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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 BIRSA MUNDA TRIBAL UNIVERSITY BILL, 2017.

GUJARAT BILL NO. 11 OF 2017.

A BILL

to establish and incorporate a teaching University in the State of Gujarat to be known as the Birsa Munda Tribal University at Rajpipla District, Narmada, to develop flexible and innovative academic and research programs in emerging areas, with special reference to the tribal population of Gujarat; to provide access to education in the areas of technical, skill based, vocational, management, tourism, tribal arts, culture and traditional value system and other related areas for faster growth in the tribal areas; to provide instructional and research facilities in tribal art, culture, tradition, language medicinal systems, customs, forest based economic activities, flora and fauna and advancement in technologies relating to the natural resources of tribal areas and for matters connected therewith or incidental thereto.

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

CHAPTER I
PRELIMINARY

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Birsa Munda Tribal University Act, 2017.
- (2) It shall extend to the whole of the State of Gujarat.
- (3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) "Academic Council" means the Academic Council of the University constituted under section 27;
- (b) "Board" means the Board of Governors of the University constituted under section 22;
- (c) "Board of Studies" means the Board of Studies of the University constituted under section 34;
- (d) "College" means a College established or maintained by the University providing courses of study or training leading to a degree, diploma or other academic distinction of the University;
- (e) "Dean" means Dean of the University appointed under section 16;
- (f) "Distance Education" means imparting education through any means of communication, such as broadcasting, telecasting, webcasting correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (g) "Executive Council" means the Executive Council of the University constituted under section 25;
- (h) "faculty" means faculty of the University;
- (i) "Finance Committee" means the Finance Committee of the University constituted under section 29;
- (j) "institution" means an academic institution, not being a college, maintained by, or admitted to the privileges of the University;
- (k) "Ordinance" means the Ordinance made by the Executive Council under section 38;

- (l) "Principal" means the head of a college or an institution maintained by the University and includes, where there is no Principal, the person for time being duly appointed to act as Principal, and in absence of the Principal or the acting Principal, a Vice-Principal duly appointed as such;
- (m) "regulations" means the regulations of the University made under section 40;
- (n) "rules" means the rules made by any of the authorities of the University under sub-section (2) of section 40;
- (o) "Statutes" means the Statutes of the University made under section 36;
- (p) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any colleges or institutions and whose appointment has been approved by the University and includes such person appointed on contractual terms on temporary basis or on *ad hoc* basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;
- (q) "University" means the Birsa Munda Tribal University established and constituted under section 3;
- (r) "University Department" means any post-graduate or research institute or department maintained by the University.

CHAPTER II

THE UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Birsa Munda Tribal University".

Establishment
and
incorporation of
University.

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

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

(4) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable

property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

Headquarters
of University.

4. The headquarters of the University shall be at Rajpipla, District Narmada, Gujarat State.

Objects of
University.

5. The prime object of the University shall be to create equitable multiple socio-economic growth centres and centres of excellence besides the following objects, namely:-

- (i) to provide avenues of higher education and research facilities primarily for the tribal population of the State of Gujarat;
- (ii) to develop different patterns of teaching for certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (iii) to establish centre of excellence or independent research centre(s), museums, etc., to impart the knowledge of tribal tradition, tribal art and culture, tribal language; to promote traditional food, live stocks, dairy developments, organic farming, forestry, ecology, environmental science, eco-tourism, agriculture, farming, Minor Forest Produce (MFP), Ayurvedic traditional medicines, marketing, business management and forest related and other skills of various tribes including primitive tribes in Gujarat;
- (iv) to formulate tribal centric development models; publish reports and monographs; to organize conferences, seminars, etc. on issues relating to tribes; to provide inputs with regard to policy matters in different spheres to the State Government;
- (v) to take appropriate measures for promoting innovations in teaching-learning processes in inter-disciplinary studies and research;
- (vi) to establish close linkage with the industry to make teaching, research, entrepreneurship and training at the University relevant to the needs of the society at national and global levels;

- (vii) to collaborate with national and international universities or organizations, especially for undertaking cultural studies and research on tribal communities;
- (viii) to provide facilities for tribal management studies;
- (ix) to establish, maintain and advance modern skill and vocational training centres;

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

- (1) to establish, conduct and promote centres such as:-
 - (a) Centre of Education including Distance Learning Education;
 - (b) Centre of Research;
 - (c) Centre of Training including Career Counseling and Job Placement;
 - (d) Centre of Extension Education;
 - (e) Centre of Marketing and Management of Tribal produce;
- (2) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provisions for research, advancement and dissemination of knowledge, with special reference to tribal students;
- (3) to organise common laboratories, libraries, museums and other equipments for teaching and research;
- (4) to institute Professorships, Associate Professorships, or Assistant Professorships and other posts of teachers required by the University;
- (5) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or course coordinators or field experts or otherwise as teachers of the University;
- (6) to institute degrees, diplomas, certificates and other academic distinctions;
- (7) to hold examinations and to confer degrees, diplomas and other academic distinctions on persons who -
 - (a) have pursued approved course of study in the University or college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, regulations or rules and have passed the examinations prescribed by the University, or

- (b) have carried on research as per the conditions prescribed by the Ordinances, regulation or rules;
- (8) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (9) to grant such diplomas and to provide such lectures, instruction and training to persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, regulations or rules;
- (10) to inspect colleges, institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained and adequate library, laboratory, and facilities for skill formation and enhancement are made therein;
- (11) to control and co-ordinate the activities of colleges and institutions and to regulate the fees to be paid by the students in such colleges and institutions;
- (12) to make special provisions for the spread of University Education among classes and communities which are educationally backward;
- (13) to fix, demand and to receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (14) to establish, maintain and manage hostels by the University, and to recognize such hostels which are not maintained by the University. Such hostels may be inspected by University and recognition may be withdrawn, if University deems it fit and proper;
- (15) to supervise, regulate and control, the residence, conduct and discipline of the students of the University, colleges and institutions and to make arrangements for promoting their health and general welfare;
- (16) to institute and manage-
- (i) Printing and Publication Department;
 - (ii) University Extension Boards;
 - (iii) Information Bureau; and
 - (iv) Employment Bureau;
- (17) to make provisions-

- (i) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps;
 - (ii) for sports and athletic activities;
 - (iii) for compliance of other academic, extra-curricular and co-curricular activities;
 - (iv) to make necessary arrangements for obtaining required accreditation from National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA), National Board of Assessment (NBA), or any other such statutory accreditation agency constituted by the Central Government or the State Government, as the case may be;
 - (v) to comply with the directives/instructions of the State Government to the colleges and institutions and the University from time to time;
- (18) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (19) to make arrangements for training for competitive examinations for recruitment to the services under the Central Government and the State Government;
- (20) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by Grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:
Provided that no donation from a foreign country, foreign foundation or any person from such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;
- (21) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:
Provided that the power to borrow moneys shall be exercised after obtaining previous approval of the State Government;
- (22) to do all such acts and things, whether incidental to the powers and functions as aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote tribal art, culture, medicinal systems, language, etc.

Jurisdiction of University.

7. The territorial jurisdiction of the University shall extend to the whole of the State of Gujarat.

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

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

Provided that the University may, subject to the previous sanction of the State Government, maintain any college or institution exclusively for women, or reserve for women or for Socially and Educationally Backward Classes or for members of Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

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

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

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

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts in the area. The State Government shall communicate the findings of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

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

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

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

CHAPTER III OFFICERS OF UNIVERSITY

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

Officers of
University.

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

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

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

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

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

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

Chancellor. 12. (1) The Governor of the State of Gujarat shall be the Chancellor of the University.

(2) The Chancellor shall, by virtue of his office, be the head of the University and the Chairperson of the Board and shall, when present, preside at the meetings of Board and at any convocation of the University.

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

Vice-Chancellor. 13. (1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by a search committee constituted for the purpose under sub-section (4).

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

- (i) an eminent academician having a Ph. D. degree with a minimum of ten year of experience as a professor, or;
- (ii) a distinguished academician having a Ph. D. degree with a minimum of twelve years experience in the field of academic, education or in the tribal affairs in a University, reputed academic, administrative or research organization;
- (iii) a person to be appointed may be preferably from Scheduled Tribes.

(3) In case where the three names as recommended by the search committee under sub-section (6) include a candidate or candidates from the Scheduled Tribes, then a person to be appointed as a Vice-Chancellor may be preferably from such tribe.

(4) For the purpose of sub-section (1), the State Government shall constitute a search committee which shall consist of the following members, namely:-

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

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

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

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

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

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

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

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

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

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

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

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

(a) has become insane and stands so declared by a competent court;

- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has 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 as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

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

**Powers of
Vice-
Chancellor.**

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

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

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

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

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

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

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

(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Executive Council, within one month from the date on which such action is communicated to him.

(6) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of the opinion that the execution of any order or resolution of any authority specified in or declared under section 21, or the doing of anything 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, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, State Government or any regulatory body, as the case may be,

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

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

anything contained in clause (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 or resolution.

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

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

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

Pro-Vice-Chancellor.

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

(2) For the purpose of sub-section (1), the State Government shall constitute a search committee which shall consist of the following members, namely:-

- (i) two members (not being persons connected with the University or with any college or institution) out of whom one shall be a person nominated in the manner prescribed by Statutes by the Executive Council

and the Academic Council jointly and the other shall be a person nominated, in the manner prescribed by Statutes, by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;

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

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

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

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

(6) The term of the office of the Pro-Vice-Chancellor shall be three years and shall be eligible for being re-appointed to the office for one more term only.

(7) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University, and emoluments and terms and conditions of his service shall be such as may 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 disadvantage without his consent.

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

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

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

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

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

Deans of Faculty.

16. (1) There shall be a Dean of each Faculty who shall be nominated by the Vice-Chancellor.

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

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

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

- (i) he shall be the Chairperson of the Faculty concerned and shall preside over the meetings of the faculty;
- (ii) he may attend the meeting of any Board of Studies;
- (iii) he shall supervise and co-ordinate the work of the different Boards under the Faculty;
- (iv) he shall plan and organize seminars, refresher courses, and workshops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, colleges and institutions in respect of subject under the Faculty;
- (vi) he shall be responsible for the due observance of the Statutes, the Ordinances, and the regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval, the proposals for the programmes of visiting teachers and for the exchange of teachers; and
- (viii) he shall exercise such other powers and perform such other functions as may be prescribed by the relevant Statutes.

Registrar.

17. (1) The Registrar shall be a whole time salaried officer of the University and shall act as a Secretary of the Board, the Executive Council and the Academic Council.

(2) The Registrar shall be appointed by the State Government on recommendation of the University in accordance with the Statutes to be made in this behalf, and his emoluments and conditions of service shall be such as may be prescribed by the Statutes.

(3) The Registrar shall be responsible for the due custody of the University records, the common seal and such other properties and assets of the University as the executive council shall commit to his charge.

(4) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by the Statutes, Ordinances, rules and regulations.

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

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

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

(2) The qualifications, salary, allowances, emoluments, other perks and facilities and terms and conditions of service of the Finance and Accounts Officer shall be such as may be determined by the State Government.

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

(4) The Finance and Accounts Officer shall,-

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

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

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

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

CHAPTER IV
AUTHORITIES OF THE UNIVERSITY

Authorities of University.

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

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

Board of Governors.

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

I. Ex-Officio Members:

- (i) the Chancellor, *ex-officio* Chairperson;
- (ii) the Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Pro-Vice-Chancellor;
- (iv) the Secretary, Government of Gujarat, Tribal Development Department;
- (v) the Secretary, Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary, Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Secretary, Government of Gujarat, Industries and Mines Department or his nominee not below the rank of Deputy Secretary;
- (viii) the Secretary, Government of Gujarat, Labour and Employment Department or his nominee not below the rank of Deputy Secretary;
- (ix) the Secretary, Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;

- (x) the Commissioner of Tribal Development Gujarat State, or his nominee not below the rank of Joint Director;
- (xi) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (xii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (xiii) the Deputy Commissioner-cum-Director, Primitive Tribes, Tribal Development Department, Government of Gujarat.

II. Ordinary Members:

- (i) three Heads of the Department to be nominated by the Vice-Chancellor from amongst themselves by overall seniority and rotation;
- (ii) two Principals of colleges to be nominated by the Vice-Chancellor from amongst themselves by overall seniority and rotation;
- (iii) one University Teacher to be nominated by the Vice-Chancellor from amongst themselves by overall seniority and rotation;
- (iv) four Teachers of the colleges to be nominated by the Vice-Chancellor from amongst themselves by overall seniority and rotation;
- (v) one member from the Rajpipla Municipality to be nominated by the State Government;
- (vi) one member from the Narmada District Panchayats to be nominated by the State Government;
- (vii) two Members of Legislative Assembly (MLA), elected from the Narmada District, to be nominated by the State Government;
- (viii) four distinguished persons to be nominated by the State Government from amongst distinguished educationists, social workers, representatives of tribal communities, women and such other class of persons;
- (ix) one donor to be nominated by the State Government.

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

(3) At least thirty-three per cent. of the total members to be nominated under the category of the ordinary members shall be from the Scheduled Tribes.

(4) The term of members, other than that of *ex-officio* members, shall be three years.

Meetings of Board.

23. (1) The Board shall meet on a date to be fixed by the Chancellor at least twice during a calendar year generally. The annual meeting of the Board shall be specially fixed under the directions of the Chancellor during a financial year.

(2) The Chancellor may, whenever he thinks fit and necessary, call a meeting for a special reason.

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

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

(5) The Chairperson, if present, shall preside over the meetings of the Board and in his absence, the Vice-Chairperson shall preside.

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

(7) In case of difference of opinions amongst the members, the opinion of the Chairperson shall prevail.

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

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

(10) (i) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in grade and in accordance with such other principles as the Board may from time-to-time, prescribe.

(ii) It shall be the duty of the Registrar to prepare and maintain in respect of each class of members to whom the provisions of relevant Statutes apply, a complete and up-to-date seniority list, in accordance with the provisions of clause (i).

(iii) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion or shall, at the request of any such person, submit the matter to the Board whose decision thereon shall be final.

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

**Powers and
duties of Board.**

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;
- (ii) to institute Professorships, Associate Professorships, Assistant Professorships, subject experts, co-ordinators, field experts and by any other posts of teachers required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;
- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the audited accounts;
- (viii) to review and to approve annual reports of the Executive Council, Academic Council, Finance Committee, Buildings and Estate Committee, Board of University Teaching and Research, Faculties, the Board of Studies and other Committees;
- (ix) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act, Statutes, Ordinances, rules, or regulations made there under and all such other powers for achieving the objectives of the University.

**Executive
Council.**

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

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson
- (iii) the Commissioner of Tribal Development, Gujarat State or his nominee not below the rank of Deputy Commissioner;
- (iv) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (vi) District Collector, Narmada District;
- (vii) Superintending Engineer of the region, Roads and Buildings Department;
- (viii) District Development Officer, Narmada District;
- (ix) Project Administrator, Narmada District, Tribal Development Department.

II. Ordinary Members:

- (i) three Heads of University Departments, to be nominated by the Vice-Chancellor, amongst themselves, by overall seniority and rotation;
 - (ii) two Principals, to be nominated by the Vice-Chancellor, amongst themselves, by overall seniority and rotation;
 - (iii) two Teachers to be nominated by the Vice-Chancellor, from amongst University teachers, other than Heads of the Departments, by overall seniority and rotation;
 - (iv) four college teachers to be nominated by the Vice-Chancellor, from amongst themselves, by overall seniority and rotation;
 - (v) five distinguished persons to be nominated by the State Government from amongst the distinguished educationists, social workers, women, public administrators representatives of tribal communities or such other class of persons as the Government may deem fit.
- (2) At least thirty-three per cent. of the members to be nominated under the category of the ordinary members shall be women;

(3) At least thirty-three per cent. of the members to be nominated under the category of the ordinary members shall be from the Scheduled Tribes;

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

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

**Powers and
duties of
Executive
Council.**

- (a) to hold, control and administer the property and funds of the University;
- (b) to enter into, vary, carry out or cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by or under this Act, in consultation with the Finance Committee, Buildings and Estate Committee and the Legal Committee, if any, appointed by the Executive Council;
- (c) to determine the form, provide for the custody and regulate the use, of the common seal of the University;
- (d) to administer the 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 for approval;
- (f) to reduce or to increase the amount of the budget grant;
- (g) 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;
- (h) to make provisions for buildings, premises, instruments, 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 and to operate separate bank accounts for the funds received for development work, medals, prizes, etc.;
- (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 make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (n) to manage colleges, University departments, institution of research or specialized studies, laboratories, libraries, museums and hostels maintained by the University;
- (o) to arrange for and to direct the inspection of colleges, institutions 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 take such steps as it deems proper;
- (p) to call for reports, returns and other information from colleges, institutions or hostels;
- (q) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;
- (r) to recommend to the Board the conferment of honorary degrees and academic distinctions in the manner prescribed by the Statutes;
- (s) to award fellowships, travelling fellowships, scholarships, studentships, medals and prizes;
- (t) to make recommendations for appointment of teachers and employees of the University, to fix their emoluments and define their duties and the terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (u) to recognize a member of the staff of colleges or institutions as a Professor, Associate Professor, Assistant Professor or a teacher of the University;
- (v) to fix remuneration of examiners and to arrange for the conduct of and for publishing the results of University examinations and other tests;
- (w) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (x) to make amend or cancel the Ordinances;

(y) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed by or under this Act, and all such other powers for achieving the objectives of the University.

(2) The Executive Council shall make a report to the Board about all transactions referred to in clause (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 and the State Government.

(4) The exercise of the powers by the Executive Council, in so far as they relate to the laying down and regulating salary scales and allowances of teachers and employees of the University, shall be subject to the approval of the State Government.

(5) The powers and duties under clauses (r), (s) and (x) shall not be exercised by the Executive Council except upon the recommendations made by the Academic Council.

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

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

Academic
Council.

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

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

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

Powers and duties
of Academic
Council.

28. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decision of the Academic Council in all academic matters shall be finalised with the approval of the Vice-Chancellor.

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

- (i) to approve regulations made by the concerned Faculty regarding the courses and special courses of study;
- (ii) to arrange for co-ordination of studies and teaching in colleges and institutions;
- (iii) to promote research within the University;
- (iv) to approve proposals for allocating subjects to the Faculties;
- (v) to make proposals to the Board for the establishment of University departments, institutes of research and specialised studies, libraries, laboratories and museums as well as centre for skill development and vocational education;
- (vi) to approve and recommend to the Executive Council, the proposals for the institution of Professorships, Associate Professorships, and Assistant Professorships and any other posts of teachers required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (vii) to approve and recommend the proposals to the Board for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, medals and prizes;
- (viii) to make regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (ix) to approve regulations prescribing equivalence of examination;
- (x) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xi) to grant interdisciplinary courses and take all measures to improve Choice Based Credit System;
- (xii) generally to advise the University on all academic matters;

- (xiii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act.

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

**Finance
Committee.**

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice- Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary or Financial Advisor, Finance department;
- (iv) the Secretary, Tribal Development Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (v) one member of the Board, to be nominated by the Board;
- (vi) one expert in the field of finance, to be nominated by the Board;
- (vii) Project Administrator and Additional Collector, (Tribal Development), Narmada District.

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

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

(4) Any nominated member may resign from office by writing under his hand addressed to the Vice-Chancellor and resignation shall take effect from the date the same is accepted by the Vice-Chancellor.

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

**Powers and
Duties of Finance
Committee.**

- (i) to examine the annual accounts and annual estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University ;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;

- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision and upgradation of pay-scales and to place before the Board those items which are not included in the budget;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate Endowment Fund, General Fund and Development Fund;
- (x) to pass tenders, contracts and other expenditure for projects and recommend to the Executive Council for final approval;
- (xi) to consider the delegation of financial powers to the University officers;
- (xii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the regulations.

**Buildings
and Estate
Committee.**

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

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

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

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

(4) The Committee shall,-

- (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilization of the grants received from the University Grants Commission (UGC), the State Government or from any agency;
- (b) be responsible for the maintenance and upkeep of the University buildings;
- (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
- (d) exercise all such powers, as delegated to it by the Executive Council;
- (e) be responsible for ensuring the completion of the buildings in accordance with the approved plans and estimates and proper utilization of the funds received from the University Grants Commission, the Government and from the University's own resources, as the case may be.

(5) The committee may constitute one or more sub-committees to look after any of the functions and responsibilities assigned to it.

Faculties. 32. (1) The University shall include the Faculties of Arts, Education, Sciences, Law, Medicine, Commerce, Management, Tribal Studies, and such other Faculties as may be prescribed by the Statutes. Each faculty shall comprise such subjects as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

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

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

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

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

**Powers and
duties of Faculty.**

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

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

- (i) to make regulations in consultation with the concerned Board of Studies for laying down courses of studies;
- (ii) to make regulations regarding the special courses of study;
- (iii) to make regulations for the standard of passing the relevant examination in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University and suggest measures to develop research in University and colleges;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of University departments, institute of research and specialized studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other post of teachers required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentship, medals and prizes and to make regulations for their grant;
- (ix) to make regulations for the maximum work load of teacher, the minimum teaching work for every subject, minimum laboratory work, research library work, counselling, project work to be done by students for any subject;
- (x) to make regulations prescribing equivalence of examinations;
- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University or in colleges for qualifying for degrees, diplomas and other distinctions;

- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies.
- (xiii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act, Statutes, Ordinances and regulations.

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

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

- (i) one Head of the University department who is concerned with the subject when the Board of Studies is only for one subject or is concerned with any subject or group of subjects;
- (ii) not more than three heads of the departments in the special subjects taught at degree level in the colleges and institutions;
- (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.

(3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency.

(4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, for a term of three years. However, such membership may be extended to one more term only.

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

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

- (i) to recommend courses of studies in the subject;
- (ii) to recommend and prescribe, where necessary, books for study in the subject;
- (iii) to recommend programmes for extension services and research in the subject;

- (iv) to recommend organisation of seminars, refresher courses and workshops, etc., to the Dean of the Faculty concerned;
 - (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based education with Choice Based Credit System;
 - (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books for study;
 - (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
 - (viii) to review periodically the current terminology in the subject; and
 - (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.
- (7) The Board of Studies shall meet at least twice during an academic term as may be prescribed by the Statutes.

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

35. The constitution, powers and duties of other boards and bodies, which may be declared to be the authorities of the University under clause (viii) of section 21, shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

- Statutes. 36. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-
- (i) to confer diplomas and degrees and holding of conferment of honorary degrees and holding of convocations;
 - (ii) powers and duties of the officers of the University;
 - (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
 - (iv) to institute and maintain the University Departments, Institute of Research or specialized studies and hostels;
 - (v) acceptance and management of bequests, donations and endowments;
 - (vi) registration of graduates and maintenance of a register of registered graduates;
 - (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
 - (viii) qualifications of professors, associate professors, assistant professors, and teachers in colleges and institutions;

- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

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

**Making,
amendment,
operation and
repeal of
Statutes.**

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

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

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

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

(i) the Executive Council shall, before proposing the draft of such Statute, ascertain and consider the views of the officer or the authority concerned; and

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

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

(7) No Statute passed by the Board shall have validity until assented to by the State Government.

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

Ordinances.

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

Making of Ordinances.

39. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (iv) of section 38 or any other matter connected with the maintenance of the standards of teaching and examinations within the University shall be made unless a draft of the same has been proposed by the Academic Council.

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

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

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

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

Regulations and rules.

(2) Any authority of the University specified in clauses (iv) to (viii) of Section 21 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and regulations providing for all matters solely concerning such authority.

CHAPTER VI

POST-GRADUATE TEACHING AND RESEARCH

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

Post-graduate instruction, teaching and training.

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

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

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

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

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

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

CHAPTER VII

CONFERMENT OF DEGREES, DIPLOMAS, ETC.

Conferment of degrees, diplomas and other academic distinctions.

42. (1) The Board may, in consultation with the Academic Council and the Executive Council, institute such degrees, diplomas and other academic distinctions, as may be prescribed by the Statutes.

(2) The Academic Council shall, by an appropriate resolution or resolutions, confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided in the Statutes, who have passed an examination, at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.

(3) The convocation of the University for the conferment of honorary degree, diploma, certificate and academic distinction shall be held in such manner as may be prescribed by the Statutes.

(4) The Chancellor shall preside over the convocation of the University. In his absence, the Vice-Chancellor shall preside over the convocation.

Honorary degree.

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

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

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

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

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

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

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

CHAPTER VIII

COMMITTEES

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

Examiners' committee.

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

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

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

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

Other committees.

CHAPTER IX

FINANCE

University
Fund.

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

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

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

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

II of 1934.

(4) No money from the University Fund shall be spent except as otherwise provided for meetings its objectives without prior approval of concerned sanctioning authority.

Annual
Accounts,
financial
estimates and
Audit.

48. (1) The annual accounts of the University shall be prepared and audited under the directions of the Executive Council and the same shall be submitted to the State Government after taking approval from the Board.

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

(3) The annual accounts and the financial estimates shall be submitted to the Board for its approval at its annual meeting and it may pass resolution with reference thereto and communicate the same to the Executive Council which will take such action thereon as necessary; and finally adopt the accounts and financial estimates. The Executive Council shall report to the Board at its next meeting of the action taken by it on the said resolution, or if no action is taken, the reasons for taking no action.

(4) The accounts of the University shall be audited every year and in any case within three months of the close of the financial year by the auditors appointed by the Finance Committee from amongst the firms of Chartered Accounts, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so audited within the stipulated time limit,

failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

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

(6) The State Government may conduct the test audit or full audit of the accounts of the University at regular intervals by the auditors appointed by the State Government.

49. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes for approval. The Board may pass resolution thereon and communicate the same to the Executive Council which shall take such actions as necessary, and the Executive Council shall report to the Board at its next meeting of the action taken by it on the said resolution, or if no action is taken, the reasons for taking no actions.

Annual
Reports.

CHAPTER X

SUPPLEMENTARY PROVISIONS

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

Accreditation
of University.

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

Appointment
of teachers
and other
employees.

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

(3) No person shall be appointed as a teacher of the University or a college or an institution unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grant

Commission, State Government, University and other statutory regulatory bodies, as specified in the relevant Statutes, the Ordinances and the regulations.

(4) Till the first Statutes, Ordinances, regulations and rules under clause (b) of sub-section (2) of section 62 are framed, relevant Government rules and the norms as laid down by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Disciplinary and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

Officers and employees to be public servants.

52. 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.

45 of 1860.

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.

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

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

Provident fund to be deposited in Government Treasury.

54. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 53, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such directions as the State Government may, from time to time by an order in writing give, and thereupon,-

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

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

XIX of 1952. Provisions Act, 1952 applies.

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

Vacating of office.

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

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

Filling up of casual vacancies.

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

Liability for damage.

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

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

Proceedings not invalidated by vacancies.

59. Where any question arises as to,-

(1) the interpretation of any provision of this Act, or any Statute, Ordinance regulation or rule; or

Disputes as to constitution of University Authority or body.

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

- (a) it may be referred to the State Government if it relates to a matter specified in clause (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 Board 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.

Protection of acts and orders.

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

CHAPTER XI

TRANSITORY PROVISIONS

Appointment of First Vice-Chancellor.

61. Notwithstanding, anything contained in Section 13, the first Vice-Chancellor shall be appointed by the State Government, as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory powers of First Vice-Chancellor.

62. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

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

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

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

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

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

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

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

63. The First Vice-Chancellor appointed under section 61 shall have powers until the Executive Council commences to exercise its functions:-

Extra ordinary powers of first Vice-Chancellor.

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

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

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

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

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

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

64. Notwithstanding anything contained in section 15, the first Pro-Vice-Chancellor shall be appointed by the State Government, as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment of first Pro-Vice-Chancellor.

65. Notwithstanding anything contained in section 17, the first Registrar shall be appointed by the State Government, as soon as practicable after the passing of this Act, for a period not exceeding three years and on such conditions as the State Government thinks fit.

Appointment of first Registrar.

66. At any time after the passing of this Act until such time, as the authorities of the University shall commence to exercise their functions,-

Appointment of officers and teachers of University.

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

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

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

**Power to
remove
difficulty.**

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

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

STATEMENT OF OBJECTS AND REASONS

The population of the Scheduled Tribes in the State of Gujarat is spread over in as many as fourteen districts of the State. The State Government has taken many initiatives in the form of Adarsh Nivasi Shala, Eklavya Model School, low literacy resident school etc., in the tribal areas so that the tribal population of such areas can have access to the educational facilities. The State Government is of the view that the young generation of the tribal population should also have the facilities for higher education at their door steps so as to see that they are not at disadvantage in higher studies.

It is, therefore, proposed to establish and incorporate a teaching and non-affiliating University at Rajpipla, District: Narmada to promote the avenues of higher education and research facilities, which shall include courses in tribal culture, for the tribal population of the State as also to preserve the values of the ancient tribal culture.

The Bill seeks to achieve the aforesaid objects.

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

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

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

Clauses 3 to 7.- These clauses provide for establishment and incorporation of the Birsa Munda Tribal University, its headquarters, objects and powers, functions and jurisdiction of the University.

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

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

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

Clause 12. - This clause provides that the Governor of Gujarat shall be the Chancellor of the University and shall be the Chairperson of the Board of Governors.

Clauses 13 and 14. - These clauses provide for the qualifications, terms and conditions for appointment of the Vice-Chancellor of the University and his powers.

Clause 15.-This clause provides for the appointment of the Pro-Vice-Chancellor of the University and the terms and conditions for his appointment and his powers.

Clauses 16 to 20.-These clauses provide for the appointment, conditions of service and powers and functions of the Deans of Faculties, Registrar, Law Officer, Finance and Accounts Officer and Controller of Examination.

Clause 21. - This clause provides for as to which shall be the authorities of the University.

Clauses 22 to 24.-These clauses provide for the constitution of the Board of Governors, term of members of the Board, meetings of the Board, powers and duties of the Board of Governors.

Clauses 25 to 31. - These clauses provide for the constitution of Executive Council, Academic Council, Finance Committee and Buildings and Estate Committee of the University, term of the members and the powers and duties of the Council and the Committees.

Clauses 32 to 34. - These clauses provide for the constitution of Faculties and Board of Studies of the University and their powers and duties.

Clause 35. - This clause provides that the constitution, powers and duties of the boards and bodies which may be declared as the authorities of the University shall be such as may be prescribed by the Statutes.

Clauses 36 and 37.- These clauses provide for making, amendment and operation and repeal of Statutes by the Board for matters specified therein.

Clauses 38 and 39.- These clauses provide for making of Ordinances by the Executive Council for the matters specified therein.

Clause 40.- This clause provides of making of regulations by the Academic Council or Faculty. It also provides for making of rules by other authorities such as Finance Committee, Buildings and Estate Committee.

Clause 41.- This clause provides for the post-graduate instruction, teaching and training by the University and further provides for the constitution of the Board of University Teaching and Research and its functions.

Cluses 42 to 44. - These clauses provide for the powers of the University to confer and withdraw degrees, diplomas, honorary degrees and to grant certificates and other academic distinctions as approved by the Board of Governors.

Clause 45. - This clause provides for forming of Examiners' Committee for each Faculty.

Clause 46. - This clause empowers the Board of Governors, the Executive Council and the Academic Council and other authorities to appoint such committees as deemed fit.

Clause 47. - This clause provides for the establishment of the University Fund.

Clause 48.- This clause provides for the preparation of accounts of the University, financial estimates and audit thereof and the audit by the State Government.

Clause 49. - This clause provides for preparation of the annual report of the University.

Clause 50.- This clause provides for obtaining accreditation by the University from the National Council of Assessment Accrediation.

Clause 51. - This clause provides for the appointment of the teachers, officers and other employees of the University, their emoluments and conditions of service.

Clause 52. - This clause provides that all the officers, teachers and employees shall be deemed to be the public servants.

Clause 53.- This clause provides for the pension, provident fund, insurance and other benefits of the officers, teachers and other employees of the University.

Clause 54.- This clause provides for the provident fund to be deposited in the Government treasury.

Cluses 55 and 56. - These clauses provides for the manner in which a member of any authority or body may resign from his office and filling of the casual vacancies.

Clause 57.- This clause provides for liability for damage on the part of any officer, teacher or employee of the University.

Clause 59.- This clause provides for referring the matter to the State Government as regards the interpretation of any provision of the Act or a question relating to the appointment of any member in any authority.

Clause 60. - This clause provides for usual indemnity for acts done in good faith.

Cluses 61 to 63. - These clauses provide for the appointment of the first Vice-Chancellor of the University by the State Government for a period not exceeding

three years. It also provides for transitory powers and extra ordinary powers of the first Vice-Chancellor.

Cluses 64 and 65. - These clauses provide for the appointment of the first Pro-Vice-Chancellor of the University and the first Registrar by the State Government.

Clause 66. - This clause provides for the appointment of the Officers and teachers by the Vice- Chancellor with the previous sanction of the State Government for a period not exceeding two years.

Clause 67.- This clause empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act within a period of two years from the commencement of this Act.

GANPATSINH VASAVA,

FINANACIAL MEMORANDUM

Sub-clause (2) (a) of clause 47 of this Bill enables the State Government to make contribution and grant to the University which are to be carried to the fund of the University. An annual grant of rupees two crores is to be provided to the University. In these circumstances, clause 47 of this Bill, when enacted and brought into operation would involve recurring and non-recurring expenditure from the Consolidated Fund of the State to that extent.

GANPATSINH VASAVA,

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 provisions other than section 1 of this Act shall come into force and also empowers to appoint different dates for different provisions of the Act.

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

(ii) sub-clauses (7) and (8) of this clause empower the University to confer degrees, diplomas and other academic distinctions in the manner prescribed by

the Statutes, on persons who have pursued approved course of study in the University have carried on research work;

(iii) sub-clause (9) of this clause empowers the University to grant diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, by the Statutes, Ordinances, regulations and rules;

(iv) sub-clause (13) of this clause empowers the University to fix, demand and receive or recover such fees and other charges as prescribed by the Ordinances.

Clause 10.- Sub-clause (ix) of this clause empowers the Board of Governors to declare by Statutes, other officers who are in the service of University, to be the officers of the University.

Clause 12.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and other functions to be performed by the Chancellor.

Clause 13.- (i) para (i) of sub-clause (4) of this clause empowers the Executive Council and the Academic Council to jointly nominate one person on the Search Committee and the Vice-Chancellors of all the Universities established by law in the State of Gujarat to nominate another person on the Search Committee; in the manner as prescribed by the Statutes;

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

Clause 14.- Sub-clause (8) of this clause empowers the concerned authority to prescribe by Statutes, Ordinances and regulations, the other powers to be exercised and the other functions to be performed by the Vice-Chancellor.

Clause 15.- (i) para (i) of sub-clause (2) of this clause empowers the Executive Council and the Academic Council to jointly nominate one person on the Search Committee and the Vice-Chancellors of all Universities established by

law in the State of Gujarat to nominate another person on the Search Committee; in the manner prescribed by the Statutes;

(ii) sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes, the time within which and the manner in which the Committee shall select three persons whom it considers fit for being appointed as the Pro-Vice-Chancellor; and *it* also empowers to prescribe other particulars which the Committee shall recommend to the State Government;

(iii) sub-clause (8) of this clause empowers the Board of Governors to prescribe by Statutes, other powers to be exercised and the other duties to be performed by the Pro-Vice-Chancellor.

Clause 16.- para (viii) of sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes the other powers to be exercised and the other functions to be performed by the Deans of Faculties.

Clause 17.- (i) Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the emoluments and conditions of service of the Registrar.

(ii) Sub-clause (4) of this clause empowers the concerned authority to prescribe by Statutes, Ordinances and regulations, the other powers to be exercised and the other duties to be performed by the Registrar.

Clause 18.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, experience, powers, functions and duties of the Law Officer of the University.

Clause 19.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the powers to be exercised and the duties to be performed by the Finance and Accounts Officer of the University;

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

Clause 20.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, terms and conditions of service of the Controller of Examination of the University.

Clause 21.- Para (viii) of this clause empowers the Board of Governors to declare by Statutes, the other Boards and Bodies of the University to be the authorities of the University.

Clause 23.- Para (i) of sub-clause (10) of this clause empowers the Board of Governors to prescribe by Statutes the other principles in accordance with which the person shall hold an office or be a member of any authority of the University by rotation;

Clause 26.- (i) Sub-clause (1) of this clause empowers the concerned authority of the University to prescribe conditions subject to which the Executive Council shall exercise the powers and perform the duties as stated in sub-clause (1);

(ii) para (r) of sub-clause (1) of this clause empowers the concerned authority to prescribe by Statutes, the manner in which the Executive Council shall recommend to the Board of Governors for conferment of honorary degrees and academic distinction;

(iii) para (w) of sub-clause (1) of this clause empowers the concerned authority to prescribe by Ordinances, the fees and other charges to be fixed, demanded and received by the Executive Council;

(iv) sub-clause (6) of this clause empowers the Executive Council to appoint by Ordinances, the committee or committees to carry out its administrative work and define its constitution, functions and tenure.

Clause 28.- Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe conditions subject to which the Academic Council shall have the powers for the matters specified in paras (i) to (xiii) of this clause.

Clause 32.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the faculties other than the faculties of Arts, Education, Sciences, Law, Medicine, Commerce, Management and Tribal Studies as also to prescribe the subjects of each faculty;

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

Clause 33.- (i) Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe by Statutes, the conditions subject to which the Faculty shall exercise the powers and perform the duties for the matters specified in paras (i) to (xiii) of this clause.

Clause 34.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects or group of subjects for a Board of Studies;

(ii) Para (ix) of sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers which shall be exercised and other duties which shall be performed by the Board of Studies;

(iii) Sub-clause (7) of this clause empowers the Board of Studies to prescribe by Statute as to when the Board of Studies shall meet.

Clause 35.- This clause empowers the Board of Governors to prescribe by Statutes, the constitution, powers and duties of the Boards and Bodies which may be declared to be the authorities of the University under clause (viii) of section 21.

Clause 36.- Para (ix) of this clause empowers the Board of Governors to prescribe conditions subject to which the Board of Governors shall make Statutes for the matters specified in this clause.

Clauses 38.- This clause empowers the Executive Council to prescribe by Statutes, the conditions subject to which the Executive Council shall make Ordinances for the matters as specified in paras (i) to (xii) of this clause.

Clause 40.- (i) This clause empowers the Academic Council and Faculty to make regulations consistent with the provisions of the Act and Ordinances for the matters concerning itself;

(ii) sub-clause (2) of this clause empowers the authorities declared under paras (iv) to (vii) of section 21, to make rules consistent with the Act, Statutes, Ordinances with the approval of the Executive Council.

Clause 41.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects in which the post-graduate instruction, teaching and training shall be conducted by the University;

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

(iii) para (vi) of sub-clause (5) of this clause empowers the Board of Governors to prescribe by Statutes, the other functions to be performed by the Board of University Teaching and Research.

Clause 42.- (i) sub-clause (1) of this clause empowers the concerned authority to prescribe by Statutes, the degrees, diplomas and other academic distinctions which the Board of Governors in consultation with the Academic Council and Executive Council may institute and confer;

(ii) sub-clause (3) of this clause empowers the concerned authority to prescribe by Statutes, the manner in which convocation of the University for conferment of honorary degree, diploma, certificate and academic distinction shall be held.

Clause 45.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed by Examiners' Committee for appointment of the University Examiner.

Clause 48.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the date before which the Executive Council shall prepare the financial estimates for the ensuing year.

Clause 49.- This clause empowers the Board of Governors to prescribe by Statutes, the date on or before which the annual report of the University shall be prepared and submitted to the Board of Governors.

Clause 51.- Sub-clauses (1) to (3) of this clause empower the concerned authorities of the University to prescribe by the Statutes, Ordinances and regulations, the designations and grades, entitlement of salary and allowances, conditions of service and code of conduct; of the teachers, officers and other employees of the University, and qualifications for appointment of teachers.

Clause 53.- Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the manner in which and the conditions subject to which

the University shall make provisions for insurance, pension, provident fund and other benefits of the officers, teachers and other employees of the University.

Clause 57.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed for the recovery of damage or loss caused to the University by any officer, teacher or other employee.

Clause 62.- (i) Sub-clause (1) of this clause empowers the State Government to extend by notification in the *Official Gazette*, a period up to one year within which the First Vice-Chancellor shall perform functions of giving recognition to the institutions and constitution of the authorities specified in that sub-clause;

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

Clause 63.- Sub-clause (a) of this clause provides for the extra-ordinary powers of the First Vice-Chancellor to make additional Statutes with the previous approval of the State Government, for the matters not provided by the first Statutes.

Clause 67.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty which arises in giving effect to the provisions of this Act, within a period of two years .

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

Dated the 17th February, 2017.

GANPATSINH VASAVA.

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

Gandhinagar,

K. M. LALA,
Secretary to the Government of Gujarat,

Dated the 17th February, 2017. Legislative and Parliamentary Affairs Department.