

DR.BABASAHEB AMBEDKAR OPEN UNIVERSITY ACT, 1994

14 of 1994

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STATEMENT OF OBJECT AND REASONS In Gujarat the population of tribals goes to millions and it is mostly concentrated in the Tribal areas and also spread almost all over the State. The condition of the workers is horrible. In most of the cases, they are not paid the minimum wages. Unemployment is the order of the day. Some times workers from outside areas are engaged at cheaper rates at the cost of the local labour and thus the local Tribal and Forest economy and economic conditions of the Tribal and Forest labourers are dislocated. So as to give protection safety and social security, and to confer rights and privileges to millions of Tribal Forest workers of the State of Gujarat, a comprehensive legislation for them is an over-delayed necessity. By this piece of legislation an attempt is made in this direction.

CHAPTER 1

PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Dr. Babasaheb Ambedkar Open

University Act, 1994.

(2) This section shall be deemed to have come into force on the 13th April, 1994 and the remaining provisions of this Act shall be deemed to have come into force on the 26th April, 1-994.

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Authorities" means the authorities of the University specified in section 15 :

(2) "Academic Planning Board" means the Academic Planning Board of the University constituted under section 17 :

(3) "Board of Management" means the Board of Management of the University constituted under section 16 ;

(4) "Chancellor" means the Chancellor of the University:

(5) "distance education system" means the system of imparting education, through any means of communication such as broadcasting, telecasting, correspondence course, seminars, contact programmes or the combination of any two or more of such means:

(6) "employee" means any person appointed by the University, and includes teachers and other academic staff of the University:

(7) "Finance Committee" means the Finance Committee of the University constituted under section 18 :

(8) "prescribed" means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Act:

(9) "recognised institution" means an institution established for research or, specialised studies and recognised as such by the University:

(10) "regional centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management.

(11) "school" means a school of studies of the University:

(12) "statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made

under this Act and for the time being in force:

(13) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(14) "study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counseling, evaluating or for rendering any other assistance required by the students;

(15) "teachers" means professors, readers, lecturers and such other persons as may be designated by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;

(16) "University" means the Dr. Babasaheb Ambedkar Open University established under section 3 :

(17) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER 2

THE UNIVERSITY

3. Establishment and incorporation of University :-

(1) There shall be established a University by the name of the Dr. Babasaheb Ambedkar Open University.

(2) The headquarters of the University shall be at Ahmedabad, and the University may establish, maintain or recognise institutes, schools, regional centres and study centres at such other places in the State as it may deem fit.

(3) The first Vice-Chancellor, the first members of the Board of Management, the Academic Planning Board and Finance Committee and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of the Dr. Babasaheb Ambedkar Open University': and the University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. Objects of University :-

The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means including the use

of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education system in the educational pattern of the State.

5. Powers of University :-

The University shall have the following powers, namely:-

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research, advancement and extension:

(ii) to plan and prescribe courses of study of degrees, diplomas, certificates or for any other purpose:

(iii) to hold examination or test and confer degrees and diplomas on, and grant certificates or other academic distinctions or recognition to persons who have pursued approved course of study in the University or conducted research in the manner laid down by the Statutes and Ordinances:

(iv) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;

(v) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in the manner prescribed by Statutes:

(vi) to determine the manner in which distance education system in relation to the academic programmes of the University may be organised;

(vii) to institute professorships, readerships, lecturerships and other academic posts necessary for Imparting instruction or for preparing educational material or for conducting other academic activities including guidance, designing and delivery of course and evaluation of the work done by the students and to prescribe their qualifications;

(viii) to appoint, engage or recognise persons as teachers:

(ix) to lay down the course of instruction for the various examinations:

(x) to co-operate with, and seek the co-operation of, other

Universities and Institutions of higher learning professional bodies and organisations for such purpose as the University, may determine:

(xi) to hold and manage trusts and endowments and institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit;

(xii) to establish, maintain or recognise such regional centres as may be determined by the University from time to time:

(xiii) to establish, maintain or recognise study centres in the manner laid down by the Statutes:

(xiv) to inspect regional centres, study centres and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;

(xv) to provide for the preparation of instructional materials including films, cassettes, tapes, video cassettes and other software:

(xvi) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff:

(xvii) to organise common laboratories, libraries, museums and other equipments for teaching and research;

(xviii) to recognise examinations of or periods of study (whether in full or part) at, other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time:

(xix) to make provisions for research and development in educational technology and matters related thereto;

(xx) to create administrative, ministerial and other posts as the University may deem necessary from time to time and to make appointments thereto;

(xxi) to receive benefications, donations and gifts for educational and other social or national causes and maintain proper accounts thereof;

(xxii) to acquire, hold and manage property both movable and

immovable, to lease, sell or otherwise, transfer or dispose of any property movable or immovable which may vest in, or be acquired by it, for the purposes of the University and to contract and do all other acts and things necessary for the purposes of this Act:

Provided that no such lease, sale or transfer of immovable property shall be made without the prior consent of the State Government:

Provided further that where the State Government is satisfied that any such property may, in the Interest of the University, be given on lease, sold or otherwise transferred or disposed of the State Government shall issue necessary directions to the University and the University shall comply with such directions forthwith:

(xxiii) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University;

(xxiv) to enter into, carry out, vary or cancel contracts:

(xxv) to fix, demand and receive such fees and other charges, as may be prescribed by the Ordinances;

(xxvi) to provide, control and maintain discipline among the students of the University;

(xxvii) to lay down and regulate the salary scales, allowances and other conditions of service of the employees and the members of the teaching, other academic and non-teaching staff of the University and their code of conduct:

(xxviii) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;

(xxix) to engage, either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows scholars artists, course, writers and such other persons who may contribute to the advancement of the objects of the University:

(xxx) to conduct, co-ordinate supervise, regulate and control postgraduate coaching and research work In the University:

(xxxi) to recognise persons working in other Universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances:

(xxxii) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examinations, evaluation and any other method of testing;

(xxxiii) to take disciplinary action against the students of the University and to impose such punishment upon them as may be deemed fit for breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abatement thereof:

(xxxiv) to make arrangements for the promotion of the general health and welfare of the students and the employees;

(xxxv) to do all such other acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conducive to the promotion of the object of the University:

6. Jurisdiction :-

The University shall, in exercise of the powers, have jurisdiction over the whole of the State of Gujarat.

7. University open to all classes, castes and creeds :-

(1) The University shall be open to person of either sex and of whatever race, creed caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to sex, race, creed caste, class or religious belief or profession or political or other opinion in order to entitle him to be appointed as a teacher of the University or to hold any other office or post thereon or admitted as a student In the University or to graduate there at or to qualify for any degree, diploma, or other academic distinction or to enjoy or exercise any privilege of the University or any beneficiation thereof.

(2) Nothing In sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of person belonging to the Scheduled Castes or Scheduled Tribes, in accordance with the directives if any, given from time to time by the State Government.

CHAPTER 3

OFFICERS OF THE UNIVERSITY

8. Officers of University :-

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

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Directors;
- (iv) the Registrar: and
- (v) such other officers in service of the University as may be declared by the Statutes to be officers of the University.

9. Chancellor and his powers :-

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

(2) The Chancellor shall be competent to call from time to time such information or records relating to any affairs of the University, and the Vice-chancellor shall furnish the same. It shall also be lawful for the Chancellor, after perusal of such information or records, to give in the interest of the University, directives to the Vice-Chancellor as he deems fit, and the Vice-Chancellor shall comply with much directives.

(3) Subject to the provisions of sub-sections (4) and (5), the Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipments and of any regional centre or a study centre and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor determine such representation to him as it may consider necessary.

(5) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as referred to in sub-section (3).

(6) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or Inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advice tendered by him with regard to the action to be taken thereon.

(8) The Board of Management shall communicate through the Vice Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(9) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time limit fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such direction as he may think fit and the Board Management shall be bound to comply with such direction.

(10) The State Government may whenever it deems fit, cause a like inspector or inquiry to be made In the manner described in subsections (2) to (9) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

10. Vice-Chancellor :-

(1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended under sub-section (3) by a Committee appointed for the purposes under sub-section (2).

(2)

(a) For the purposes of sub-section (1), the Chancellor shall appoint a Committee which shall consist of the following members, namely:-

(i) one member not connected with the University to be nominated

in the manner prescribed by the Statutes by the Board of Management.

(ii) one member to be nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat;

(iii) one member to be nominated by the Chancellor.

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

(3) The Committee so appointed shall within a reasonable time select three persons whom it consider fit for being appointed as Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be relevant:

Provided that as far as possible, the Committee shall not select any such person who if appointed as Vice-Chancellor would cease to hold that office on account of attaining the age of 65 years before completion of the term of three years.

(4) The Vice-chancellor shall hold office for a term of three years and he shall be eligible for re-appointment to that office for a further term of three years:

Provided that the State Government may require any Vice-chancellor after his term has expired, to continue in office for such period not exceeding a total period of one year as may be specified by the State Government:

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

(5) 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 prescribed by the Statutes.

11. Powers of Vice-Chancellor :-

(1) The vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise the power of supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(2) Notwithstanding anything contained in this Act of the Vice-

Chancellor is of the opinion that immediate action is necessary on any matter, he may exercise any power conferred on any authority of the University by or under this Act and shall inform such authority, about the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the act on taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice- chancellor.

(3) Notwithstanding anything contained in this Act the Vice-Chancellor, if he is of the opinion that any decision or order of any authority is beyond the powers of the authority conferred on it or is inconsistent with the provisions of this Act, Statutes, Ordinances, Rules or Regulations or that any decision taken is not in the interest of the University or is likely to lead to breach of peace, he may ask the authority concerned to review its decision within sixty days of such decision and if the concerned authority refuses to review its decision either in whole or in part as directed by the Vice-Chancellor or no decision is taken by it within the said period of sixty days, the matter shall be referred to the State Government whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain in abeyance during the period of review of such decision by the authority or the State Government as the case may be, under this sub-section.

(4) Where the authority after reconsideration revises or modifies the decision or order in the manner stated by the Vice- chancellor, such revised or modified decision or order shall revive from the date of such revision or modification.

(5) It shall be the duty of the Vice-chancellor to ensure that this Act, the Statutes, Ordinances, Regulations and Rules are faithful observed and he shall have all powers necessary for this purpose.

(6) The Vice-Chancellor shall exercise such other powers and

perform such other functions as may be prescribed by the Statutes and Ordinances.

12. Directors :-

The Directors shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government and shall exercise such powers and perform such duties and functions, as may be prescribed by the Statutes.

13. Registrar :-

(1) The Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government.

(2) the Registrar empowered by the Board of Management shall have the power to enter into and sign agreements and contracts and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such duties and functions as may be prescribed by the Statutes.

14. Other Officers :-

The manner of appointment, emoluments. powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER 4

AUTHORITIES OF THE UNIVERSITY

15. Authorities of University :-

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

(i) the Board of Management:

(ii) the Academic Planning Board:

(iii) the Finance Committee:

(iv) such other authorities as may be declared by the Statutes to be the authorities of the University.

16. Board of management :-

(1) The Board of Management shall be the principal executive body of the University.

(2) The constitution of the Board of Management, the term of office

of its members and its powers and functions shall be such as may be prescribed by the Statutes.

17. Academic Planning Board :-

(1) There shall be constituted an Academic Planning Board of the University which shall be the principal academic and planning body of the University. The Board shall be responsible for the maintenance of standards of learning, education, instruction evaluation and examination within the University and shall also be responsible for the monitoring of the developments of the University and shall exercise such powers and perform such other duties and functions as may be conferred or imposed upon it by the Statutes.

(2) the constitution of the Academic Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

18. Finance Committee :-

The constitution, powers, duties and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

19. Other authorities :-

The constitution, powers, duties and functions of the other authorities which may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.

CHAPTER 5

STATUTES, ORDINANCES, REGULATIONS AND RULES

20. Statutes :-

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:-

(a) the powers, duties and functions that may be exercised and performed by the Vice-Chancellor:

(b) the emoluments and other conditions of service of the Vice-chancellor:

(c) the manner of appointment and emoluments of the officers, and the powers, duties and functions that may be exercised and performed by the Directors, Registrar and other officers:

(d) the constitution of the Board of Management and other authorities of the University/the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities:

(e) the manner of appointment of teachers and other employees of the University, qualifications, code of the conduct and other conditions of service including the manner of termination of service and other disciplinary action:

(f) the acceptance and management of trusts, bequests, donations and endowments;

(q) conferment of honorary degrees;

(h) holding of convocations to confer degrees:

(i) institution and maintenance by the University of departments, centres of research or specialized studies and post-graduate centres:

(j) registration of graduates and maintenance of register of registered graduates:

(k) procedure at meeting of the authorities of the University and for the transaction of their business:

(l) the maximum number of students to be admitted in the study centres:

(m) all other matters which, by or under this Act, are to be, or may be prescribed by the Statutes.

21. Making of Statutes :-

(1) The first Statutes shall be framed by the State Government.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board of Management shall not make amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express within time fixed by the Board of Management, its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall be presented to the Chancellor who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute or a Statute amending or repealing the existing Statute shall not be valid unless it has been assented to by the Chancellor.

22. Ordinances :-

(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-

(a) the admission of students the courses of study and the fees thereof, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and like:

(b) the conduct of examinations, including the terms and conditions for the appointment of examiners, moderators and such other staff and their duties:

(c) laying down the policy and norms regarding:-

(i) fixation of examination fees and emoluments, travelling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work:

(ii) payment, to teachers, lesson writers, evaluators and other academic staff appointed for organisation and conducting refresher courses workshops, seminars and other programmes:

(iii) rates of tuition fees and other charges receivable from the students:

(iv) rates of remuneration to be paid to visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers:

(d) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct including the following, namely:-

(i) use of unfair means at an examination or in relation thereto, by

himself or by any other students, or abatement thereof:

(ii) refusal to appear or given evidence in any authorised inquiry by an officer incharge of an examination, or by any officer or authority of the University: or

(iii) disorderly or otherwise objectionable conduct whether within or outside the University:

(e) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners:

(f) the inspection of regional centres, study centres and recognised institutions.

(g) the mode of execution of contracts or agreements for. or on behalf of the University:

(h) the rules to be observed and enforced by study centres and recognised institutions regarding transfer of students:

(i) the holding of convocations, to confer degrees, diplomas, to grant certificates and other academic distinctions, and recognitions to persons who have passed approved course of study in the University or conducted research:

(j) collaboration with other Universities in the State, other statutory authorities and with departments of the State Government:

(k) the appointments, for a specified period or periods of teachers and other academic staff working in any other University or organisation for undertaking joint projects:

(l) the principles governing the seniority of service of the employees of the University:

(m) the procedure for the settlement of dispute between the University and the students:

(n) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for the members of the Scheduled Castes and Scheduled Tribes:

(o) manner of withdrawal of recognition:

(p) generally all matters for which provision is in the opinion of the Board of Management necessary for exercise of the powers

conferred or the performance of the duties:

(q) any other matter which by this Act or the Statutes is to be, or may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor or in his absence by the Board of Management with the previous approval of the State Government and the Ordinances may be amended, repealed or added to at any time by the Board of Management in such manner as may be prescribed by the Statutes.

23. Regulations :-

The authorities of the University may, subject to the approval of the Board of Management make regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in such manner as may be prescribed by the Statutes.

24. Power to make rules :-

(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 power, such rules may be made for all or any of the following matters, namely;-

(a) manner of appointment, emoluments and other conditions of service of the Directors under section 12 :

(b) manner of appointment, emoluments and other conditions of service of the Registrar under section 13 : and

(c) any other matter which is to be or may be prescribed by rules.

(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.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall, thereupon take effect.

CHAPTER 6

FINANCE

25. University fund :-

(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, namely:-

(a) all contributions or grants made by the State Government the Central Government, the Indira Gandhi National Open University and the University Grants Commission:

(b) the income of the University from all sources whatsoever including income from fees and charges:

(c) all income or moneys from trust, bequests, donations, endowments, subventions and other grants:

(d) any sums borrowed from the Bank with the previous permission of the State Government.

(3) The University shall have, and maintain, a contingency Fund under a separate head in the University accounts, to which shall be credited such sums as may. from time to time be granted as contributions or grant by the State Government specially for this purpose. Such fund shall be used only for making advances for the purpose of meeting unforeseen expenditure.

(4) With the previous sanction of the State Government, any portion of the University Fund may from time to time be credited by the University to a separate head in the University accounts:

Provided that there shall be credited and debited to such special head only such sums as shall expressly relate to the objects for which such separate fund is created:

Provided further that the Board of Management may, by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts.

(5) The University Fund shall at the direction of the Board of Management, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 , (II of 1934), which holds a licence issued by the Reserve Bank of

India under S.22 of the Banking Regulation Act, 1949.

26. Annual financial estimate :-

(1) The annual financial estimates of the University for the ensuing financial year shall be prepared under the direction of the Board of Management at least five months before the commencement of the financial year.

(2) The financial year of the University shall be the same as that of the State Government.

(3) The financial estimates shall be submitted to the Board of Management for its approval.

(4) The Board of Management shall thereafter forward the copies of the financial estimates to the State Government.

27. Annual accounts and It :-

(1) The annual statement of accounts of the University for a financial year shall be prepared under the direction of the Board of Management within a period of three months, after the close of the financial year.

(2) The annual accounts as approved by the Board of Management shall be audited by the Auditor appointed by the State Government.

(3) The annual accounts, as approved by the Board of Management together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and point raised by the Auditor in his previous reports, shall be forwarded by the Board of Management as soon as possible and in any case, within the period of nine months from the end of financial year to the State Government and to the Auditor appointed by the State Government.

(4) It shall be competent for the State Government to give directions to the University regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained or to take necessary action against the authority, the officer or any employee of the University found guilty in the audit report for committing irregularities and the University shall act according to the direction of the State Government.

28. Annual Report :-

The annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

29. Financial control of State Government :-

(1) Without obtaining the prior approval of the State Government or any officer authorised by it in this behalf, the University shall not-

(i) create any new post of officers, teachers or other employees.

(ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications offered to its officers, teachers and other employees:

(iii) incur any expenditure on any development work.

(2) Any post created, any financial benefits offered to its officers, teachers and other employees or any expenditure incurred on any development work, without the prior approval of the State Government or any such authorised officer, may be treated as unapproved expenditure for the purposes of payment of grant-in-aid.

CHAPTER 7

SUPPLEMENTARY PROVISIONS

30. Conditions of service of employees :-

(1) Every employee of the University shall be appointed under written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

31. Tribunal of Arbitration :-

Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned be referred to a Tribunal of Arbitration consisting of one member nominated by the Board of Management, one member nominated by the officer or teacher concerned and an umpire to be nominated by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in

respect of the matter decided by the Tribunal. Every such request shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the ARBITRATION ACT, 1940 (X of 1940). and the provisions of that Act shall apply accordingly.

32. Delegation of powers :-

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

33. Disputes as to constitution of University Authorities and bodies :-

(1) Where any question arises as to-

(a) the interpretation of any provision of this Act or any Statutes, Ordinances Regulations or Rules, or

(b) whether any person has been duly appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the State Government whose decision thereon shall be final.

(2) Any nominee or ex-officio member appointed on any authority or body of the University shall be deemed to have vacated his office. whenever his nomination or appointment is canceled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

34. Filling of casual vacancy :-

When any vacancy occurs in the office of a member (other than an 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 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 appointed or co-opted would have held, it, if the vacancy had not occurred.

35. Proceedings not invalidated by vacancies :-

No act or proceedings of any authority or any other body of the University shall be invalidated merely by reason of any vacancy in

its membership.

36. Authorities and officers to be responsible :-

It shall be the duty of every authority and officer of the University to ensure that the interest of the University is duly safe-guarded.

37. Protection of action taken in good faith :-

No suit or other legal proceedings shall lie against any officer, employee or authority of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes, the Ordinances, the Regulations or the Rules.

38. Mode of proof of University record :-

A copy of any receipt, application, notice, order, proceedings, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

39. Power to remove difficulties :-

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

40. Transitional provisions :-

Notwithstanding anything contained in this Act and the Statutes,-

(a) the first vice-Chancellor and the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act, for a period not exceeding three years on such terms and conditions as the State Government thinks fit.

(b) the first Board of Management shall consist of not more than fifteen members who shall be nominated by the State Government and they shall hold office for a term of three years,

(c) the first Academic Planning Board shall consist of not more than eleven members who shall be nominated by the State Government and they shall hold office for a term of three years: and

(d) the first Finance committee shall consist of not more than seven

members who shall be nominated by the State Government and they shall hold office for a term of three years.

41. Repeal and savings :-

(1) The Dr. Babasaheb Ambedkar Open University Ordinance, 1994, (Gujarat Ord. 5 of 1994), is hereby repealed

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