Registrar assumes duty or the Registrar resumes duty, as the case may

be. It shall be the duty of the Vice-Chancellor to ensure that the post of Registrar be filled on permanent basis.

- (7) The provisions regarding qualifications, criteria for appointment, terms and conditions of services, tenure of officers specified in clauses (3), (5), (6), (7) and (8) of sub-section (1) of section 8 shall be followed as prescribed by the State Government by issuing notification *in the Official Gazette*.
- (8) The provisions for powers and duties of all the mentioned officers in section 8 shall be followed as prescribed by the State Government via Notification and/or Government Resolution at regular interval of time.

12. All salaried officers, members of the authorities, committees or bodies, teachers of the university and other employees of the university shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers etc. to be public servants.

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CHAPTER IV AUTHORITIES OF UNIVERSITY

13. The following shall be the authorities of the university, namely:-

Authorities of University.

- (1) the Board of Management;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Board of Deans;
- (5) the Board of Studies;
- (6) the Board of Post-Graduate Education in Colleges;
- (7) the Board of Examinations and Evaluation;
- (8) the Board of Research;
- (9) such other bodies of the university as are designated by the Statutes, to be the authorities of the university.

14. (1) The Board of Management shall be the principal executive and final decision making and policy making authority of the university and shall be responsible for administering all the affairs of the entire university and carrying out such duties, which are not specifically assigned to any other authority, board or committees.

Board of Management.

- (2) The Board of Management shall meet as and when required but not less than two times in a year.
- (3) The procedure for conduct of business to be followed at a meeting including the quorum at the meeting and such other matters in relation to meetings as may be necessary, shall be such as may be prescribed by the Statutes.

- (4) There shall be a common structure for all the universities in which every university shall have the Vice-Chancellor as the Chairperson of the Board of Management:

Provided that Her Highness Shrimati Shubhangini Raje Gaekwad shall be the Chairperson of the Board of Management in the Maharaja Sayajirao University of Baroda, who by virtue of her office, be the Head of entire University and shall, when present, preside at any convocation of the University; while the Vice-Chancellor of The Maharaja Sayajirao University of Baroda shall be the Vice-Chairperson of the Board of Management. Also, the respective members of the Board of Management at The Maharaja Sayajirao University of Baroda shall be nominated by the Chairperson of Board of Management.

- (5) The Board of Management of the University shall consist of following members, namely: —

Members

- (a) the Vice-Chancellor - Chairperson;
- (b) one eminent highly reputed person from the field of education, industry, agriculture, commerce, banking, finance, social, cultural and other such allied fields to be nominated by the Chairperson;
- (c) One head or Director, to be nominated by the Chairperson from amongst the heads or Directors of university departments, on seniority basis, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes:

Provided that, in rotating the heads or Directors amongst University Departments, the earlier Departments of University, which were given an opportunity of representation shall be ignored;

- (d) two Deans to be nominated by the Chairperson, by rotation, on the basis of seniority and also on the basis of additional criteria as may be prescribed by the Statutes;
- (e) one head, to be nominated by the Chairperson from amongst the heads of college departments, on seniority basis, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes:

Provided that, in rotating the heads amongst College Departments, the earlier Departments of College, which were given an opportunity of representation shall be ignored;

- (f) two teachers who are not principals or college teachers or directors of recognised institutions to be selected by the Chairperson from amongst the university teachers, on the basis of seniority and also on the basis of additional criteria as may be prescribed by the Statutes, out of whom one shall be selected from Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class categories, by rotation;

- (g) two teachers who are not principals or directors of recognised institutions to be selected by the Chairperson from amongst the college teachers, on the basis of seniority and also on the basis of additional criteria as may be prescribed by the Statutes, out of whom one shall be selected from Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class categories, by rotation;
- (h) two representatives of college managements to be nominated by the Chairperson from amongst the representatives of management, and further provided that same management shall not have second consecutive institutional representation:

Provided that, out of the two representatives, one member shall be selected by rotation, from amongst the Scheduled Castes or Scheduled Tribes, or De-Notified Tribes (*Vimukta Jatis*) or Other Backward Class, if any;

- (i) two registered graduates selected by the Chairperson, out of whom one shall be selected from Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class categories, by rotation;
- (j) two members selected by the Academic Council from amongst its members, on seniority basis and also on the basis of additional criteria as may be prescribed by the Statutes;
- (k) one eminent-expert from the institute or organisation of National Importance approved by the Parliament, having national level reputation to be nominated by the Chairperson;
- (l) the Registrar of University shall be the Member-Secretary of the Board of Management, without any voting right:

Provided that, for the selection of the candidate from the reserved categories, under clauses (f), (g), (h) and (i), for the only initial term of Board of Management, immediately after the commencement of this Act, point of rotation for reserved categories under the said clauses shall be decided by drawing of lots by the Chairperson, and while drawing of lots, it shall be ensured that the person belonging to each reserved category shall have representation on the Board of Management:

Provided also that, for The Maharaja Sayajirao University of Baroda, the clause (h) and (i) shall not be applicable and for clause (f) and (g) the members shall be nominated as:

- (a) one teacher, nominated by the Chairperson from amongst the teachers of the constituent colleges of the university, on seniority basis, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes:

Provided that, in rotating the teachers amongst university's constituent colleges, the earlier constituent colleges

of university, which were given an opportunity of representation shall be ignored;

- (b) four teachers who are not Principals and Directors of recognized institutions to be selected by the Chairperson from amongst the university teachers, on the basis of seniority and also on the basis of additional criteria as may be prescribed by the Statutes, out of whom two shall be selected from Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class categories by rotation;

At least one-third of the total members to be nominated by the Chairperson of the Board of Management shall be invariably women.

- (1) The Finance and Accounts Officer, Director of Examinations and Evaluation, Director of Sports, University Librarian and other officers shall be invitees of the Board of Management, by the Vice-Chancellor when necessary, but they shall have no right to vote.
- (2) The tenure for members of Board of Management shall be of two and a half years.

**Powers and duties
of Board of
Management.**

15. The Board of Management shall have the following powers and duties, as supreme authority of the University, namely: —
- (a) to review and deliberate on short and long term reforms in academic, research and development activities, finances, management and governance that are taking place at the national and global level with a view to allowing them to percolate into the university;
- (b) to study and decide upon the operative mechanism for the reforms in all the domains of the university;
- (c) to make such provisions, as may enable colleges and institutions to undertake specialised studies and courses, and where necessary or desirable, organise and make provisions for common laboratories, libraries, museums and equipments for teaching and research among various organisations and universities;
- (d) to establish departments, colleges, schools, centres, institutions of higher learning, research and specialised studies, on the recommendation of the Academic Council;
- (e) to recommend to the State Government, the draft of statutes or amendment or repeal any or part of statutes for approval;
- (f) to make, amend or repeal any or part of ordinances and regulations;
- (g) to control and arrange for administration of assets and properties of the university;
- (h) to discuss and approve with modifications, if any, the annual financial estimates or budget, that is to say the fund which may be received from State Government, university funds and other funding agencies separately;

- (i) to consider proposals to enter into, amend, carry out and cancel contracts on behalf of the university;
- (j) to determine the form of common seal for the university and provide for its use;
- (k) to accept, on behalf of the university the transfer of any trusts, bequests, donations and transfer of any movable, immovable and intellectual property to the university with the prior permission of the State Government;
- (l) to transfer by sale or otherwise, any movable or intellectual property rights on behalf of the university;
- (m) to transfer by sale or lease or contract any immovable property to other organisation with the prior permission of the State Government:

Provided that, any immovable property may be permitted to be used for the specific period, for the purpose of providing essential physical facilities for accomplishment of objects of the university, such as bank, canteen, post office, mobile towers, etc, without prior approval of the State Government;

- (n) to create immovable assets in the form of land, building and other infrastructure out of reserve funds, for its campus and sub-campuses;
- (o) to borrow, lend or invest funds on behalf of the university;
- (p) to lay down policy for administering funds at the disposal of the university for specific purposes;
- (q) to provide buildings, premises, furniture, equipments and other resources needed for the conduct of the work of the university;
- (r) to recommend the conferment of honorary degrees and academic distinctions;
- (s) to institute and confer such degrees, diplomas, certificates and other academic distinctions as recommended by the Academic Council and arrange for convocation for conferment of the same, as provided by the Ordinances;
- (t) to institute fellowship, travelling fellowship, scholarship, studentship, exhibitions, awards, medals and prizes and prescribe Regulations for their award;
- (u) to make Regulations for collaborations with other universities, institutions and organisations for mutually beneficial academic programme recommended by the Board of Deans;
- (v) to create posts of university teachers and non-vocational academic staff from the funds of the university and from the funds received from other funding agencies, on the recommendation of the Academic Council, as and when required, and prescribe their qualifications, experience, time-span and pay-scales;

- (w) to create posts of officers, non-teaching skilled, administrative staff and other posts from the funds of the university and from the funds received from other funding agencies, as and when required, and prescribe their qualifications, experience, time-span and pay-scales;
- (x) to prescribe honorarium, remunerations, fees and travelling and other allowances for paper-setters and other examination staff, visiting faculty and fees or charges for any other services rendered to the university;
- (y) to instruct the Academic Council to submit the comprehensive perspective plan and annual plan for the location of colleges and institutions of higher learning, as prepared by the Board of Deans;
- (z) to consider and approve proposals for change or transfer of management and shifting of locations of colleges and institutions, as prescribed in the Statutes;
- (aa) to consider report of the development activities of the university received from the Registrar every six months;
- (bb) to confer autonomous status on university departments, university institutions, affiliated/constituent colleges and recognised institutions on the recommendation of the Academic Council, as per the Statutes and the University Grants Commission (UGC);
- (cc) to assess and approve proposals for academic programme received from the Academic Council;
- (dd) to consider and adopt the annual report, annual accounts and audit report in respect of State Government funds, university funds and funds received from other agencies separately;
- (ee) to cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges, institutions or departments of the university;
- (ff) to delegate, any of its powers, except the power to make, amend or repeal Statutes and Ordinances, to the Vice-Chancellor or such officer or authority of the university or a committee appointed by it, as it thinks fit;
- (gg) to define the functions, duties, powers and responsibilities of non-teaching employees in the university, in respect of the posts created from the funds of the university and from the funds received from other funding agencies;
- (hh) to accept donations, gifts and other forms of financial support from alumni, philanthropists, industries and other stakeholders and prescribe the procedure to be followed by the university for accepting such donations, gifts, etc;
- (ii) to impose penalties upon the erring colleges or recognised institutions after following the procedure laid down by the Statutes;
- (jj) to recommend to the State Government through the Vice-Chancellor to appoint an Administrative Board for the affiliated/constituent college to run the management of such college in case of disputes regarding the management of such colleges, till the dispute is statutorily resolved. The

constitution of this board and the process of its appointment shall be as prescribed by the Statutes. The decision of the State Government in this regard shall be final and binding; to develop and adopt students' charter;

- (kk) the Board of Management is supreme authority and main decision making power body. The Board of Management may issue directions, instructions and may change the decisions of Academic and Executive Councils;
- (ll) It shall be the duty of the Chairperson to get approval of all decisions taken by Academic Council and Executive Council in the Board of Management.

- 16.** The Executive Council of the University shall be the functional authority and subordinate to the Board of Management of the University and shall consist of the following members, namely: -

Executive Council.

Members

- (i) the Vice-Chancellor - Chairperson;
- (ii) the Registrar – Member-Secretary;
- (iii) the Controller of Examination;
- (iv) the Finance and Accounts Officer;
- (v) three Heads of University Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes;
- (vi) four Principals of affiliated/constituent colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes;
- (vii) 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, by rotation and also on the basis of criteria as may be prescribed by the Statutes;
- (viii) four teachers of affiliated/constituent colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority, by rotation and also on the basis of criteria as may be prescribed by the Statutes;
- (ix) four senior 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 high repute persons, who have contributed much in their respective fields;
- (x) an eminent person from the Gujarat Chamber of Commerce and Industry [GCCCI] in the field of business and industry can be a member, as nominated by the Vice-Chancellor:

Provided that for The Maharaja Sayajirao University of Baroda, the clause (ix) shall not be applicable and for clause (vii) and (viii) the members shall be nominated as -

- (vii) one Principal of constituent colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority, rotation and also on the basis of additional criteria as may be prescribed by the Statutes;
- (viii) four teachers, to be nominated from amongst university teachers, other than Heads of the Department, by the Vice-Chancellor taking into consideration the overall seniority, by rotation and also on the basis of additional criteria as may be prescribed by the Statutes;

At least one-third of the total members to be nominated by the Vice-Chancellor shall be women.

The tenure for members of Executive Council shall be of two and a half years. The Executive Council shall meet every two months and as and when required.

**Duties of
Executive
Council.**

- 17. (1)** Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall perform the following duties under the guidance, direction and superintendence of the Board of Management, namely: -
- (a) to hold, control and administer the property and funds of the University;
 - (b) 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, with it;
 - (c) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
 - (d) to administer funds placed at the disposal of the University for specific purposes;
 - (e) to prepare the annual financial estimates of the University and to submit them to the Board of Management;
 - (f) 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;
 - (g) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
 - (h) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
 - (i) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
 - (j) to transfer any movable or immovable property on behalf of the University;
 - (k) to raise loans on the security of the assets of the University;
 - (l) to manage and regulate finances, accounts and investments of the University;

- (m) to institute and manage –
 - (a) Printing and publication Department,
 - (b) University Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;
- (n) to make provisions for Physical Education, National Social Service, National Cadet Corps;
- (o) to manage colleges, University Departments or specialised studies, laboratories, libraries and hostels maintained by the University;
- (p) to arrange for, and direct, the inspection of affiliated/constituent 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;
- (q) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (r) to supervise and control the residence, conduct and discipline of the students of the affiliated/constituent colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (s) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (t) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (u) 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;
- (v) to recognize a member of the staff of an affiliated/constituent college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (w) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (x) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (y) to make, amend and cancel the Ordinances;
- (z) 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.

- (2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (i), (j) and (k) of sub-section (1).
- (3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board of Management and the State Government.
- (4) The exercise of the powers by the Executive Council under clause (u) 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 members of the teaching, other academic and non-teaching staff of the University, affiliated/constituent 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.
- (6) The Executive Council shall function required for day to day administration.
- (7) The Executive Council shall exercise functions as defined by the Board of Management.

Academic Council.

- 18.** (1) The Academic Council shall be the principal academic authority of the university and shall be responsible for regulating and maintaining the standards of teaching, research and evaluation in the university. It shall also be responsible for laying down the academic policies in regard to maintenance and improvement of standards of teaching, research, extension, collaboration programme in academic matters and evaluation of workload of the teachers, under policy guidance of Board of Management and Executive Council.
- (2) The Academic Council shall meet as and when required, but not less than four times in a year.
 - (3) The tenure for members of Academic Council shall be of two and half years.
 - (4) The Academic Council shall consist of the following members, namely: -

Members

- (a) the Vice-Chancellor - Chairperson;
- (b) the Registrar – Member-Secretary;
- (c) Deans of Faculties and Associate Deans (if any);
- (d) the Controller of Examination;
- (e) the Finance and Accounts Officer;
- (f) the Vice-Chancellor shall nominate the following members, as per the recommendations of a special committee appointed by him on seniority basis and also on the basis of additional criteria as may be prescribed by the Statutes: —

- (i) eight Principals of conducted, autonomous or affiliated/ constituent colleges which are accredited B+ grade by the National Assessment and Accreditation Council (NAAC) or National Board of Accreditation (NBA), as the case may be, out of whom one shall be woman and one shall be a person belonging Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class, by rotation, on seniority basis:

Provide that for The Maharaja Sayajirao University of Baroda; one Principal of constituent colleges which are accredited by the National Assessment and Accreditation Council (NAAC) or National Board of Accreditation (NBA), as the case may be;

- (ii) two university professors, out of whom one shall be a person belonging Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class, by rotation, on seniority basis;
- (iii) one head of a recognised institution, by rotation, on seniority basis;
- (g) two teachers, representing each faculty, with not less than fifteen years of teaching experience to be nominated by the Vice-Chancellor, out of whom one shall be a person belonging Scheduled Castes or Scheduled Tribes or De-Notified Tribes (*Vimukta Jatis*) / Nomadic Tribes or Other Backward Class provided that the reservation per faculty shall be decided by drawing lots:

Provided that, out of the teachers representing each faculties, under this clause, one shall be a woman, to be decided by the Board of Management;

- (h) one representative of management nominated by the Board of Management:

Provided that for The Maharaja Sayajirao University of Baroda this clause shall not be applicable;

- (i) Eight eminent experts from the institutes or organisations of national repute, such as Indian Institute of Technology, Indian Institute of Science Education and Research, Indian Institute of Management, Indian Space Research Organisation, Institute of Chartered Accountants of India, Institute of Cost Accountants of India, Institute of Company Secretaries of India, Indian Council for Social Research, Industrial Associations, Indian Olympic Association and allied fields and as much as possible representing all the faculties, nominated by Vice-Chancellor in consultation with the State Government;
- (j) Chairpersons of Board of Studies;

- (k) an eminent person from The Gujarat Chamber of Commerce and Industry [GCCI] in the field of business and industry can be a member, as nominated by the Vice-Chancellor.

At least one-third of the total members to be nominated by the Vice-Chancellor shall be women.

- (5) The provisions regarding constitution and term of office of members of Academic Council for (d) to (i) shall be followed as prescribed by the State Government by notification and / or Government Resolution at regular interval of time.
- (6) The provisions for powers and duties; provisions regarding cessation of membership, disqualification for membership, ineligibility for second consecutive term, resignation of authorities, conclusiveness of decision of authority and meeting of authorities; provisions regarding casual vacancy and standing committee to fill vacancies of above mentioned Boards and Bodies (c) to (i) which may be declared to be the authorities of the University, shall be followed as prescribed by the State Government by notification and/or Government Resolution at regular interval of time.

Powers of State Government to verify eligibility.

19. Notwithstanding anything contained in any other provisions of this Act, the State Government shall, by an order published in the *Official Gazette*, specify the eligibility conditions for being nominated or co-opted as a member of any authority of the university. The Board of Management shall be the principal authority with all powers for all financial estimates and budgetary appropriations in final annual accounts, budgets and for providing social feedback to the university on current and future academic programme mandatory report to be published every year.

CHAPTER V

THE STATUTES, ORDINANCES AND REGULATIONS

Statutes and their subject matters.

20. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely: -
- (a) conferment of honorary degrees and academic distinctions;
 - (b) establishment and maintenance of the sub-campuses university departments, institutions, conducted colleges, institutions of higher learning, research or specialised studies and hostels;
 - (c) constitution, powers, duties and functions of authorities of the university not laid down under any of the provisions of this Act;
 - (d) abolition of university departments or institutions and conducted colleges;
 - (e) rules of procedure for conduct of business at the meetings of authorities of the university;
 - (f) appropriation of funds of the university for furtherance of the objects of the university;

- (g) norms for grant of autonomy to university departments or institutions, affiliated/constituent colleges and recognised institutions, subject to the approval of the State Government;
- (h) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organisations;
- (i) disciplinary action against defaulting teachers, officers and other employees of the university, affiliated/constituent colleges and recognised institutions other than the colleges or institutions managed and maintained by the State Government or the Central Government or local authorities;
- (j) conditions of residence, conduct and discipline of the students of the university, colleges and recognised institutions, and the action to be taken against them for breach of discipline or misconduct, including the following: -
 - (a) use of unfair means in an examination, or abetment thereof;
 - (b) refusal to appear or give evidence in any authorised inquiry by an officer in-charge of an evaluation and examination, or by any officer or authority of the university; or
 - (c) disorderly or otherwise objectionable conduct, whether within or outside the university;
- (k) conditions and procedure for grant of approval to the appointments of the teachers in the colleges and recognised institutions and suspension or withdrawal thereof;
- (l) inspection of colleges, recognised institutions, halls and hostels;
- (m) procedure to be followed while granting permission for transfer of management;
- (n) norms and procedure to be followed while nominating members on authorities, boards and committees by the Vice-Chancellor under this Act;
- (o) norms of grant and withdrawal of affiliation to colleges and institutions;
- (p) transferring, in public interest, of the management of a college or institution by the university and the conditions for such transferring, subject to the approval of the State Government;
- (q) qualifications, recruitment, code of conduct, terms of office, duties and conditions of service including periodic training and advance training, field exposure, deputation, assessment of teachers, officers and other employees of the university and affiliated/constituent colleges except those colleges or institutions which are maintained by the State Government or the Central Government or the local authority, retirement benefits and the manner of termination of their services as approved by the State Government, provided it shall not be in contravention of State Government policies in this regard;
- (r) any matter which is to be prescribed by Statutes or which is necessary to give effect to the provisions of this Act.

Manner of making Statutes.

- 21.** (1) The State Government shall proposed a model Statutes to be followed by all the Public Universities.
- (2) The model Statute provided by the State Government shall to be enacted by the University prescribed by the law.
- (3) In case of any deviation or exceptions or amendment to seek in the model Statute, the University Board of Management shall get ratified the amendment from the State Government.
- (4) The Statute Committee shall be constituted by the Board of Management as under:-
- (a) One each member of Board of Management, Executive Council and Academic Council,
 - (b) One Dean,
 - (c) One Professor of university department or affiliated/constituent colleges,
 - (d) One Principal of affiliated/constituent college,
 - (e) Law Officer of the university,
 - (f) Registrar of the university as Member-Secretary.

Such Statute Committee shall prepare and propose the draft Statutes and shall present to the Board of Management for its recommendations to the State Government, for any improvement in the model Statutes proposed by the State Government.

- (5) The Board of Management, if it thinks necessary, may obtain the opinion of any officer, authority or body of the university with regard to any draft Statute which is before it for consideration.
- (6) Every change in the model Statute passed by the Executive Council and the Board of Management shall be submitted to the State Government which may give or withhold approval thereto or send it back to the Board of Management for reconsideration.
- (7) No changes in the model Statute passed by the Board of Management shall be valid or shall come into force until assented to by the State Government.
- (8) Notwithstanding anything contained in the foregoing sub-sections, the State Government shall have power to prescribe uniform Statutes on the subjects by notification published in the *Official Gazette*, which shall be binding on the university.

Ordinances and their subject matters.

- 22.** Subject to the provisions of this Act, the Ordinances may provide for all or any of the following matters, namely: -
- (a) conditions under which students shall be admitted to courses of study for degrees, diplomas, certificates and other academic distinctions;
 - (b) fees for affiliation and recognition to colleges and institutions;
 - (c) conditions governing the appointment and duties of examiners;

- (d) conduct of examinations, other tests and evaluation, and the manner in which the candidates may be assessed or examined by the examiners;
- (e) recognition of teachers of the university and the conditions subject to which persons may be recognised as qualified to give instruction in the university departments, colleges and recognised institutions;
- (f) norms to be observed and enforced by colleges and recognised institutions regarding transfer of students;
- (g) The constitution, powers, duties and functions of the Equal Opportunity Cell including provisions for establishing a Cell in accordance with the provision of the Rights of Persons with Disabilities Act, 2016 and the guidelines and directives of the University Grants Commission (UGC) issued from time to time;
- (h) Mechanism for prevention of ragging of students of university and affiliated/constituent colleges;
- (i) any academic matter which, by or under this Act or the Statutes is to be prescribed by the Ordinance or which is necessary to give effect to the provisions of this Act.
- 49 of 2016.**
- 23.** (1) The Board of Management may make, amend or repeal Ordinances in the following manner, namely:- **Ordinances and their making.**
- (2) The Board of Deans shall prepare and propose draft Ordinances concerning the matters referred to in section 21.
- (3) No Ordinance concerning academic matters shall be made, amended or repealed by the Board of Management unless a draft thereof has been proposed by the Academic Council.
- (4) All Ordinances made by the Board of Management shall have effect from the date of the meeting or from such date as it may direct, but every Ordinance so made shall be submitted to the State Government within two weeks from the date of the meeting.
- 24.** (1) Subject to the provisions prescribed by or under this Act, Board of Management may make Regulations consistent with this Act, Statutes and Ordinances, for, - **Regulations.**
- (a) institution of fellowship, travelling fellowship, scholarship, studentship, medals and prizes and for their award;
- (b) collaborations with other universities, institutions and organisations for mutually beneficial academic programme;
- (c) the conditions under which students shall be admitted to courses of study for degrees, diplomas, certificates and other academic distinctions;
- (d) preservation of record of the university;
- (e) providing for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided by Regulations;

- (f) all non-academic matters for which provision is, in the opinion of the Board of Management, necessary for the purposes of this Act, Statutes or Ordinances.
- (2) Subject to the provisions prescribed by or under this Act, the Academic Council may make Regulations relating to the academic matters, consistent with this Act, Statutes and Ordinances.
- (3) The Board of Deans shall prepare a draft of regulations and place it for the approval of the Board of Management or the Academic Council, as the case may be, providing for the matters referred to in sub-sections (1) and (2) and for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided by Regulations.

CHAPTER VI

ADMISSIONS, EXAMINATIONS, EVALUATION AND OTHER MATTERS RELATING TO STUDENTS

Admissions,
examinations etc.

25. The provisions regarding admissions, disputes relating to admission, examinations and evaluation, declaration of results, examinations and evaluation not invalid for non-compliance with program schedule of sports and extra-curricular activities shall be followed as prescribed by the State Government by notification and/or Government Resolution at regular interval of time.

CHAPTER VII

COMMITTEES AND COUNCILS

Committees and
councils.

26. The Committees and Councils may be constituted for the service of the university as may be prescribed by Statutes.

CHAPTER VIII

PERMISSION FOR AFFILIATION AND RECOGNITION

Conditions of
affiliation and
recognition.

27. (1) The management applying for affiliation or recognition, and the management whose college or institution has been granted affiliation or recognition, shall give the following undertaking and shall comply with the following conditions, namely:-
- (a) that the provisions of the Act and Statutes, Ordinances and Regulations made there under and the standing orders and directions of the university and the State Government shall be complied with;
- (b) that the number of students admitted for courses of study shall not exceed the limits prescribed by the university, University Grants Commission (UGC) and the State Government, from time to time;
- (c) that there shall be suitable and adequate physical facilities such as land, buildings, laboratories, libraries, books, equipments required for teaching and research, hostels, gymnasium, etc. as may be prescribed;

- (d) that the financial resources of the college or institution shall be such as to make due provision for its continued maintenance and working;
- (e) that the strength and qualifications of teachers and non-teaching employees of the affiliated/constituent colleges and recognised institutions and the emoluments and the terms and conditions of service of the staff of affiliated/constituent colleges and recognised institutions shall be such as may be specified by the university and the State Government and which shall be sufficient to make due provision for courses of study, teaching or training or research, efficiently;
- (f) that the services of all teachers and non-teaching employees and the facilities of the college to be affiliated/constituted shall be made available for conducting examinations and evaluation and for promoting other activities of the university;
- (g) that the directions and orders issued by the Vice-Chancellor and other officers of the university in exercise of the powers conferred on them under the provisions of this Act, Statutes, Ordinances and Regulations shall be mandatorily complied with;
- (h) that there shall be no change or transfer of the management or shifting of location of college or institution, without prior permission of the university and the State Government-
 - (a) that the college or institution shall not be closed without prior permission of the university and the State Government;
 - (b) that in the event of disaffiliation or de-recognition or closure of the college or institution, the management shall abide by and execute the decision of Academic Council and Board of Management regarding the damages or compensation to be recovered from management;
- (i) no college or institution of higher learning which is part of another university jurisdiction area shall be considered for affiliation or recognition, as the case may be, unless a no objection certificate is given by the parent university and the State Government.

Provisions regarding procedure for permission for opening new college or new course, subject, faculty division; procedure for affiliation; procedure of recognition of institutions; procedure for recognition of private education provider; recognition to empowered autonomous skills development colleges; continuation and extension of affiliation or recognition; permanent affiliation and recognition; shifting college location; inspection of colleges and recognised institutions and report; transfer of management; withdrawal of affiliation or recognition; closure of affiliated/constituent college or recognised institutions shall be followed as prescribed by the State Government by notification/ Government Resolution at regular interval of time.

**Autonomous
University
department.**

28. (1) A university department or institution, affiliated/constituent college or recognised institution may apply to the university for grant of autonomous status. The Board of Management on the recommendation of the Academic Council may after approval of the University Grants Commission (UGC) and the State Government confer the autonomous status.
- (2) The autonomous university department or institution or affiliated/constituent college or recognised institution shall function with the objectives of promoting academic freedom and scholarship on the part of teachers and students which are essential to the fostering and development of an intellectual climate conducive to the pursuit of scholarship and excellence
- (3) The autonomous university department or institution or affiliated/constituent college or recognised institution, may constitute its authorities or bodies and exercise the powers and perform the functions and carry out the administrative, academic and other activities of the university, as may be prescribed by the Statutes
- (4) The autonomous university department or institution or affiliated/constituent college or recognised institution may prescribe its own courses of study, evolve its own teaching methods and hold examinations and tests for students receiving instruction in it, and recommend the university for award of degrees, diplomas or certificates, after following the procedure as prescribed in the Statutes. The autonomous university department or institution or affiliated/constituent college or recognised institution shall have full academic and administrative autonomy subject to the provisions of this Act and Statutes and the guidelines issued by the University Grant Commission, from time to time.

**Empowered
autonomous.**

29. (1) The affiliated autonomous colleges that are identified by the University Grants Commission (UGC) as college with potential for Excellence or College of Excellence which have a high level grade to be prescribed by the State Government through *Official Gazette* may apply to the university for grant of empowered autonomous status. The Board of Management on the recommendation of the Academic Council may after the approval of the State Government confer the empowered autonomous status upon such college.
- (2) The norms and procedure for grant of the empowered autonomous status and continuation thereof, shall be as may be prescribed by the Statutes.
- (3) The empowered autonomous college may constitute its authorities or bodies and exercise the powers and perform the functions and carry out the administrative, academic, financial and other activities of the university, as may be prescribed by the Statutes.
- (4) The empowered autonomous college shall enjoy all such privileges in addition to the privileges enjoyed by autonomous college as may be prescribed by the statutes and guidelines of the State Government and the University Grants Commission (UGC).

- 30.** (1) A group of affiliated/constituted autonomous colleges or recognised institutions of the same management, government or educational society which includes the colleges or institutions, identified by the University Grants Commission (UGC) as Potential for Excellence or College of Excellence or which have a high level grade to be prescribed by the State Government through *Official Gazette* may apply to the university for grant of status of empowered autonomous cluster institutions. The Board of Management on the recommendation of the Academic Council may after approval of the State Government confer the status of empowered autonomous cluster institutions upon such group of colleges or institutions.
- (2) The norms and procedure for grant of status of empowered autonomous cluster institutions and continuation thereof, shall be as may be prescribed by the Statutes.
- (3) The empowered autonomous cluster institutions may constitute its authorities or bodies and exercise the powers and perform the functions and carry out the administrative, academic, financial and other activities of the university, as may be prescribed by the Statutes and guidelines of the State Government and University Grants Commission (UGC).

**Empowered
autonomous
Cluster
institutions.**

CHAPTER IX

ENROLMENT, DEGREES AND CONVOCATIONS

- 31.** All post-graduate instruction, teaching, training, research, research collaborations and partnerships, shall normally be conducted within the university area by the university, affiliated/constituent colleges and the recognised institutions in such manner as may be prescribed.
- 32.** A person to be enrolled as the student of the university shall possess such qualifications and fulfill such conditions as may be prescribed.
- 33.** (1) All powers relating to discipline and disciplinary action in relation to the students of the university departments and institutions and colleges maintained by the university, shall vest in the Vice-Chancellor.
- (2) The Vice-Chancellor may, by an order, delegate all or any of his powers under sub-section (1), as he deems fit, to such other officer as he may nominate in that behalf.
- (3) The Vice-Chancellor may, in the exercise of his powers, by an order, direct that any student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in conducted college, institution or department of the university for a specified period, or be punished with fine, as prescribed by the university, or be debarred from taking an examination or evaluation conducted by the department, conducted college or institution maintained by the university for a specified period not exceeding five years or that the result of the student or students concerned in the examination or evaluation in which he or they have appeared, be cancelled :

**Post graduate
teaching and
research.**

**Enrolment of
students.**

**Disciplinary
powers and
discipline.**

Provided that, the Vice-Chancellor shall give reasonable opportunity of being heard to the student concerned, if expulsion is for a period exceeding one year.

- (4) Without prejudice to the powers of the Vice-Chancellor, the principals of conducted colleges, heads of university institutions and the heads of departments of the university shall have authority to exercise all such powers over the may be necessary for the maintenance of proper discipline.
- (5) The provisions as regards discipline and proper conduct for students of the university and the action to be taken against them for breach of discipline or misconduct, shall be as may be prescribed by the Statutes, which shall apply to the students of all its conducted colleges and university departments or institutions, affiliated/constituent colleges and recognised institutions.
- (6) The statutes relating to discipline and proper conduct for students, and the action to be taken against them for breach of discipline or misconduct, shall also be published in the prospectus of the university, affiliated/constituent college or recognised institution and every student shall be supplied with a copy of the same. The principals of the colleges and heads of the institutions, maintained by the university and affiliated/constituent colleges, may prescribe additional norms of discipline and proper conduct, not inconsistent with the Statutes, as they think necessary and every student shall be supplied with a copy of such norms.
- (7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities or bodies of the university and the authorities or bodies of the conducted colleges, affiliated/constituent colleges and recognised institutions, and shall observe and abide by the Statutes made in that behalf and in so far as they may apply, the additional norms made by the principals of conducted colleges and heads of university institutions and affiliated/constituent colleges.
- (8) All powers relating to disciplinary action against students of an affiliated/constituent college or recognised institution not maintained by the university, shall vest in the principal of the affiliated/constituent college or head of the recognised institution, and the provisions of sub-sections (5) and (6) including the Statutes made there under, shall *mutatis-mutandis* apply to such colleges, institutions and students therein.

Degrees,
diplomas,
certificates.

34. (1) The Board of Management may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic Council in accordance with the norms laid down by the University Grants Commission (UGC).
- (2) The Board of Management may institute and confer post-doctoral degrees such as DSc and DLitt - by Research, as may be recommended by the Academic Council.

- (3) The Vice - Chancellor may, on the recommendation of the Board of Management and the Academic Council, supported by a majority of not less than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of the members of each such authority, withdraw the degree or diploma or certificate or any other academic distinction permanently or for such period as the Vice - Chancellor thinks fit, if such a person is convicted by a court of law for any offence involving moral turpitude or has been found to have sought admission to any degree or diploma or certificate course by fraudulent means or has been found to have obtained such degree or diploma or certificate or any other academic distinction by fraudulent means. No such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

35. (1) The Board of Management may consider and recommend to the State Government the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination or evaluation, on the ground solely that he, by reason of his eminent position, attainments and public service, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting, being not less than one-half of its total membership:

Honorary Degree.

Provided that, the Board of Management shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the State Government.

- (2) The Board of Management may take a decision on the proposal of the Academic Council:

Provided that, the Academic Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained prior approval of the State Government.

36. The convocation of the university shall be held at least once during an academic year in the manner prescribed by the Statutes for conferring degrees, post-graduate diplomas or for any other purpose.

Convocation.

37. (1) Subject to the provisions of sub-section (1) of section 34, the following persons shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the university, namely: -

Registered graduates.

- (a) who are graduates of the university;
- (b) who are graduates of the parent university from which corresponding new university is established:

Provided that, the graduates registered in the parent university as registered graduates but residing in the jurisdiction of the new university shall have to apply for registration, as registered graduates,

to the new university and once registered with the new university, they will automatically cease to be the registered graduates of the parent university.

- (2) Every person who intends to be a registered graduate shall make an application to the Registrar in such form and make payment of such fees as may be prescribed by the Statutes.
- (3) The Vice-Chancellor shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate. If any question arises whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the Vice-Chancellor after making such inquiry as he thinks fit and his decision shall be final.

**Removal of name
from register of
graduates.**

38. (1) A person who –
 - (a) is of unsound mind and stands so declared by a competent Court; or
 - (b) is an un-discharged insolvent; or
 - (c) is convicted for an offence involving moral turpitude, criminal procedure code; or
 - (d) has obtained a degree by fraudulent means; or
 - (e) is a registered graduate of any other university established by law in the State, shall not be qualified to have his name entered in the register of graduates, or be a registered graduate.
- (2) The Vice-Chancellor may, on the recommendation of the Board of Management, supported by a majority of not less than two-third of its members present at its meeting, such majority comprising not less than one-half of its members, remove the name of any person from the register of graduates for such period as the Vice-Chancellor thinks fit, for any of the reasons mentioned in sub-section (3) of section 36.
- (3) No action under this section shall be taken unless the person concerned is, as prescribed by the Statutes, given an opportunity of being heard in his defense.

CHAPTER X

UNIVERSITY FUNDS, ACCOUNTS AND AUDIT

**Annual financial
estimates.**

39. (1) The annual financial estimates (budget) of the university for ensuing financial year shall be prepared by the Finance and Accounts Officer, at least two months before the commencement of the financial year.
- (2) The Finance and Accounts Officer shall thereafter forward copies of annual financial estimates (budget) as approved by the Board of Management to the State Government.
- (3) The Financial year of the university shall be the same as that of the State Government.

- 40.** (1) The university shall establish the following funds, namely: -
- (a) general fund includes affiliation for penalty funds received from affiliated/constituted universities, etc;
 - (b) salary fund, -
 - (i) for all posts approved by the State Government;
 - (ii) for all other posts separately;
 - (c) university fund;
 - (d) development and programme fund;
 - (e) contingency fund;
 - (f) any other fund which, in the opinion of the university, is deemed necessary to establish.
- (2) The following shall form part of, or be paid into, the general fund, namely:-
- (a) non-salary contribution or grant, received from the State Government or the Central Government or the University Grants Commission (UGC) or such other authority or Government Department;
 - (b) all income of the university from any source whatsoever, including income from fees, other fees and charges;
 - (c) any sums borrowed from the banks or any other agency, with the permission of the State Government;
 - (d) sums received from any other source or agency.
- (3) The salary fund shall consist of all amounts received from the State Government, the Central Government or the University Grants Commission (UGC) or any other endowment or contribution received towards full or part payment of the salary and allowances. No amount from this fund shall be utilised for the purposes other than payment of salary and allowances.
- (4) All income or moneys from trusts, bequests, donations, endowments, subventions and similar grants shall form part of the university fund.
- (5) (a) The development and programme fund of the university shall consist of all infrastructure development grants received from the State and the Central Government, all contributions made by University Grants Commission (UGC) for development and research grants received from other funding agencies of the Central Government, United Nations and its affiliates, other international agencies, industry, banks and financial institutions or any person or institution.
- (b) No amount from this fund shall be appropriated to any other fund of the university or expended for any other purpose.
- (c) The development and programme fund shall be utilised in the manner consistent with the object of the programme and as per the guidelines of the funding agency on expenditure and audit, to be granted and approved by the Board of Management.

**University
fund.**

- (6) The university shall have and maintain a contingency fund under a separate head of the university accounts which shall be used only for the purpose of meeting any unforeseen expenditure.
- (7) Surplus money at the credit of these funds, including accruals thereto, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time to time, be deposited in the State Financial Securities or invested on approval of the State Government, in any other Equity or securities issued by the Corporations having financial participation of the State Government.

**Annual Accounts
and Audit.**

- 41.** (1) The accounts of the University shall be maintained on the basis and principles of double entry accounting system, and the method of accounting to be followed shall be the mercantile system as prescribed by the State Government.
- (2) The accounts of the university shall be audited at least once every year and in any case within four months of the close of the financial year by the auditors appointed by the Board of Management from amongst the firms of Chartered Accountants whose partners have no interest in any of the authorities or affairs of the university. The university shall comply with the remarks and discrepancies as shown in the audit report in any case within one month of the receipt of such audit report, 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 within one year of the closure of the financial year.
- (3) The audited accounts shall be published by the university and a copy thereof, together with the copy of the auditor's report and compliance report, shall be submitted to the State Government and shall be submitted for approval before the Board of Management in any case within six months from the close of the financial year.
- (4) The State Government shall cause the audited annual accounts of the university, received by it, to be laid before State Legislature.
- (5) The State Government shall provide for conduct of the test audit or full audit of the accounts of the university at regular intervals by the auditors appointed by the State Government.

Annual Reports.

- 42.** (1) The Board of Deans shall prepare the Annual Report containing the administrative, academic, research and development and other activities of the university, colleges and institutions under its jurisdiction, for each academic year and submit it to the Board of Management after approval of Executive Council for final consideration. The Board of Management shall discuss and approve the Annual Report as received from the Board of Deans. Such report, as approved by the Board of Management, shall be submitted to the State Government, within one year from the conclusion of the academic year.
- (2) The State Government shall cause the Annual Report to be laid before the State Legislature.

CHAPTER XI

MISCELLANEOUS

- 43.** (1) It shall be the duty of every authority or body and officer of the university to ensure that the interests of the university are duly safeguarded. **Authorities and officers responsible for damages.**
- (2) If it is found that a damage or loss has been caused to the university by any action on the part of any authority or body or officer of the university, not in conformity with the provisions of this Act, Statutes, Ordinances or Regulations, except when done in good faith, or any failure so as to act in conformity thereof, by willful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or body or the concerned members thereof, jointly or severally, or from the officer concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.
- 44.** (1) A teacher or a non-teaching employee shall not be disqualified for continuing as such teacher or a non-teaching employee merely on the ground that he has been selected or nominated as a member of the Legislative Assembly of the State or of the Parliament. **Membership of State Legislature and Parliament.**
- (2) A teacher or a non-teaching employee selected or nominated as a member of the Legislative Assembly of the State, or of the Parliament shall be entitled to treat the period of his membership of the Legislative Assembly or of the Parliament as on leave without salary and allowances.
- (3) A teacher or a non-teaching employee referred to in sub-section (2) shall also be entitled to count the period of his membership of the Legislative Assembly or of the Parliament for the purposes of pension, seniority and increments.
- 45.** If any question arises regarding the interpretation of any provision of this Act, or of any Statutes, Ordinance or Regulation or Rule, or whether a person has been duly appointed or nominated or co-opted as a member or is entitled to be a member of any authority or body of the university, the matter may, be referred, on petition by any person or body directly affected or *suo motu* by the Vice-Chancellor to the State Government, who shall after taking such advice as thinks necessary, decide the question, and the decision shall be final : **Interpretation of disputes, etc..**
- Provided that, such reference shall be made by the Vice-Chancellor upon a requisition signed by not less than one fourth members of the Board of Management.
- 46.** (1) Without prior approval of the State Government, the university shall not, — **Prior approval of State Government.**
- (a) create new posts of teachers, officers or other employees;
- (b) revise the pay, allowances, post-retirement benefits and other benefits of its teachers, officers and other employees;
- (c) divert any earmarked funds received for any purpose other than that for which it was received;
- (d) transfer by sale or lease of immovable property;

- (e) incur expenditure on any development work from the funds received from the State Government or University Grants Commission (UGC) or any person or body for the purposes other than the purposes for which the funds are received;
 - (f) take any decision regarding affiliated/constituent colleges or educational institution resulting in increased financial liability, direct or indirect, for the State Government.
- (2) The university shall be competent to incur expenditure, in consonance with the policies and directives of the State Government issued from time to time, from the funds received from, —
- (a) various funding agencies without any share or contribution from the State Government;
 - (b) contributions received from individuals, industries, institutions, organisations or any person whosoever, to further the objectives of the university;
 - (c) contributions or fees for academic or other services offered by the university for aided and self-supporting academic programme;
 - (d) development fund, or any other fund established by the university; for the purposes of, —
 - (i) creation of posts in various cadres;
 - (ii) granting pay, allowances and other benefits to the posts created through its own funds provided those posts are not held by such persons, who are holding the posts for which government contribution is received;
 - (iii) starting any academic programme on self-supporting basis;
 - (iv) granting remunerations or incentives to its employees for performing any task assigned to them other than their regular duties and responsibilities;
 - (v) incurring expenditure on any development work and on welfare activities of its students and employees:

Provided that, there is no financial liability, direct or indirect, immediate or in future, on the State Government.

- (3) The State Government may, in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards in all universities in the State, by notification in the *Official Gazette*, prescribe a Standard Code providing for the classification, manner and mode of selection, appointment, induction and advance training, field exposure, deputation and reservation of post in favour of members of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the universities and the teachers and other

employees in the affiliated/constituent colleges and recognised institutions (other than those managed and maintained by the State Government, Central Government and the local authorities) and the provisions for absorption of teachers and employees in the university departments, affiliated or conducted colleges and institutions who are aided and rendered surplus. However, the unaided teachers and employees who are rendered surplus in university departments, affiliated or conducted colleges and institutions shall not be eligible, for absorption at the aided vacancies in university departments, affiliated or conducted colleges and institutions Where such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances and Regulations made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.

- (4) Notwithstanding anything contained in this Act, if the circumstances so require and the State Government considers it necessary to do so, it may appoint, on deputation, a suitable person possessing the requisite qualifications to perform the duties of the Registrar, Finance and Accounts Officer or the Director of the Board of Examinations and Evaluation, for a period of not more than one year at a time and not more than three years in the aggregate.
- (5) The State Government through any officer not below the rank of Joint Director, Higher Education or Technical Education shall have right to cause inspection of any affiliated, conducted, or autonomous college recognised institution or university department.
- (6) In case of failure of the university to exercise powers or perform duties specified in section 5, or where the university has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by the State Government, or under any other circumstances as the State Government may deem fit, the State Government may issue a directive to the university for proper exercise of such powers or performance of such duties or comply with the order; and it shall be the duty of the university to comply with such direction. In case, the university fails to comply with the directives, the State Government shall call upon the University to give reasons in writing as to why the directives were not complied with.
- (7) The State Government shall carry out test audit or full audit of the accounts of a university, college, school or institution, regularly at such intervals as it may deem fit.
- (8) **Power of the State Government to issue directions/ notifications:-**
The State Government shall have absolute power to issue any direction/s or notification/s from time to time as may be required or may deem fit for compliance of any provisions which may be made by or not under this Act; it shall be mandatory for all Universities to implement covered in this Act.

Protection of acts and orders.

47. All acts and orders done or passed in good faith by the university or any of its officers, authorities or bodies, or authorised person/s shall subject to the other provisions of this Act, be final; and accordingly, no suit or other legal proceedings shall be instituted against, or maintained, or damages claimed from the university or its officers, authorities or bodies for anything done or passed, or purporting to have been done or passed in good faith and in pursuance of the provisions of this Act and the Statutes, Ordinances and Regulations.

Delegation of powers.

48. Subject to the provisions of this Act and the Statutes, any officer of the university may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and Regulations to the immediate subordinate officer of the university, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer delegating them.

Acts and proceedings not invalid.

49. No act or proceeding of the Board of Management or the Academic Council or any other authority or anybody or committee of the university, including a committee appointed by the State Government for the appointment of a Vice-Chancellor, shall be deemed to be invalid at any time merely on the ground that –

- (a) any of the members of any such authority, body or committee are not appointed, nominated or co-opted or for any other reason are not available to take office at the time of the constitution or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more vacancies in the offices of members thereof;
- (b) there is any irregularity in the procedure of any such authority, body or committee not affecting the merits of the matter under consideration, and the validity of such act or proceeding shall not be questioned in any court or before any authority or officer merely on any such ground.

CHAPTER XII**ESTABLISHMENT OF NEW UNIVERSITIES****Issue of order providing for matters when new University is constituted.**

50. When any new university is constituted by a notification in the *Official Gazette* under sub-section (2) of section 3, the State Government may, notwithstanding anything contained in this Act, by one or more orders published in the *Official Gazette*, provide for all or any of the following matters, namely: -

- (a) the appointment of the first Vice-Chancellor and other officers of the university and the term for which they shall be appointed;
- (b) the constitution of the first Board of Management and Academic Council in such manner as it thinks fit and the term for which it shall function;
- (c) the continuance or application of such Statutes, Ordinances and Regulations with such modifications as it may specify:

Provided that, the Competent Authority of the new university shall adopt such statutes, ordinances and regulations, either in to or with such modifications as deemed fit, within a period of two years from its establishment;

- (d) the exercise of option by the registered graduates of any of the then existing universities to continue to remain registered graduates of the same universities or to get registered with the new university;
- (e) the continuance or discontinuance of membership of the Board of Management, the Academic Council and other authorities, bodies and committees of the existing universities constituted under this Act;
- (f) the filling in the vacancies caused by discontinuance of the members of authorities or bodies or committees of the existing university;
- (g) the continuance of affiliation of the colleges or the recognition of the institutions by the new university to which the area is added and discontinuance of the same by the existing university from which the area is carved out;
- (h) the transfer of any of the employees of the existing university to the new university and the terms and conditions of service applicable to such employees or termination of the service of the employees of the existing university by giving such terminal benefits as the State Government deems fit:

Provided that, the terms and conditions of service of any employee so transferred shall not be varied to his disadvantage;

- (i) transfer of assets, that is to say, the property, movable or immovable, right, interest of whatsoever kind acquired, and the liabilities and obligations incurred, before the issue of any such order; and
- (j) such other supplemental, incidental and consequential provisions as the State Government may deem necessary.

CHAPTER XIII TRANSITORY PROVISIONS

- 51. Save as otherwise provided by or under this Act, every person holding office either as an officer or the employee, whether teaching or other employee, of any university on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date, and shall exercise such powers and perform such duties as are conferred on them by or under this Act.
- 52. (1) Every person holding office as a member of any authority immediately before the commencement of this Act shall, on the date of such commencement, continue to hold the said office and the authority with such members shall exercise the powers and perform the duties conferred on it by or under this Act, until the date on which the authority is deemed to be re-constituted or a period of six months from the date of commencement of this Act expires, whichever is later.
- (2) On the date on which any authority is deemed to be re-constituted or on which a period of six month expires, whichever is earlier, every member of an authority of an existing university who is continued in office under this section shall be deemed to have vacated his office.

Continuation of existing officers and employees.

Provisions relating to continuance.

- (3) If on the date of commencement of this Act, any authority or body cannot be constituted in accordance with the provisions of this Act, the Vice-Chancellor may, after approval of the State Government, take such measures for interim constitution of such authority or body.
- (4) The term of such authority or body constituted under sub-section (3) shall be for a period of one year from its constitution or till such authority or body is duly constituted under this Act, whichever is earlier.
- (5) For the removal of doubt, it is hereby declared that on expiry of a period of one year of the interim constitution of such authority or body, such authority or body shall cease to function.

Repeal and Saving.

- 53.** (1) On and from the date of commencement of this Act, following Acts (point (a) to (k)) shall stand repealed:
- (a) The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act No. XVII of 1949);
 - (b) The Gujarat University Act, 1949 (Bom. L of 1949);
 - (c) The Sardar Patel University Act, 1955 (Bom. XL of 1955);
 - (d) Veer Narmad South Gujarat University Act, 1965 (Guj. 38 of 1965);
 - (e) The Saurashtra University Act, 1965 (Guj. 39 of 1965);
 - (f) The Maharaja KrishnakumarSinhji Bhavnagar University Act, 1978 (Guj. 26 of 1978);
 - (g) The Hemchandracharya North Gujarat University Act, 1986 (Guj. 22 of 1986);
 - (h) The Dr. BabaSaheb Amedkar Open University Act, 1994 (Guj. 14 of 1994);
 - (i) The Kachchh University Act, 2003 (Guj. 5 of 2003);
 - (j) The Bhakta Kavi Narsinh Mehta University Act, 2015 (Guj. 23 of 2015);
 - (k) Shri Govind Guru University Act, 2015 (Guj. 24 of 2015).
- (2) Notwithstanding the repeal of the said Acts, -
- (a) any person holding office immediately before the commencement of this Act as Vice-Chancellor of the university shall, on such commencement, continue to hold the said office till his term of office as Vice-Chancellor of that university would have expired had he continued to be as such unless he ceases to be the Vice-Chancellor by reason of death, resignation or otherwise before the expiry of his term of office as aforesaid and shall exercise all the powers and perform all the duties conferred and imposed on the Vice-Chancellor of the respective university by or under this Act;
 - (b) all colleges which stood affiliated/constituted to the university immediately before the commencement of this Act, shall be deemed to be affiliated/constituted to that university under this Act till their affiliation is withdrawn by that university under this Act;

- (c) all other educational institutions which were entitled to any privileges of the university shall be entitled to similar privileges of that university;
- (d) all property, movable or immovable, and all rights, interest of whatsoever kind, powers and privileges of the university shall stand transferred to and shall, without further assurance, vest in, that university and be applied to the objects and purposes for which that university is constituted;
- (e) all benefactions accepted or received by the university and held by it immediately before the commencement of this Act, shall be deemed to have been accepted or received or held by that university under this Act, and all the conditions on which such benefactions were accepted or received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act;
- (f) all debts, liabilities and obligations incurred before the commencement of this Act, and lawfully subsisting against the university, shall be discharged and satisfied by that university;
- (g) any will, deed or other document made before the commencement of this Act, which contains any bequest, gift, term or trust in favour of the university shall be deemed to have been made there under and for the purposes of this Act in favour of that university;
- (h) all references in any enactment or other instruments issued under any enactment to the university before the commencement of this Act, shall be deemed to have been construed under and for the purposes of this Act;
- (i) the appointment of examiners validly made under the said Act and subsisting immediately before the commencement of this Act, shall be deemed to have been made under and for the purposes of this Act for the respective university, and such examiners shall continue to hold office and to act until fresh appointments are made under this Act;
- (j) the teachers, who were recognised teachers of the university under the said Act immediately before the commencement of this Act, shall be deemed to be recognised teachers of that university under and for the purposes of this Act and shall continue to be such recognised teachers until fresh recognitions are granted under this Act;
- (k) the registered graduates, whose names were entered in the register of graduates maintained by the university immediately before the commencement of this Act, shall be deemed to be the registered graduates of that university under and for the purposes of this Act and the register so maintained and the registered graduates whose names are so entered therein, shall continue to be the register maintained by that university, and the registered graduates to be the registered graduates of that university;

- (l) all Statutes and Ordinances made under the said Act in respect of the university shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made under this Act in respect of that university, until they are superseded or modified by the Statutes or Ordinances, as the case may be, made under this Act;
- (m) all Regulations made under the said Act in respect of the university shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made under this Act in respect of that university, until they are superseded or modified by the Regulations, made under this Act;
- (n) a standard code, if any, prescribed under the said Acts shall be deemed to have been prescribed under this Act and shall, save as otherwise provided by or under this Act, continue to remain in force, until it is superseded in accordance with the provisions of this Act;
- (o) all notices and orders made or issued by any authority under the said Act or by the State Government shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made or issued by that authority or by the State Government until they are superseded or modified under this Act;
- (p) Notwithstanding anything contained in sub-section (2) of section 3 the Act, if, in the exigency of circumstances the new university considers it expedient that certain privileges of the existing university to which such educational institutions as referred to in sub-section (2) of section 3 of the Act, were entitled immediately before the date specified under the said sub-section should be continued for a certain period, not exceeding a period of five years in the aggregate, after the date aforesaid, the new university may accordingly forward its recommendations, to the State Government and on receipt of such recommendations the State Government may, if it is satisfied that such privileges should be so continued, by notification in the *Official Gazette*, provide that for such period, as may be specified in the notification, such privileges shall continue.

Removal of difficulties.

- 54.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by Order published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such Order shall be made after the expiry of the period of two years from the date of commencement of this Act

- (2) Every Order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

SCHEDULE

(See section 2(xx))

PART-1**LIST OF UNIVERSITIES ON THE COMMENCEMENT OF
PUBLIC UNIVERSITIES ACT, 2023.**

Sr. No.	Name of University	Year of Establishment	Location/ Village	Taluka	District
1.	The Maharaja Sayajirao University of Baroda	1949	Pratapganj	Vadodara	Vadodara
2.	Gujarat University	1949	Ahmedabad	Ahmedabad	Ahmedabad
3.	Sardar Patel University	1955	Vallabh Vidyanagar	Anand	Anand
4.	Veer Narmad South Gujarat University	1965	Bharthana	Surat	Surat
5.	Saurashtra University	1967	Rajkot	Rajkot	Rajkot
6.	Maharaja Krishnakumarsinhji Bhavnagar University	1978	Bhavnagar	Bhavnagar	Bhavnagar
7.	Hemchandracharya North Gujarat University	1986	Patan	Patan	Patan
8.	Dr. Babasaheb Ambedkar Open University	1994	Chharodi	Ahmedabad	Ahmedabad
9.	Krantiguru Shyamji Krishna Verma Kachchh University	2004	Bhuj	Bhuj	Kachchh
10.	Bhakta Kavi Narsinh Mehta University	2015	Khadia	Junagadh	Junagadh
11.	Shri Govind Guru University	2015	Gadukpur	Godhra	Panch Mahal

PART-2**LIST OF UNIVERSITIES AFTER THE COMMENCEMENT OF
PUBLIC UNIVERSITIES ACT, 2023**

SN	Name of University	Year of Establishment	Location/ Village	Taluka	District
1.					
2.					
3.					
4.					

STATEMENT OF OBJECTS AND REASONS

The State Government proposes to enact the Gujarat Public Universities Act, 2023 in order to implement the recommendations of National Education Policy (NEP) 2020, smooth governance of universities, better coordination, cooperation and proper utilization of higher education facilities of universities, sound financial control, better quality higher education and measures to create excellent quality standards in the face of global competition. Radical transformative researches in various fields, positive approach and elimination of harmful factors in discipline and other standards in education to create uniform statutes and ordinances in accordance with the new credit framework and to carry out incidental and supplementary legislative measures related to the ultimate objectives and purpose of education and the upliftment of all related matters of students.

It is simple, appropriate, practical and legally fair to implement a uniform law for all the universities in the system based on uniform structure and process with regard to the requirements of the National Education Policy (NEP) 2020. For which it is imperative to have a Common Public University Act for state universities.

There is a need to remove and rectify the errors, deficiencies, obstacles, loopholes and limitations that have been identified by experience in various sections of the University Acts. The intention and objectives have been taken to prepare highly responsible citizens through higher education in the State and to make them aware of the democratic system.

This Act has been prepared to unify law relating to The Maharaja Sayajirao University of Baroda, The Gujarat University, The Sardar Patel University, The Veer Narmad South Gujarat University, The Saurashtra University, The Maharaja Krishnakumarsinhji Bhavnagar University, The Hemchandracharya North Gujarat University, The Dr. Babasaheb Ambedkar Open University, The Krantiguru Shyamji Krishna Verma Kachchh University, The Bhakta Kavi Narsinh Mehta University and The Shri Govind Guru University in the State of Gujarat.

This Bill seeks to enact the said Act 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.

Clause 3. - This clause provides for the incorporation of the Universities.

Clause 4. - This clause provides for the objects of the University.

Clause 5. – This clause provides for the powers and duties of the University.

Clause 6. – This clause provides for the jurisdiction and admission to privileges of the University.

Clause 7. – This clause provides that the University is open for all and shall adopt with the general policy of the State Government in regard to the welfare of various categories of weaker sections.

Chapter III. – This Chapter relates to the officers of the University.

Clauses 8 to 12 of this chapter provide for the Chancellor, Vice-chancellor, Registrar of the University. It also provides for the qualifications, conditions of service, powers, duties and functions of the officers of the University.

Chapter IV. – This Chapter relates to the different authorities of the University.

Clauses 13 to 18 of this chapter provide for the different authorities such as the Board of Management; the Executive Council; the Academic Council; the Board of Deans; the Board of Studies; the Board of Post-Graduate Education in Colleges; the Board of Examinations and Evaluation; the Board of Research. It also provide for the powers to be exercised and functions to be performed by such authorities.

Clause 19. – This clause provides for the powers of the State Government to verify the eligibility criteria for being nominated or co-opted as a member of any authority of the University.

Chapter IV. – This Chapter relates to the Statutes Ordinances and Regulations.

Clauses 20 to 24 of this chapter provide for the Statutes, Ordinances and Regulations which shall be made by the different authorities of the University.

Clause 25. – This clause provides for the admissions, disputes relating to admission, examinations and evaluation, declaration of results and other matters relating to students.

Clause 26. – This clause provides that the Committees and Councils to be constituted for the service of the University prescribed by the Statutes.

Clause 27. – This clause provides for the conditions of affiliation and recognition.

Clause 28. – This clause provides that the University department or institution, affiliated/constituent college or recognised institution may apply to the University for grant of autonomous status.

Clause 29. – This clause provides that the Board of Management on recommendation of the Academic Council after approval of the State Government may confer the empowered autonomous status upon the college applying for the same.

Clause 30. – This clause provides that the Board of Management on the recommendation of the Academic Council may after approval of the State Government confer the status of empowered autonomous cluster institutions upon such group of colleges or institutions applying for the same.

Clauses 31 to 38 of chapter IX provide for the post-graduate teaching and research, enrolment of students, disciplinary powers and discipline, degrees, diplomas, certificates, Honorary Degree, Convocation, Registered graduates, removal of name from register of graduates.

Clauses 39 to 42 of chapter X provide for the annual financial estimates, University fund, annual accounts and audit and annual report of the University.

Clause 43. – This clause provides that the authorities and officers of the University shall be responsible for the damages caused to the University and such damages and loss shall be liable to be recovered from such authority or officer.

Clause 44. – This clause provides that a teacher or a non-teaching employee shall not be disqualified for continuing as such teacher or a non-teaching employee merely on the ground that he has been selected or nominated as a member of the Legislative Assembly of the State or of the Parliament.

Clause 45. – This clause provides any question arises regarding the interpretation of the Act, or of any Statutes, Ordinance or Regulation or Rule or any other disputes shall be decided by the Vice-Chancellor subject to the conditions as mentioned therein.

Clause 46. – This clause provides that the prior approval of the State Government shall be required for the matters as mentioned therein.

Clause 47. – This clause provides for the usual indemnity for the action done or taken in good faith.

Clause 48. – This clause provides that the any officer of the university may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and Regulations to the immediate subordinate officer of the university, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer delegating them.

Clause 49. – This clause provides that the acts and proceedings shall not be invalidated merely on the grounds as mentioned therein.

Clause 50. – This clause provides for the establishment of new Universities.

Clauses 51 and 52. – These clauses provide for the continuation of existing officers and employees and continuation of the person holding office as a member of any authority.

Clause 53. – This clause provides for the repeal of certain Universities laws and the saving thereof.

RUSHIKESH PATEL,

FINANCIAL MEMORENDUM

The existing staff of the authorities and different Departments of all the State Universities will perform the functions to carry out the objects of the Act and as such, the Bill, if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

RUSHIKESH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1. - Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

Clause 2. - (i) Sub-clause (r) of this clause empowers the State Government to specify, by notification in the Official Gazette, the high level grade for conferring the status of Empowered Autonomous College by the Authority under the Statutes, to any college approved by the UGC, with a power to grant degree of such college jointly with the affiliating University

(ii) Sub-clause (s) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the high level grade for conferring the status of Empowered Autonomous Cluster Institution by the Authority under the Statutes, the autonomous colleges or institutions of the same management or educational society which includes the colleges or institutions identified by the UGC as College with potential for excellence or College of Excellence, with a power to grant joint degree with the affiliating University.

Clause 3. - Sub-clause (2) of this clause empowers the State Government to constitute, by notification in the Official Gazette, any new university by such name, for such area and with effect from such date, as may be specified by it in the said notification.

Clause 6. - Sub-clause (5) of this clause empowers the State Government to declare, by notification in the Official Gazette, the area of new district, which shall be the area of the University having jurisdiction in such area, for the purpose of admission to the privileges of such university.

Clause 10. - Item (ii) of para (a) of sub-clause (3) of this clause empowers the State Government to specify, by an Order published in the Official Gazette, the manner in which the names of the Director or Head of an institute or organisation of highly national repute established by an Act of Parliament shall be nominated by the Board of Management, Executive Council and the Academic Council, jointly, to be the member of the Search Committee.

Clause 19. - This clause empowers the State Government to specify, by an Order in the Official Gazette, the eligibility conditions for being nominated or co-opted as a member of any authority of the university.

Clause 21. - Sub-clause (8) of this clause empowers the State Government to prescribe uniform Statutes on the subjects through publication in the Official Gazette

Clause 46. - Sub-clause (3) of this clause *empowers the State Government*, by notification in the Official Gazette, the Standard Code for the purpose of securing and maintaining uniform standards in all universities in the State.

Clause 50. - This clause empowers the State Government to specify certain matters, by an Order published in the Official Gazette, when a new University is constituted.

Clause 53. - Para (p) of sub-clause (2) of this clause empowers the State Government to specify, by notification in the Official Gazette, the period for which certain privileges of the existing University shall be continued for the new University.

Clause 54. - sub-clause (1) of this clause empowers the State Government to remove difficulties, by an order published in the Official Gazette, arising within a period of two years from the commencement of the Act.

The matters specified in clauses 2 (l) (o) (t) (v) (yy) and (aaa), 5 (10) (14) (19) (a) (b) (21) (37) (38) (39) (40) (41) and (42), 8(9), 10 (14) (e), 11 (7) and (8), 14 (3) (5) (c) (d) (e) (f) (g) (j) (l)(a) and (b) (t) (v) (w) (x) (y) (z) (hh) and (jj), 16(v) (vi) (vii) (viii) (x) and proviso (i) (ii), 17 (1) (s) and (x), 18 (4) (f) (5) (6), 20 (r), 21 (2) and (8), 22 (i), 24 (1) and (2), 26, 27 (1) (b) and (c), 28 (3) and (4), 29 (1) to (4), 30 (1) (2) and (3) , 31, 32 33 (3) (6) and (7), 36 37(2), 38 (3), 41 (1), 43 (2) and 46 (3), respect of which the Statutes, Ordinances, Regulations and Rules may be made by the concerned authorities of the University, are the matters of procedure and administrative facet, and as such, it is not mentioned in the Memorandum of Delegated Legislation.

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

Dated 11th September, 2023.

RUSHIKESH PATEL.

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

K. M. LALA,

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

Gandhinagar,

Dated the 11th September, 2023.



Signature Not Verified

Signed by: BHOLUSINGH THAKUR
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