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PART IV

Acts of Gujarat Legislature and Ordinance Promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th July, 2009 is hereby published for general information.

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

GUJARAT ACT NO. 8 OF 2009.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 7th July, 2009).

AN ACT

to provide for establishment and incorporation of private Universities in the State of Gujarat, with emphasis to provide for qualitative and industry relevant higher education and to regulate their functions and for the matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Private Universities Act, 2009. Short title, extent and commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

- (a) "AICTE" means All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987; 52 of 1987.
- (b) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a funding agency of the Central Government;
- (c) "distance education" means imparting of education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (d) "DST" means the Department of Science and Technology of the Central Government;
- (e) "Fee" means collection made by the University from the students for different purposes under different heads and which is non-refundable;
- (f) "Government" means the Government of Gujarat;
- (g) "Higher Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;
- (h) "Hostel" means a place of residence for the students of the University, or its colleges, institutions or centers, maintained or recognised to be as such by the University;
- (i) "ICAR" means the Indian Council of Agricultural Research, a society registered under the Societies Registration Act, 1860; XXI of 1860.
- (j) "MCI" means Medical Council of India constituted under the Medical Council Act, 1956; 102 of 1956.
- (k) "NAAC" means the National Council of Assessment and Accreditation, an autonomous institution of the UGC;
- (l) "NCTE" means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993; 73 of 1993.
- (m) "Off Campus Centre" means a centre established by the University outside the main campus but within the State of Gujarat operated and maintained as its constituent unit, having the University's complement of facilities, faculty and staff;
- (n) "PCI" means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948; 8 of 1948.
- (o) "prescribed" means prescribed by rules made under this Act;
- (p) "Regulatory Body" means a body established by the Central Government, for laying down the norms and conditions for ensuring

academic standards of higher education, such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR;

- (q) "Regulations" means regulations made by any authority of the University under section 30;
- (r) "Rules" means rules made under section 44;
- (s) "Schedule" means the Schedule appended to this Act;
- (t) "Sponsoring body" in relation to a University established under this Act means-
 - (i) a society registered under the Societies Registration Act, 1860; or 21 of 1860.
 - (ii) a public trust registered under the Bombay Public Trusts Act, 1950; or Bom. 29 of 1950.
 - (iii) a company registered under section 25 of the Companies Act, 1 of 1956. 1956; or
 - (iv) a society or trust registered under the law of any other State;
- (u) "Statutes" and "Ordinances" means the Statutes and the Ordinances of the University;
- (v) "Student" means a student of the University and includes any person enrolled in the University for pursuing any course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree;
- (w) "Study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counseling or for rendering any other assistance required by the students in the context of distance education in the State of Gujarat;
- (x) "Teacher" means a Professor, Reader, Lecturer or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study of the University;
- (y) "UGC" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956; 3 of 1956.
- (z) "University" means a University established and incorporated under section 3.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

**Establishment
and
incorporation of
Universities.**

3. (1) There shall be established the Universities by the names mentioned in the Schedule.

(2) The headquarters of the University shall be within the State of Gujarat and shall be notified by the State Government.

(3) The Governing Body, the Board of Management, the Academic Council, the President, the Provost, the Registrar, the teachers, the Chief Finance and Accounts Officer and such other officers or members or authorities so long as they continue to hold such office or membership of the respective University mentioned in the Schedule are hereby constitute a body corporate by the name of the respective University specified in the Schedule.

(4) The Universities shall function as non-affiliating Universities and they shall not affiliate any other college or institution for the conferment of degree, diploma and for grant of certificate to the students admitted therein.

(5) The constituent colleges and institutions of the Sponsoring Body affiliated to and enjoying the privileges of any University immediately before the commencement of this Act shall cease to be affiliated from that University and shall be deemed to be withdrawn from such privileges from the date of commencement of this Act and shall be deemed to be admitted to the privileges of corresponding University of the respective Sponsoring Body specified in the Schedule and all such colleges and institutions shall be the constituents colleges and institutions of that University.

(6) Each such University shall be a body corporate by the name specified in the Schedule and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

(7) The Universities shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government.

**Objects of
University.**

4. The objects of the Universities shall be to create, organize, preserve and disseminate knowledge in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field for the advancement of mankind in particular and other objects of the Universities shall be as follows, namely :-

- (a) to provide for instruction, teaching and training in the University in the field of higher education and make provisions for research, advancement and dissemination of knowledge;
- (b) to establish, maintain and manage institutions and centres of excellence, to create, organize, preserve and disseminate knowledge

in the fields of sciences, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field and to provide research, higher education, professional education, distance learning and e-learning facilities of high order, as per their current status or as they may develop in future;

- (c) to develop infrastructure for research, higher education, professional education, teaching, training, extension and outreach, including continuing education, distance learning and e-learning, to create capabilities for upgrading infrastructure to global standards;
- (d) to offer the academic programmes of the University through distance education, online education, correspondence and any other mode matching with the environmental developments such as technology need, after obtaining appropriate approvals from the regulatory bodies;
- (e) to set up off-campus centres, study centres and examination centres within the State, subject to the permission of the regulatory bodies under any law made by the Parliament and any regulation, rules, etc. made by the regulating bodies;
- (f) to create higher levels of intellectual abilities;
- (g) to establish state of the art facilities for education and training;
- (h) to carry out teaching and research and offer continuing education programmes;
- (i) to create centres of excellence for research and development and for sharing knowledge and its application;
- (j) to provide consultancy to the industry and public organisations;
- (k) to establish main campus or infrastructure in the State of Gujarat necessary for the furtherance of its objects;
- (l) to establish examination centers;
- (m) to confer degrees, diplomas, grant certificates and other academic distinctions on the basis of examination or any other method of evaluation subject to the guidelines of the UGC;
- (n) to develop training facilities in the field of higher education;
- (o) to provide for arrangement for national and global participation in the field of higher education;
- (p) to develop educational programmes for certificates, diplomas, degrees and post-graduates courses, doctorate degrees and post-doctoral programmes and to maintain a high standard of education,

to collaborate with national and global institutions, to offer programmes and to create capabilities for upgrading programmes to the global standards subject to the guidelines of the UGC;

- (q) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI and Pharmacy Council, and any other similar agency established by the Central Government for regulating the standard education;
- (r) to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication, use of various media and outreach activities at the University relevant to the needs of the University and society, at national and international level;
- (s) to pursue any other objectives as may be approved by the State Government :

Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the State Government has issued letter of intent or in the fields subsequently approved by the State Government.

**Powers and
functions of
University.**

5. The University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University, establish, administer and manage its constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance learning and e-learning at its campus within the State of Gujarat;
- (ii) to provide for research, higher education, professional education, teaching, training, extension and outreach including continuing education, distance learning and e-learning in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;
- (iii) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;
- (iv) to prescribe courses, curricula and methodologies including electronic and distance learning and provide for flexibility in the delivery of education.
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons

subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas or certificates and other academic distinctions or titles in the manner prescribed by the Regulations;

- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (vii) to establish schools, centers, institutes, colleges and conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to declare as a constituent college any college, centre institution imparting education as are in the opinion of the University, necessary for the furtherance of its objects or to establish a new constituent college, centre institution for the purpose;
- (ix) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;
- (x) to establish knowledge resource centre;
- (xi) to sponsor and undertake research and educational programmes in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;
- (xii) to collaborate or associate with any educational institution with like or similar objects;
- (xiii) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;
- (xiv) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;
- (xv) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;
- (xvi) to render services of research, training, consultancy and such other services as required for the purposes of the University;
- (xvii) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science, technology, humanities, social sciences, education, management, law,

commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

- (xviii) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- (xix) to receive funds, movable and immovable properties, equipments, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University;
- (xx) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;
- (xxi) to construct, manage and maintain centers, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;
- (xxii) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;
- (xxiii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;
- (xxiv) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xxv) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (xxvi) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- (xxvii) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;
- (xxviii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses

incidental to the raising of money, and to repay and redeem any money borrowed;

- (xxix) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxx) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;
- (xxxi) to admit students for the courses offered by the University in the manner prescribed by the Ordinances;
- (xxxii) to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;
- (xxxiii) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxxiv) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes, the qualifications for the persons to be appointed on such posts;
- (xxxv) to appoint qualified persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers or other officers of the University;
- (xxxvi) to co-operate with other Universities, and acquire membership of, bodies, authorities, or associations, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine by Statutes;
- (xxxvii) to delegate all or any of its powers (except the power to make regulations) to any officer or authority of the University, and;
- (xxxviii) to do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Application for
establishment of
new private
University.

6. Any sponsoring body desirous to have a private University established by a law of the State legislature, shall make an application containing the proposal and the project report in such manner containing such particulars along with such fee as may be prescribed.

Project Report.

7. In addition to the particulars as may be prescribed under section 6 and this section, the project report shall contain the following, namely:-

XXI of 1860,
Bom. 29 of 1950,
I of 1956.

- (a) The details of the sponsoring body along with the copies of its registration certificate under the Societies Registration Act, 1860 or the Bombay Public Trusts Act, 1950 or the Companies Act, 1956 or registration certificate of a society or trust registered under the law of any other State and constitution and bye-laws thereof;
- (b) The information regarding financial resources of the sponsoring body along with audited accounts for the past five years;
- (c) The name, location and headquarters of the proposed University;
- (d) The objectives of the University;
- (e) The availability of land and details of buildings and infrastructure facilities, if already exist;
- (f) Availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of the sponsoring body;
- (g) The details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment, etc. to be undertaken before the University starts functioning and phased programme for initial three years;
- (h) The phased outlays of capital expenditure proposed for the next three years and its sources of finance;
- (i) The nature and type of programmes of study and research proposed to be undertaken by the University and their relevance to the development goals and employment needs of the State and phasing of such programmes over the initial three years with course wise enrolment targets;
- (j) The experience and expertise in the concerned disciplines at the command of the sponsoring body;
- (k) The nature of facilities, courses of study and research proposed to be started;
- (l) The estimated recurring expenditure course-wise or activity-wise, sources of finance and estimated expenditure per student;

- (m) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;
- (n) The scheme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the University, and other anticipated incomes;
- (o) The proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and handicapped students;
- (p) The system proposed to be followed for selecting students for admission to the courses of study at the University except in cases of Professional Educational College or Institutions as defined in the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 or the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007;
- (q) The manner for appointment of teachers and other employees in the University;
- (r) The details of study centres proposed to be started, if the University takes up distance education programme;
- (s) The nature of specialized teaching, training or research activities to be undertaken by the University so as to fulfill its objectives, if the University proposes to undertake some programmes related to local needs;
- (t) The relevant details must also be provided if the University proposes to start some programmes for the benefit of farmers, women and industries;
- (u) The details of play grounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides, etc.;
- (v) The arrangements proposed to be made for academic auditing;
- (w) Justification regarding the necessity of establishment of the proposed University;
- (x) Commitment to follow the norms of the regulating bodies;
- (y) Such other details as the sponsoring body may like to give;
- (z) Such other details as may be prescribed.

Guj. 2 of 2008.

Guj. 3 of 2008.

- Scrutiny Committee.** 8. (1) The Government shall constitute a scrutiny committee consisting of such members as may be specified by it to consider the proposals for setting up of a new private University.
- (2) The committee shall consider the proposal and the project report based on the information given under sections 6 and 7 and recommend or otherwise whether the proposal to set up a new private University is appropriate and whether the sponsoring body is competent to run this University.
- (3) The committee, while considering the proposal and the project report under sub-section (2), may call for such other information from the sponsoring body as it thinks proper for the purpose.
- (4) The committee shall submit its report to the Government as far as possible within a period of three months from the date of referring the new proposal to it.
- Letter of intent.** 9. On receipt of the report of the scrutiny committee constituted under section 8, if the Government is satisfied it may issue a letter of intent or call further details from the sponsoring body of the proposed University, or may reject the proposal.
- Establishment and incorporation of University by legislation.** 10. If the Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent, it may bring appropriate legislation for inclusion of the name of the University in the Schedule with such name, location and jurisdiction as specified in the Schedule.
- Constituent Colleges.** 11. The University may, as and when it may deem fit and proper, establish and manage some constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance learning and e-learning at its campus at any place within the State of Gujarat.
- University open to all irrespective of sex, religion, class, creed or opinion.** 12. (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 course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.
- (2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as 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 any benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

- Officers of University.** 13. The following shall be the officers of the University, namely:-
- (a) The President;
 - (b) The Provost;

- (c) The Registrar;
- (d) The Chief Finance and Accounts Officer; and
- (e) such other officers as may be declared by the Statutes to be the officers of the University.

14. (1) The President shall be appointed by the sponsoring body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the Statutes. President.
- (2) The President shall be the head of the University.
- (3) The President shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.
- (4) The President shall have the following powers, namely:-
- (a) to call for any information or record;
 - (b) to appoint the Provost;
 - (c) to remove the Provost in accordance with the provisions of sub-section (6) of section 15;
 - (d) such other powers as may be prescribed by the Statutes.

15. (1) The Provost shall be appointed by the Governing Body out of the panel of three persons recommended by the Search Committee consisting of the following members, and shall, subject to the provisions of sub-section (6), hold office for a term of three years :- Provost.

- (i) an eminent professional to be nominated by the Board of Management;
- (ii) an eminent educationalist to be nominated by the Board of Management; and
- (iii) one member of the Board of Management to be nominated by the President :

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years:

Provided further that a Provost shall continue to hold the office even after expiry of his term till new Provost take charge of the office, but in any case this period shall not exceed one year :

Provided also that the President may appoint first Provost for a period of one year or until the regular Provost is appointed under this section whichever is earlier.

- (2) The Provost shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) Where in the opinion of the Provost it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Provost then such case shall be referred to the President, whose decision thereon shall be final:

Provided further that where any such action taken by the Provost affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and it may confirm or modify or reverse the action taken by the Provost.

(4) Where, in the opinion of the Provost, decision of any authority of the University is not within the powers conferred by this Act or the Statutes, the Ordinances, the Regulations or the rules or is likely to be prejudicial to the interests of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the President and his decision thereon shall be final.

(5) The Provost shall exercise such powers and perform such functions as may be prescribed by the Statutes or the Ordinances.

(6) The President may, on representation made or otherwise and after making such inquiry as may be necessary and is of the opinion that the continuance of the Provost in office is not in the interests of the University, by an order in writing stating the reasons therein, direct the Provost to relinquish his office from the date specified in the order:

Provided that before taking an action under this sub-section, the Provost shall be given an opportunity of being heard.

Registrar.

16. (1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner as may be prescribed by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

**Chief Finance and
Accounts Officer.**

17. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the President in such manner as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Other officers.

18. (1) The University may appoint such other officers as may be necessary for its functioning.

- (2) The manner of appointment of other officers of the University and their powers and functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER IV AUTHORITIES OF UNIVERSITY

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

Authorities of
University.

- (a) The Governing Body;
- (b) The Board of Management;
- (c) The Academic Council; and
- (d) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The Governing Body of the University shall consist of the following members, namely:-

Governing Body

- (a) The President;
- (b) The Provost;
- (c) Four persons to be nominated by the sponsoring body out of whom two shall be eminent educationist;
- (d) Two Deans or Directors of the constituent schools or centres of the University, by rotation, to be nominated by the Provost;
- (e) One expert of Management or Information Technology from outside the University to be nominated by the Governing Body;
- (f) Three experts representing other disciplines such as finance, legal, social sector to be nominated by the Governing Body;
- (g) One eminent industrialist to be nominated by the Governing Body; and
- (h) Secretary to the Government of Gujarat, Higher and Technical Education or his representative not below the rank of Deputy Secretary to Government or the Deputy Commissioner – *ex-officio*.

- (2) The President shall be the Chairman of the Governing Body.

- (3) (a) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;

(b) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(c) As nearly as one third of the nominated members, except the *ex-officio* member shall retire by rotation each year. In the first two

instances, the Board may decide the procedure to identify the members who will retire.

(d) A member may be re-nominated for the next term.

(e) A member may resign his office by writing under this hand, addressed to the Chairperson, but he shall continue in office until his resignation has been accepted by the Chairperson.

(4) The Governing Body shall be the supreme authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.

(5) The Governing Body shall have the following powers, namely:-

(a) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;

(b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;

(c) to approve the budget and annual report of the University;

(d) to lay down the extensive policies to be followed by the University;

(e) to recommend to the sponsoring body about the voluntary liquidation of the University; and

(f) such other powers as may be prescribed by the Statutes.

(6) The Governing Body shall meet at least three times in a calendar year.

(7) Minimum four members shall form a quorum for a meeting of the Governing Body.

**Board of
Management**

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

(a) the President;

(b) the Provost;

(c) two members of the Governing Body, to be nominated by the Sponsoring Body;

(d) two persons, who are not the members of the Governing Body, to be nominated by the Sponsoring Body;

(e) three persons from amongst the faculty members of the University, to be nominated by the Sponsoring Body; and

(f) one faculty member, to be nominated by the President.

(2) The President shall be the Chairperson of the Board of Management :

Provided that President may at his discretion, nominate any other member of the Governing Body to be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(4) The Board of Management shall meet once in every two months.

(5) Minimum four members shall form a quorum for a meeting of the Board of Management.

22. (1) The Academic Council shall consist of the Provost and such other members as may be prescribed by the Statutes.

Academic
Council.

(2) The Provost shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, the Ordinances and the rules made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

23. (1) A person shall be disqualified for being a member of any of the authorities or bodies of the University, if –

Disqualifications.

- (a) he is of unsound mind and stands so declared by a competent court;
- (b) he is an undischarged insolvent;
- (c) he has been convicted of any offence involving moral turpitude;
- (d) he is conducting or engaging himself in private coaching with or without pecuniary gain; or
- (e) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University.

24. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Committees.

25. The authorities of the University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees, powers to be exercised and duties to be performed shall be such as may be prescribed by the Statutes.

CHAPTER V STATUTES, ORDINANCES AND REGULATIONS

First Statutes.

26. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
- (b) the terms and conditions of appointment of the Provost, his powers and functions;
- (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
- (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
- (e) the terms and conditions of service of employees of the University;
- (f) the procedure for arbitration in cases of disputes between employees or students and the University;
- (g) the conferment of honorary degrees;
- (h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;
- (i) framing of policy for admissions, including regulation of reservation of seats; and
- (j) fees to be charged from students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Statutes, submitted by the University and shall approve it as far as possible within two months from the date of its receipt, with or without modifications, as it may deem necessary.

(4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any or all the modifications made by the State Government under sub-section (3), it may give reasons therefore and after considering such reason, the State Government may or may not accept the suggestions made by the University.

(5) The State Government shall publish the First Statutes, as finally approved by it, in the *Official Gazette*, and thereafter it shall come into force from the date of such publication.

27. (1) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the University may provide for all or any of the following matters, namely:- Subsequent Statutes.

- (a) Creation of new authorities of the University;
- (b) Accounting policy and financial procedure;
- (c) Representation of teachers in the authorities of the University;
- (d) Creation of new departments and abolition or restructuring of existing department;
- (e) Institution of medals and prizes;
- (f) Procedure for creation and abolition of posts;
- (g) Revision of fees;
- (h) Alteration of the number of seats in different disciplines; and
- (i) All other matters which by or under the provisions of this Act required to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

**First
Ordinances.**

28. (1) Subject to the provisions of this Act, the rules and the Statutes made thereunder, the First Ordinances may provide for all or any of the following matter, namely:-

- (a) The admission of students to the University and their enrolment as such;
- (b) The courses of study to be laid down for degrees, diplomas and certificates of the University;
- (c) The award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
- (d) The conditions for award of fellowships, scholarships, stipends, medals and prizes;
- (e) The conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (f) Fees to be charged for the various courses examinations, degrees or diplomas of the University;
- (g) The conditions of residence of the students of the University;
- (h) Provision regarding disciplinary action against the students;
- (i) The creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (j) The manner of co-operation and collaboration with other Universities and institutions of higher education;
- (k) Such other matters which are required to be provided by the Ordinances by or under this Act.

(2) The First Ordinances of University shall be made by the President which after being approved by the Board of Management, shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Ordinances submitted by the President under sub-section (2) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(4) The President shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinances along with such reasons, if any, to the State Government and on receipt of the same, it shall consider the comments of the President and may approve the First Ordinances of the University with or without such

modifications and it shall be published by the State Government in the *Official Gazette*, and it shall come into force from the date of such publication.

29. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the State Government for its approval. **Subsequent Ordinances.**

(2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances alongwith reason, if any, to the State Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

30. The authorities of the University may, subject to the prior approval of the Board of Management make Regulations, consistent with this Act, the rules, the Statutes and the Ordinances made thereunder, for the conduct of business of the each such authority and committees constituted by each such authority. **Regulations.**

CHAPTER VI REGULATION OF UNIVERSITY

31. (1) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit. **Powers of State Government to give directions.**

(2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

32. (1) The existing provisions of the State Government relating to admissions and fee structure shall be applicable to such private Universities. **Admissions and fee structure.**

(2) Admission in the University shall be strictly on the basis of merit.

(3) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State Government :

Provided that the admission in professional educational colleges or institutions of such private Universities shall be governed under the provisions of the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 and the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.

Guj. 2 of 2008.

Guj. 3 of 2008.

Convocation.

33. The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.

Accreditation of University.

34. The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) within five years of its establishment and such other regulating bodies of Government of India 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.

University to follow rules, regulations, norms, etc. of regulating bodies.

35. Notwithstanding anything contained in this Act, the University shall be bound to comply all the rules, regulations, norms, etc. of the regulating bodies of Government of India and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER VII FUNDS OF UNIVERSITY

- 36.** (1) The sponsoring body shall establish an Endowment Fund for the University with an amount specified in Letter of Intent. **Endowment Fund.**
- (2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per provisions of this Act, the Statutes and the Ordinances. The State Government shall have the powers to forfeit, a part or whole of the Endowment Fund in case the University or the sponsoring body contravenes the provisions of this Act, the Statutes, the Ordinances, the regulations or the rules made thereunder.
- (3) The University may utilize the income from Endowment Fund for the development of infrastructure of the University and not with to meet the recurring expenditure of the University.
- (4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.
- (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.
- 37.** Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:- **General Fund.**
- (a) Fees and other charges received by the University;
 - (b) Any contributions made by the sponsoring body;
 - (c) Any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
 - (d) Trusts, bequests, donations, endowments and any other grants; and
 - (e) All other sums received by the University.
- 38.** The General Fund shall be utilized for the following objects, namely:- **Application of General Fund.**
- (a) For the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder with the prior approval of the Governing Body;
 - (b) To upkeep the assets of the University;

- (c) For the payment of the fee for audit of the funds created under sections 36 and 37;
- (d) To meet with expenses of any suit or proceedings by or against the University;
- (e) For the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching and research staff;
- (f) For the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the sponsoring body or the Provost;
- (g) For the payment of fellowships, freeships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (h) for the payment of any expenses incurred by the University in carrying out the provisions of this Act or the Statutes, the Ordinances, the Regulations or the Rules;
- (i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefor;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act and the Rules, the Statutes or the Ordinances made thereunder;
- (k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University;

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without prior approval of the Board of Management.

CHAPTER VIII ACCOUNTS, AUDIT AND ANNUAL REPORT

39. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the State Government. **Annual report.**

40. (1) The annual accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose. **Annual Accounts and Audit.**

(2) A copy of the annual accounts together with the audit report shall be submitted to the State Government

CHAPTER IX WINDING UP OF UNIVERSITY

41. (1) If the sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation, it shall give at least six months prior notice to the State Government. **Management of University on dissolution of Sponsoring Body.**

(2) The State Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the sponsoring body till the completion of syllabus by the last batch of students admitted to the University and may also cause the functioning of the University to continue by appointing an administrator in place of the sponsoring body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body as prescribed under this Act.

42. (1) The Sponsoring Body who intends to dissolve the University shall give a notice to that effect in the prescribed manner to the State Government. The State Government, after due consideration, may dissolve the University in the manner as may be prescribed. **Dissolution of University.**

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or, as the case may be, awards.

(2) On the dissolution of the University all the assets and liabilities of the University shall vest in the Sponsoring Body in the manner as may be prescribed.

(3) Where the State Government decides under sub-section (1) to dissolve the University, it may vest the powers of the Governing Body in the prescribed manner to other societies having similar objects till the dissolution of the University takes effect under the proviso to sub-section (1).

Special powers of
State
Government in
certain
circumstances.

43. (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement or mal-administration has arisen in the University, it shall issue the notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

(2) On receipt of reply of the University on the notice issued under sub-section (1), if the State Government is satisfied that there is a *prima facie* case of contravention of any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or violation of directions issued by it under this Act or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary.

(3) The State Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:- 5 of 1908.

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- (c) Requisitioning any public record from any court or office.

(5) On receipt of the inquiry report from the officer or officers appointed under sub-section (3), if the State Government is satisfied that the University has contravened all or any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and maladministration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.

(7) After having been awarded the degrees, diplomas or, as the case may be, awards to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government.

(8) On receipt of the report under sub-section (7), the State Government shall dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest in the sponsoring body.

CHAPTER X MISCELLANEOUS

Power of State Government to make rules.

44. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

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

- (a) the manner of making proposal to establish University and the fees payable under section 6;
- (b) other particulars of the Project Report under clause (z) of section 7;
- (c) other matters of the Statutes under sub-section (1) of section 27;
- (d) arrangements for the administration of the University on the dissolution of the Sponsoring Body under sub-section (2) of section 41.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

Completion of courses of students.

45. Notwithstanding anything contained in this Act or the Regulations, any student of the constituent colleges or institutions of the University specified in the Schedule and affiliated to any University who immediately before the commencement of this Act was studying or was eligible for any examination of that University shall be permitted to complete his course in preparation therefore, and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the respective University in such manner and for such period as may be prescribed.

Power to remove difficulties.

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

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

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

SCHEDULE
(See section 3)

Sr. No.	Name and address of the Private University	Details of registration and registration number	Sponsoring Body.
1.	The Ahmedabad University, Ahmedabad.	F/C7 Ahmedabad Under the Bombay Public Trusts Act, 1950 767 of 1935-1936, Bombay under the Societies Registration Act, 1860.	Ahmedabad Education Society, Commerce Six Roads, Navrangpura, Ahmedabad.
2.	The Navrachna University, Vadodara.	No. 325/Vadodara dated 31.12.1965 under the Societies Registration Act, 1860.	Navrachna Education Society, Vadodara.
3.	The Calorx Teacher's University, Ahmedabad.	U74999DL2005NPL134403, Assistant Registrar of Companies, New Delhi (Under Section No. 25 of the Companies Act).	Calorx Foundation, Calorx Institute of Education, Ahmedabad, DPS - Greenwood Campus, 200ft, Ring Road, Nr. Greenwood Lake Resort, SGVP Circle, Ahmedabad.
4.	The Charotar University of Science and Technology, Changa.	A/2568/Kheda dated 21.4.1994 Under the Bombay Public Trusts Act, 1950 Revised No. A/1299, Anand dated 15.10.2001	Shree Charotar Moti Sattavis Patidar Kelavani Mandal, Vidyavihar Marg, Anand- Vidyanagar Road, Anand - 388 001.