



The Gujarat University Laws (Amendment) Act, 1980

19 of 1980

Keyword(s):

University Laws, Remuneration, Compensatory Allowance, Board of Studies, Academic Council, Pro-Vice Chancellor, Examiners Committee

Amendments appended: 10 of 1982, 9 1983, 25 of 2003, 2 of 2004

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PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 13th October, 1980 is hereby published for general information.

J. P. VASAVADA,
 Joint Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 19 OF 1980.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 16th October, 1980).

An Act to provide for amendment of certain provisions of Acts relating to certain Universities in the State.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Gujarat University Laws (Amendment) Act, 1980. Short title

2. Each of the Acts specified in the second column of the Schedule appended to this Act shall be amended in the manner and to the extent specified against it in the third column thereof.

Amendment of certain provisions of Acts relating to certain Universities in the State.

SCHEDULE

(See section 2)

Serial No.	Short title	Extent of amendment
1	2	3
1.	The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act 17 of 1949).	After section 54A, the following new section shall be inserted, namely:—
	Officers and employees to be public servants.	“54AA. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
		<i>Explanation.</i> —For the purposes of this section any person who is appointed by the University for a specified period or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relating to the performance of, the duties and functions connected with such appointment or work.”.
2.	The Gujarat University Act, 1949 (Bom. 50 of 1949).	After section 51A, the following new section shall be inserted, namely:—
	Officers and employees to be public servants.	“51AA. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
		<i>Explanation.</i> —For the purposes of this section any person who is appointed by the University for a specified period, or for a specified work of the University or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relating to the performance of, the duties and functions connected with such appointment or work.”.

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3. The Sardar Patel University Act, 1955 (Bom. 40 of 1955).
Officers and employees to be public servants.
- After section 56, the following new section shall be inserted, namely:—
“56-A. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
Explanation.—For the purposes of this section any person who is appointed by the University for a specified period or for a specified work of the University or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.”.
4. The South Gujarat University Act, 1965 (Guj. 38 of 1965).
Officers and employees to be public servants.
- After section 52, the following new section shall be inserted, namely:—
“52A. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
Explanation.—For the purposes of this section any person who is appointed by the University for a specified period or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.”.
5. The Saurashtra University Act, 1965 (Guj. 39 of 1965).
Officers and employees to be public servants.
- After section 52, the following new section shall be inserted, namely:—
“52A. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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

6. The Gujarat Ayurved University Act, 1965 (Guj. 40 of 1965).

After section 45, the following new section shall be inserted, namely:—

Officers and employees to be public servants.

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

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

7. The Gujarat Agricultural University Act, 1969 (Guj. 13 of 1969).

After section 42, the following new section shall be inserted, namely:—

Officers and employees to be public servants.

"42A. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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



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PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 24th February, 1982 is hereby published for general information.

K. M. SATWANI,
Legal Department.

Secretary to the Government of Gujarat.

GUJARAT ACT NO. 10 OF 1982.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 24th February, 1982).

An Act further to amend Acts relating to certain Universities in the State.

It is hereby enacted in the Thirty-third year of the Republic of India as follows :—

(1) (1) This Act may be called the Gujarat University Laws (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 9th December, 1981.

2. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

Short title
and commencement.

Amendment
of Acts
relating to
certain Un-
iversities in
the State.

SCHEDULE

(See section 2)

Sr. No.	Short title	Extent of amendment.
1	2	3
1.	The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act 17 of 1949.)	<p>(1) In section 11,—</p> <p>(a) in sub-section (5), in clause (a), for the words “thereafter report his action” the words “thereafter furnish information regarding his action” shall be substituted ;</p> <p>(b) after sub-section (5), the following sub section shall be inserted, namely :—</p> <p>“(5A) (a) Subject to the provisions contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 16, or the doing of anything which is about to be done or is being done by or on behalf of the University .—</p> <p>(i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or</p> <p>(ii) is not in the interest of the University, or</p> <p>(iii) is likely to lead to breach of peace,</p> <p>he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.</p>

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

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

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

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

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

(2) In section 24—

(a) in sub-section (1), in clause (xx), for the words “to appoint examiners and fix their remunerations” the words “to fix remuneration of examiners” shall be substituted:

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(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) The exercise of the powers by the Syndicate under clause (xxiv) of sub-section (1), in so far as they relate to the determination of salaries, allowances and emoluments of the teachers and other employees of the University shall be subject to the approval of the State Government.”.

Examiners' Committee. (3) For section 49, the following section shall be substituted, namely :—

“49. (1) There shall be formed, every year a committee for each faculty, for the purpose of drawing up the list for appointments to University Examiners, consisting of—

(i) the Pro Vice-Chancellor, *Ex-officio* Chairman,

(ii) the Dean of the concerned faculty,

(iii) the Chairman of the Board of Studies, and

(iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

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

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

2. The Gujarat University Act, 1949 (Bom. L of 1949).

(1) In section 3, in sub-section (1), for the words “the Vice-Chancellor of the University” the words “the Vice-Chancellor or the Pro-Vice-Chancellor of the University” shall be substituted.

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(2) In section 8, in clause (iii), the words "if any" shall be deleted.

(3) In section 10,—

(a) in sub-section (5), for the words "shall be such as may be prescribed by the statutes" the words "shall be such as may be determined by the State Government" shall be substituted;

(b) in sub-section (6), for the words "the Pro-Vice-Chancellor, if any" occurring at two places, the words "the Pro-Vice-Chancellor" shall be substituted.

(4) In section 11—

(a) in sub-section (4), in clause (a), for the words "thereafter report his action" the words "thereafter furnish information regarding his action" shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

"(5A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 15, or the doing of anything which is about to be done or is being done by or on behalf of the University —

(i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or

(ii) is not in the interest of the University, or

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(iii) is likely to lead to breach of peace; he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

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

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

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

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

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

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(5) For section 12, the following section shall be substituted, namely:—

Pro-Vice-Chancellor. "12. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only :

Provided that no person appointed as a Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.

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

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

(4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Executive Council.

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		(5) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor, or in the event of his being unable to perform the duties of his office, exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.
		(6) The Pro-Vice-Chancellor shall preside—
		(a) in the absence of the Chancellor and the Vice-Chancellor at the meetings of the Court, and
		(b) in the absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.”.
		(6) In section 16, in sub-section (f), under the heading “Class I Ex-officio members”—
		(a) in paragraph (A), in clause (iv), the words, “if any” shall be deleted;
		(b) in paragraph (B)—
		(i) for clause (i), the following shall be substituted, namely :—
		“(i) The Director of Higher Education or an officer not below the rank of a Joint Director of Higher Education designated by such Director;”;
		(ii) for clauses (ii) to (v), the following clauses shall be substituted, namely :—
		“(iii) The Director of Health and Medical services and Medical Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education designated by such Director;
		(iv) The Director of Employment and Training, if any, or an officer not below the rank of a Joint Director of Employment and Training designated by such Director;

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(v) The Director of Food and Drugs Control Administration, or an officer not below the rank of a Joint Director of Food and Drugs Control Administration designated by such Director;

(vi) The Chairman of the Gujarat Secondary Education Board.”.

(7) In section 19, in sub-section (1)—

(a) in clause (iii), for the words “The Director of Education” the words “The Director of Higher Education” shall be substituted;

(b) after clause (iii), the following clauses shall be inserted, namely:—

“(iii a) The Director of Technical Education, and if he is unable to attend, the officer designated under clause (ii) of paragraph (B) of Class I of sub-section (1) of section 16;

(iii b) The Director of Health and Medical Services and Medical Education and if he is unable to attend, the officer designated under clause (iii) of paragraph (B) of Class I of sub-section (1) of section 16;”;

(c) after clause (xi), the following clause shall be inserted, namely :—

“(xia) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social workers and such other class of persons, irrespective of whether they are members of the Court;”.

(8) In section 20,—

(a) in sub-section (1), in clause (xxxi) for the words “to appoint examiners, to fix their remuneration” the words “to fix remuneration of examiners” shall be substituted;

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(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The exercise of the powers by the Executive Council under clauses (xxxviii) and (xxxix) of sub-section (1) in so far as they relate to the laying down and regulating salary scales and allowances of officers, members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised or approved institutions, shall be subject to the approval of the State Government.”.

(9) In section 21, in sub-section (1), for clause (ii), the following clause shall be substituted, namely:—

“(ii) The Pro-Vice-Chancellor.”.

(10) In section 23, in sub-section (1), for the words “the Faculties of Arts, including Education,” the words “the Faculties of Arts, Education,” shall be substituted.

(11) In Chapter IX, for the heading “Committees” the following shall be substituted, namely:—

“Committees.

Examiners’
Committee.

46A. (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointments to University Examiners, consisting of—

- (i) the Pro-Vice-Chancellor, Ex-Officio Chairman,
- (ii) the Dean of the concerned Faculty,
- (iii) the Chairman of the Board of Studies, and

(iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

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

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

(12) Section 47A shall be deleted.

3. The Sardar Patel
University Act,
1955
(Bom. XL of 1955).

(1) In section 3, in sub-section (1), after the words “the Vice-Chancellor” the words “the Pro-Vice-Chancellor” shall be inserted.

(2) In section 8, after clause (ii), the following clause shall be inserted, namely:—

“(iia) the Pro-Vice-Chancellor;”.

(3) In section 10,—

(a) in sub-section (5), for the words “shall be such as may be prescribed by the statutes” the words “shall be determined by the State Government” shall be substituted;

(b) in sub-section (6), for the words “one of the Deans nominated by the Chancellor” the words “the Pro-Vice-Chancellor, and in the absence of the Pro-Vice-Chancellor, one of the Deans nominated by the Chancellor,” shall be substituted.

(4) In section 11,—

(a) in sub-section (4), in clause (a), for the words “thereafter report his action” the words “thereafter furnish information regarding his action” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

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“(5A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 14, or the doing of anything which is about to be done or is being done by or on behalf of the University—

(i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or

(ii) is not in the interest of the University, or

(iii) is likely to lead to breach of peace, he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

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

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

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

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

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

(5) After section 11, the following section shall be inserted, namely :—

Pro-Vice-Chancellor.

“11A. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only:

Provided that no person appointed as a Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.

(3) The Pro-Vice-Chancellor shall be a wholetime salaried officer and his emoluments and conditions of service shall be such as shall be determined by the State Government:

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

(4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor or as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Syndicate.

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

(6) The Pro-Vice-Chancellor shall preside-

(a) in the absence of the Chancellor and the Vice-Chancellor, at the meeting of the Senate, and

(b) in the absence of the Vice-Chancellor at the meeting of any other authority of the University or a committee thereof."

(6) In section 15, under the heading "Ex-officio Fellows"—

(a) in paragraph (A), after clause (iii), the following clause shall be inserted, namely—

(iii) The Pro-Vice-Chancellor."

(b) in paragraph (B),—

(a) for clause (vi), the following shall be substituted, namely—

"(vi) The Director of Higher Education, or an officer not below the rank of a joint Director of Higher Education designated by such Director,"

(b) for clause (xi), the following clauses shall be substituted, namely—

"(xi) The Director of Technical Education, or an officer not below the rank of a Joint Director of Technical Education designated by such Director;

(xia) The Director of Health and Medical Services and Medical Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education designated by such Director.

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(7) In section 22, in sub-section (1),—

(i) for clause (b), the following clauses shall be substituted, namely :—

“(b) The Director of Higher Education and if he is unable to attend, the officer designated under clause (vi) of paragraph (B) of I Ex-officio Fellows of section 15.

(bi) The Director of Technical Education, and if he is unable to attend, the officer designated under clause (xi) of paragraph (B) of I Ex-officio Fellows of section 15.

(bii) The Director of Health and Medical Services and Medical Education and if he is unable to attend, the officer designated under clause (xia) of paragraph (B) of I Ex-officio Fellows of section 15.”;

(ii) after clause (h), the following clause shall be inserted, namely :—

“(i) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social workers and such other class of persons irrespective of whether they are members of the Senate.”.

(8) In section 23,—

(a) in sub-section (1), in clause (xxviii), for the words “to appoint examiners to fix their remuneration” the words “to fix remuneration of examiners” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The exercise of the powers by the Syndicate under clauses (xv) and (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers,

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teachers and employees of the University shall be subject to the approval of the State Government.”.

(9) For section 31, the following section shall be substituted, namely :—

Examiners' Committee.

“31. (1) There shall be formed every year a committee for each faculty for the purpose of drawing up the list for appointments to University Examiners, consisting of—

(i) the Pro-Vice-Chancellor, Ex-officio Chairman,

(ii) the Dean of the concerned Faculty,

(iii) the Chairman of the Board of Studies, and

(iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

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

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

4. The South Gujarat University Act, 1965 (Guj. 33 of 1965).

(1) In section 8, for clause (iii), the following clause shall be substituted, namely:—

“(iii) The Pro-Vice-Chancellor;”.

(2) In section 10,—

(a) in sub-section (5), for the words “shall be such as may be prescribed by the statutes” the words “shall be such as may be determined by the State Government” shall be substituted:

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(b) in sub-section (6), for the words "the Rector, if any, and in the absence of the Rector" the words "the Pro-Vice-Chancellor, and in the absence of the Pro-Vice-Chancellor," shall be substituted.

(3) In section 11—

(a) in sub-section (4), in clause (a), for the words "thereafter report his action" the words "thereafter furnish information regarding his action" shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely :—

"(5A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 15, or the doing of anything which is about to be done or is being done by or on behalf of the University —

- (i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or
- (ii) is not in the interest of the University, or

(iii) is likely to lead to breach of peace, he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

(b) Where the authority after reconsideration revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding any-

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thing contained in clause (e) such revised or modified order or resolution shall revive from the date of such revision or modification.

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

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

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

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

(4) For section 12, the following section shall be substituted, namely :—

Pro-Vice-Chancellor.

"12. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only:

Provided that no person appointed as a Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.

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

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

(4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Syndicate.

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

(6) The Pro-Vice-Chancellor shall preside,—

(a) in the absence of the Chancellor and the Vice-Chancellor, at the meetings of the Senate, and

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

(5) In section 16, in sub-section (1), under the heading “Class I Ex-officio members”,—

(a) in paragraph (A), for clause (iv), the following clause shall be substituted, namely:—

“(iv) The Pro-Vice-Chancellor;”;

(b) in paragraph (B),—

(i) for clause (ii), the following shall be substituted, namely :—

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“(ii) The Director of Higher Education or an officer not below the rank of a Joint Director of Higher Education designated by such Director.”;

(ii) for clauses (iii) and (iv), the following clauses shall be substituted, namely :—

“(iii) The Director of Technical Education, or an officer not below the rank of a joint Director of Technical Education designated by such Director;

(iv) The Director of Health and Medical Services and Medical Education or an officer not below the rank of a Joint director of Health and Medical Services and Medical Education designated by such Director.”.

(6) In section 19, in sub-section (1),—

(a) for clauses (ii) and (iii) the following clauses shall be substituted, namely:—

“(ii) The Pro-Vice Chancellor;

(iii) The Director of Higher Education and if he is unable to attend, the officer nominated under clause (ii) in paragraph (B) of Class I of section 16;

(iiia) The Director of Technical Education, and if he is unable to attend, the officer designated under clause (iii) of paragraph (B) of Class I of sub-section (1) of section 16;

(iiib) The Director of Health and Medical Services and Medical Education and if he is unable to attend, the officer designated under clause (iv) of paragraph (B) of Class I of sub-section (1) of section 16.”;

(b) after clause (viii), the following clause shall be inserted, namely:—

“(ix) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social

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workers and such other class of persons, irrespective of whether they are members of the Senate.”.

(7) In section 20,—

(a) in sub-section (1), in clause (xxiv), for the words “to appoint examiners, to fix their remuneration” the words “to fix remuneration of examiners” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) The exercise of the powers by the Syndicate under clause (xxii) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of teachers and servants of the University, shall be subject to the approval of the State Government.”.

(8) In section 21, in sub-section (1), for clause (ii), the following clause shall be substituted, namely:—

“(ii) The Pro-Vice-Chancellor;”.

(9) In Chapter IX, for the heading “Committees” the following shall be substituted, namely:—

“Committees.

Examiners’ Committee. 47A. (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointments to University Examiners, consisting of—

(i) the Pro-Vice-Chancellor, Ex-officio Chairman,

(ii) the Dean of the concerned Faculty,

(iii) the Chairman of the Board of Studies, and

(iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

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

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

(10) In section 43, for the words “to appoint Committees” the words “to appoint other Committees” shall be substituted.

**5. The Saurashtra
University Act, 1965
(Guj. 39 of 1965).**

(1) In section 8, for clause (iii), the following clause shall be substituted, namely:-

“(iii) The Pro-Vice-Chancellor;”.

(2) In section 10,—

(a) in sub-section (5), for the words “shall be such as may be prescribed by the statutes” the words “shall be such as may be determined by the State Government” shall be substituted;

(b) in sub-section (6), for the words “Pro-Vice-Chancellor, if any, and in the absence of the Pro-Vice-Chancellor” the words “Pro-Vice-Chancellor and in the absence of the Pro-Vice-Chancellor” shall be substituted.

(3) In section 11,—

(a) in sub-section (4), in clause (a), for the words “thereafter report his action” the words “thereafter furnish information regarding his action” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an autho-

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rity specified in or declared under section 15, or the doing of anything which is about to be done or is being done by or on behalf of the University —

- (i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

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

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

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

Provided that the order or resolution shall not be revised or modified or con-

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tinned by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against the order.

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

(4) For section 12, the following section shall be substituted, namely :—

Pro-Vice-
Chancellor.

“12. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only:

Provided that no person appointed as Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.

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

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

(4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Syndicate.

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

(6) The Pro-Vice-Chancellor shall preside-

(a) in the absence of the Chancellor and the Vice-Chancellor, at the meetings of the Senate, and

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

(5) In section 16, in sub-section (1), under the heading “Class-I Ex-officio members”,-

(a) in paragraph (A), for clause (iv), the following clause shall be substituted, namely :—

“(iv) The Pro-Vice-Chancellor;”;

(b) in paragraph (B), -

(i) for clauses (ii), (iii) and (iv), the following shall be substituted, namely :—

“(ii) The Director of Higher Education or an officer not below the rank of a Joint Director of Higher Education designated by such Director ;

(iii) The Director of Technical Education or an officer not below the rank of a Joint Director of Technical Education designated by such Director ;

(iv) The Director of Health and Medical Services and Medical Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education designated by such Director;”.

(6) in section 19, in sub-section (1),—

(a) for clauses (ii) and (iii), the following clauses shall be substituted, namely :—

“(ii) The Pro-Vice-Chancellor;

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(iii) The Director of Higher Education and if he is unable to attend, the officer designated under clause (ii) in paragraph (B) of Class I of section 16.

(iiia) The Director of Technical Education and if he is unable to attend, the officer designated under clause (iii) of paragraph (B) of Class I of sub-section (1) of section 16.

(iiib) The Director of Health and Medical Services and Medical Education and if he is unable to attend, the officer designated under clause (iv) of paragraph (B) of Class I of sub-section (1) of section 16.”;

(b) after clause (viii), the following clause shall be inserted, namely:—

“(ix) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social workers and such other class of persons, irrespective of whether they are members of the Senate”.

(7) In section 20,—

(a) in sub-section (1), in clause (xxiv), for the words “to appoint examiners, to fix their remuneration” the words “to fix remuneration of examiners” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) The exercise of the powers by the Syndicate under clause (xxii) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of teachers and servants of the University, shall be subject to the approval of the State Government.”.

(8) In section 21, in sub-section (1), for clause (ii), the following clause shall be substituted, namely:—

“(ii) The Pro-Vice-Chancellor;”.

(9) In Chapter IX for the heading “Committees” the following shall be substituted, namely :—

“Committees.

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Examiners' Committee.	47A. (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointments to University Examiners, consisting of—	
	(i) the Pro-Vice Chancellor, Ex-officio Chairman,	
	(ii) the Dean of the concerned Faculty,	
	(iii) the Chairman of the Board of Studies, and	
	(iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.	
	(2) The list of Examiners prepared by the Committee shall be placed through the Academic Council before the Vice-Chancellor for his approval who may either approve, or modify the same for reasons to be recorded in writing.	
	(3) The procedure to be followed by the committee shall be such as may be prescribed by Statutes.”.	
	(10) In section 48, for words “to appoint committees” the words “to appoint other Committees” shall be substituted.	
6.	The Bhavnagar University Act, 1978 (Guj. 26 of 1978).	(1) In section 8, after clause (ii), the following clause shall be inserted, namely:— “(iia) The Pro-Vice-Chancellor;”.
	(2) In section 10,—	
	(a) in sub-section (5), for the words “shall be such as may be prescribed by the statutes” the words “shall be such as may be determined by the State Government” shall be substituted;	
	(b) in sub-section (6), for the words “one of the Deans, nominated by the Chancellor”, the words “Pro-Vice-Chancellor and in absence of the Pro-Vice-Chancellor one of the Deans nominated by the Chancellor” shall be substituted.	
	(3) In section 11,—	
	(a) in sub-section (4), in clause (a), for the words “report in writing the grounds for	

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his belief that there was an emergency and the action taken by him" the words "furnish information regarding his action" shall be substituted;

- (b) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-sections (5) and (6), where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 14, or the doing of anything which is about to be done or is being done by or on behalf of the University —

- (i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

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

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

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

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

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

- (4) After section 11, the following section shall be inserted, namely :—

Pro-Vice
Chancellor.

“11A. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor.

- (2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only:

Provided that no person appointed as a Pro-Vice Chancellor shall continue to hold the office as such after he attains the age of 65 years.

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

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

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- (4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Executive Council.
- (5) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor, or in the event of his being unable to perform duties of his office exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.
- (6) The Pro-Vice-Chancellor shall preside—
- (a) in the absence of the Chancellor and the Vice Chancellor, at the meetings of the Senate, and
- (b) in the absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.”.
- (5) In section 15, in sub-section (1), under the heading “Class I Ex-officio members;”—
- (a) in paragraph (A), after clause (iii), the following clause shall be inserted, namely:—
- “(iiiia) The Pro-Vice-Chancellor;”;
- (b) in paragraph (B)—
- (i) in clause (i), for the words “The Director of Education” occurring at two places, the words “The Director of Higher Education” shall be substituted;
- (ii) for clause (iii), the following clause shall be substituted, namely :—
- “(iii) The Director of Health and Medical Services and Medical

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		Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education by such Director;”.
	(6)	In section 18, in sub-section (1),—
	(a)	in clause (ii), for the words “The Director of Education” the words “the Director of Higher Education” shall be substituted;
	(b)	after clause (ii), the following clauses shall be inserted, namely—
		“(iia) The Director of Technical Education, and if he is unable to attend, the officer designated under clause (ii) of paragraph (B) of Class I of sub-section (1) of section 15.
		(iib) The Director of Health and Medical Services and Medical Education and if he is unable to attend, the officer designated under clause
		(iii) of paragraph (B) class I of sub-section (1) of section 15.”;
	(c)	after clause (x), the following clause shall be inserted, namely :—
		“(xa) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social workers and such other class of persons, irrespective of whether they are members of the Court.”.
	(7)	In section 19—
	(a)	in sub-section (1), in clause (xxxi), for the words “to appoint examiners, to fix their remuneration” the words “to fix remuneration of examiners” shall be substituted;

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(b) after sub-section (3), the following sub-section shall be inserted, namely:-

“(3A) The powers and duties under clauses (xxxviii) and (xxxix) of the Executive Council, in so far as they relate to the laying down and regulating salary scales and allowances of the officers, members of the teaching, other academic and non-teaching staff of the university, affiliated colleges and recognised or approved institutions are concerned, shall be subject to the approval of the State Government.”

(8), For section 50, the following section shall be substituted, namely:—

Examiners' Committee. “50. (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointment to University Examiners consisting of—

- (i) the Pro-Vice-Chancellor, *Ex-officio* Chairman,
- (ii) the Dean of the concerned Faculty,
- (iii) the Chairman of the Board of Studies, and
- (iv) two members of the Board of Studies, nominated by the Vice Chancellor for the year.

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

(3) The procedure to be followed by the committee shall be such as may be prescribed by statutes.”

Guj.
Ord.
11 of
1981.

3. (1) The Gujarat University Laws (Amendment) Ordinance, 1981 is hereby repealed.

Repeal
and saving.

(2) Notwithstanding such repeal, anything done or any action taken under each of the Act specified in the Schedule as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding Act, as amended by this Act.



The Gujarat Government Gazette

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

PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March, 1983 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 9 OF 1983.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 1983)

An Act further to amend Acts relating to certain Universities in the State.

It is hereby enacted in the Thirty-fourth Year of the Republic of India, as follows:—

- 1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 1983. Short title and commencement.
- (2) It shall be deemed to have come into force on the 25th January, 1983.

- 2. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof. Amendment of Acts relating to certain Universities in the State.

Transitory provision.

3. Where before the commencement of this Act, any reference is made by the Vice-Chancellor to the Chancellor under the relevant provision and such reference is pending before the Chancellor at the commencement of this Act the same shall be disposed of by the Chancellor as if this Act had not been passed.

Explanation.—For the purposes of this section relevant provision means the provision relating to disputes as to constitution of university authority or body in any of the Acts specified in the second column of the Schedule.

Repeal and savings.

4. (1) The Gujarat Universities Laws (Amendment) Ordinance, 1983 is hereby repealed.

Guj.
Ord.
3 of
1983.

(2) Notwithstanding such repeal anything done or any action taken under the Acts specified in the second column of the Schedule as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

SCHEDULE

Sr. No.	Short title	Extent of Amendment
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1.	The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act 17 of 1949).	<p>For section 60, the following shall be substituted, namely:—</p> <p>60. Where any question arises as to—</p> <p>(1) the interpretation of any provision of this Act, or of any Statute, Ordinance or Rule, or</p> <p>(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University,</p> <p>(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and</p> <p>(b) it shall be referred to the State Government if it relates to a matter specified in clause (2), and</p>

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

2. The Gujarat University Act, 1949
(Bom. L. of 1949).

"Disputes as to constitution of University authority or body.

For section 58, the following shall be substituted, namely:—

58. Where any question arises as to—

(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rules, or

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

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

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

(i) it relates to a matter specified in clause (2), or

(ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

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

3. The Sardar Patel University Act, 1955 (Bom. XL of 1955).

"Disputes as to constitution of University authority or body.

For section 59, the following shall be substituted, namely:—

59. Where any question arises as to—

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

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

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

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

(i) it relates to a matter specified in clause (2), or

(ii) if ten Fellows so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

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

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4.	<p>The South Gujarat University Act, 1965 (Guj. 38 of 1965).</p>	<p>For section 59, the following shall be substituted, namely:—</p>
	<p>“Disputes as to constitution of University authority or body.</p>	<p>59. where any question arises as to—</p> <p>(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or</p> <p>(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University.</p> <p>(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and</p> <p>(b) it shall be referred to the State Government if—</p> <p>(i) it relates to a matter specified in clause (2), or</p> <p>(ii) if twenty members of the Senate so require irrespective of whether it relates to a matter specified in clause (1) or clause (2), and</p>
		<p>the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”.</p>
5.	<p>The Saurashtra University Act, 1965 (Guj. 39 of 1965).</p>	<p>For section 59, the following shall be substituted, namely:—</p>
	<p>“Disputes as to constitution of University authority or body.</p>	<p>59. Where any question arises as to—</p>

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

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

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

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

(i) it relates to a matter specified in clause(2), or

(ii) if twenty members of the Senate so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

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

6. The Bhavnagar University Act, 1978 (Guj. 26 of 1978).

“Disputes as to constitution of University authority or body.

For section 67, the following shall be substituted, namely:—

67. Where any question arises as to—

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

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

(a) it may be referred to the State Government if it relates to a matter specified in clause (1); and

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

(i) it relates to a matter specified in clause (2), or

(ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

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



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EXTRAORDINARY

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

PART - IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

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

GUJARAT ACT NO. 25 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Acts relating to certain Universities in the State.

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

1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 2003. Short title and commencement.

(2) It shall be deemed to have come into force on the 26th June, 2003.

Amendment of Acts relating to certain Universities in the State.

2. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

SCHEDULE

Sr. No.	Short title	Extent of Amendment.
1	2	3

1. The Gujarat University Act, 1949 (Bom. L of 1949).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

(i) on the post of officers referred to in clauses (iv), (v), (v-a) and (vi) of section 8;

(ii) on the post of teacher; or

(iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a

Sr. No.	Short title	Extent of Amendment.
1	2	3

Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "Class I Ex-Officio members", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

2. The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act XVII of 1949).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

(i) on the post of officers referred to in clauses (v), (vi) and (vii) of section 8;

Sr. No.	Short title	Extent of Amendment.
1	2	3

(ii) on the post of teacher;
or

(iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Visitor, Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

3. The Sardar Patel University Act, 1955 (Bom. XL of 1955).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

Sr. No.	Short title	Extent of Amendment.
1	2	3

- (i) on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, under the heading "*I Ex-Officio fellows*",

Sr. No.	Short title	Extent of Amendment.
1	2	3

4.	The South Gujarat University Act, 1965 (Guj. 38 of 1965).	<p>in paragraph (A), for clause (iii), the following shall be substituted, namely:-</p> <p>"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".</p> <p>(1) After section 8, the following new section shall be inserted, namely:-</p> <p>"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-</p> <p>(i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;</p> <p>(ii) on the post of teacher; or</p> <p>(iii) as a member of any of the authorities of the University, any committee or any other body thereof</p> <p>after he attains the age of 62 years:</p> <p>Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.</p> <p>(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii)</p>
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Sr. No.	Short title	Extent of Amendment.
1	2	3

5. The Saurashtra University Act, 1965
(Guj. 39 of 1965).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "Class I Ex-Officio Members", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

(i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;

(ii) on the post of teacher; or

(iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the

Sr. No.	Short title	Extent of Amendment.
1	2	3

Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-officio members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

6. The Bhavnagar University Act, 1978 (Guj. 26 of 1978).

(1) After section 8, the following new section shall be inserted, namely:-

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

Sr. No.	Short title	Extent of Amendment.
1	2	3

(i) on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;

(ii) on the post of teacher; or

(iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, in sub-section (1), under the heading "CLASS-I EX-OFFICIO MEMBERS",

Sr. No.	Short title	Extent of Amendment.
1	2	3

in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

7. The Hemchandracharya North Gujarat University Act, 1986 (Guj. 22 of 1986).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

Sr. No.	Short title	Extent of Amendment.
1	2	3

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "Class I Ex-Officio Members", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

Guj. Ord.
2 of 2003.

3. (1) The Gujarat Universities Laws (Amendment) Ordinance, 2003 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts specified in the second column of the Schedule as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act.



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PART - IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th February, 2004 is hereby published for general information.

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

GUJARATACT NO. 2 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 27th February, 2004).

AN ACT

further to amend the South Gujarat University Act, 1965 and the Kachchh University Act, 2003.

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

1. (1) This Act may be called the Gujarat Universities Laws (Second Amendment) Act, 2003.

Short title and commencement.

(2) It shall come into force at once.

- Amendment of long title.** 2. In the South Gujarat University Act, 1965 (hereinafter referred to as "the principal Act"), in the long title, for the words "the South Gujarat University", the words "the Vir Narmad South Gujarat University" shall be substituted. **Guj. 38 of 1965.**
- Amendment of section 1 of Guj. 38 of 1965.** 3. In the principal Act, in section 1, in sub-section (1), for the words and figures "the South Gujarat University Act, 1965", the words and figures "the Vir Narmad South Gujarat University Act, 1965" shall be substituted.
- Amendment of section 2 of Guj. 38 of 1965.** 4. In the principal Act, in section 2, in clause (15), for the words "the South Gujarat University", the words "the Vir Narmad South Gujarat University" shall be substituted.
- Amendment of section 3 of Guj. 38 of 1965.** 5. In the principal Act, in section 3, in sub-section (1), for the words "The South Gujarat University", the words "The Vir Narmad South Gujarat University" shall be substituted.
- Insertion of new section 60A in Guj. 38 of 1965.** 6. In the principal Act, after section 60, the following new section shall be inserted, namely :-
- Construction of references to South Gujarat University Act, 1965 and South Gujarat University in existing laws, instruments, etc.** "60A. (1) As from the commencement of the Gujarat Universities Laws (Second Amendment) Act, 2003 (hereinafter referred to as "the said Act"), any reference in any existing law or instrument or document -
- (a) to the expression "the South Gujarat University Act, 1965" shall be construed as if it were a reference to "the Vir Narmad South Gujarat University Act, 1965", and
- (b) to the expression "the South Gujarat University" shall be construed as if it were a reference to "the Vir Narmad South Gujarat University".
- (2) Any act done by, or any suit or other proceeding filed by or against the South Gujarat University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Vir Narmad South Gujarat University.

Explanation.- For the purpose of this section "existing law" means any enactment of a Legislature of any other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme,

form or other instrument having the force of law made, prescribed or issued under any such enactment.”.

Guj. 5 of 2003.	7. In the Kachchh University Act, 2003, in the long title, for the words “the Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of long title.
Guj. 5 of 2003.	8. In the Kachchh University Act, 2003, in section 1, in sub-section (1), for the words and figures “the Kachchh University Act, 2003”, the words and figures “the Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003” shall be substituted.	Amendment of section 1 of Guj. 5 of 2003.
Guj. 5 of 2003.	9. In the Kachchh University Act, 2003, in section 2, in clause (17), for the words “the Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of section 2 of Guj. 5 of 2003.
Guj. 5 of 2003.	10. In the Kachchh University Act, 2003, in section 3, in sub-section (1), for the words “Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of section 3 of Guj. 5 of 2003.
Guj. 5 of 2003.	11. In the Kachchh University Act, 2003, after section 80, the following new section shall be inserted, namely :-	Insertion of new section 80A in Guj. 5 of 2003.
Construction of references to Kachchh University Act, 2003 and Kachchh University in existing laws, instruments, etc.	<p>“80A. (1) As from the commencement of the Gujarat Universities Laws (Second Amendment) Act, 2003 (hereinafter referred to as “the said Act”), any reference in any existing law or instrument or document –</p> <p>(a) to the expression “the Kachchh University Act, 2003” shall be construed as if it were a reference to “the Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003”, and</p> <p>(b) to the expression “the Kachchh University” shall be construed as if it were a reference to “the Krantiguru Shyamji Krishna Verma Kachchh University”.</p> <p>(2) Any act done by, or any suit or other proceeding filed by or against the Kachchh University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Krantiguru Shyamji Krishna Verma Kachchh University.</p>	Guj. 2 of 2004.

