

Gujarat National Law University Act, 2003

9 of 2003

[12th March, 2003]

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Gujarat National Law University Act, 2003

9 of 2003

[12th March, 2003]

An Act to establish and incorporate a National Law University in the State of Gujarat. It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows.

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Gujarat National Law University Act, 2003.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "Academic Council" means the Academic Council of the University.

(b) "Chairman" means the Chairman of the General Council of the "University;

(c) "Director" means the Director of the University appointed by General Council under Sec. 33;

(d) "Executive Council" means the Executive Council of the University;

(e) "Finance Committee" means the Finance Committee of the University Constituted under Sec. 28;

(f) "General Council" means the General Council of the University referred to in Sec. 12;

(g) "regulations" means the regulations made under this Act;

(h) "University" means the Gujarat National Law University established under Sec. 3 of this Act;

(i) "Visitor" means the Visitor of the University.

CHAPTER 2

THE UNIVERSITY

3. Establishment and incorporation of University :-

(1) There shall be established, in the State of Gujarat, a University by the name of the Gujarat National Law University which shall consist of the Visitor, the Chairman, the General Council, the Executive Council, the Academic Council and the Officers of the University;

(2) The University shall be a body corporate by the name of "The

Gujarat National Law University" having perpetual succession and a common seal, and may sue or be sued by the said name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act.

4. Headquarters of University :-

The headquarters of the University shall be at such place as the State Government may, by notification in the Official Gazette, specify.

5. Objects of University :-

The objects of the University shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development; to develop in the students and the research scholars a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practice, law reforms and such other matters; to make law and legal processes efficient instruments of social development; and to promote inter-disciplinary study of law in relation to management, technology, international co-operation and development.

6. University open to all irrespective of religions, class, sex, race, etc. :-

The University shall be open to all persons irrespective of religion, sex, race, caste, creed, class, opinion, place of birth or religious belief or political opinion and it shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, caste, creed, class, place of birth, opinion, religious belief or profession in order to entitle him to be admitted as a student in the University or to be appointed thereto as a teacher or to hold any office or post in the University or to qualify for any degree, diploma or any academic distinction or to enjoy or exercise any privilege of the University.

7. Powers and functions of University :-

The University shall have the following powers and perform the following functions, namely :

- (i) to administer and manage the University and such centers of research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction in such branches of knowledge or

learning pertaining to law as the University may think fit and to make provision for research and for advancement and dissemination of knowledge of law;

(iii) to organize and undertake extra-mural teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates, and to confer degrees including joint degrees in law combined with other disciplines and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary decrees or other distinctions in such manner as may be laid down by regulations;

(vi) to fix, demand and receives fees and other charges;

(vii) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;

(viii) to establish such special centres, specialized study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(ix) to supervise and control the residence and to regulate the discipline of the students of the University;

(x) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(xi) to regulate conduct and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;

(xii) to institute Professorships, Associate Professorships, Assistant Professorships, Readerships, Lecturerships and any other teaching academic or research posts required by the University;

(xiii) to appoint persons as Professors, Associate Professors, Assistant Professors, Readers, Lecturers or otherwise as teachers and researchers of the University;

(xiv) to establish and run specialised Schools for studies and research in various disciplines in law and related fields;

(xv) to institute and award fellowships, scholarships, prizes and medals;

(xvi) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;

(xvii) to sponsor and undertake research in all aspects of law, jurisprudence, justice, legislation, parliamentary practice and related fields;

(xviii) to co-operate with any other organization in the matter of education, training and research in law, jurisprudence, justice, legislation, parliamentary practice and allied subjects for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine;

(xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;

(xx) to regulate the expenditure and to maintain the accounts of the University;

(xxi) to establish and maintain, within the premises of the University or elsewhere, such class rooms and study halls as the University may consider adequate and necessary and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

(xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established;

(xxiii) to purchase, take on lease or accept as gifts or otherwise, any land or building or works, which may be necessary or convenient for the purpose of the University, on such terms and conditions as it may think fit and proper, and to construct, alter and maintain any such buildings or works;

(xxiv) to sell, exchange, lease or otherwise dispose of movable or immovable property of the University, on such terms as it may think fit and proper without prejudice to the interests and activities of the University; Provided that the University shall not sell, exchange, lease or otherwise dispose of movable or immovable property granted by the State Government without prior approval

of the State Government or without compliance of the terms and conditions on which the State Government has given approval;

(xxv) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxvi) to execute conveyance, transfer, reconveyance, mortgage, lease, licence and agreement in respect of property, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;

(xxvii) to appoint any person for execution of an instrument or transaction of any business of the University;

(xxviii) to enter into any agreement with the Central Government or the State Government or the Government of any other State or the University Grants Commission or any other authority for receiving grants;

(xxix) to accept grants of money securities or property of any kind on such terms as it may deem expedient;

(xxx) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based on all or any of the properties and assets of the University or without any securities and on such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money and to repay and redeem any money borrowed;

(xxxi) to invest the funds of the University or the money entrusted to the university in or on such securities and in such manner as it may deem fit and from time to time transpose any investment;

(xxxii) to make regulations for regulating the affairs and the management of the University;

(xxxiii) to constitute fund for pensions, gratuity, insurance, provident fund which shall be governed by the provisions of the Provident Funds Act, 1925 (19 of 1925), as if such fund were a Government Provident Fund in such manner and subject to such conditions as may be prescribed by regulations, and to make such grants as it may think fit for the benefit of any employee of the University and to aid in support of the establishment of association, institutions, funds and trusts calculated to benefit the employees,

and the students of the University;

(xxxiv) to delegate all or any of its powers to the Director or any committee or sub-committee constituted by any authority of the University or to any one or more members of the General Council of the University or to any officer of the University; and

(xxv) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

8. Teaching in University :-

(1) All recognised teachings in connection with the degrees, diplomas and certificates of the University shall be conducted, under the control of the Academic Council, by the teachers of the University in accordance with the syllabus prescribed by the regulations.

(2) The courses and curricula of teaching, and the authorities responsible for organising such teaching shall be such as may be prescribed by the regulations.

9. Visitor :-

(1) The Chief Justice of India shall be the Visitor of the University.

(2) The Visitor 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 and equipments, and of any institution maintained by the University, and also of the examinations, teaching 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 finance of the University.

(3) The Visitor shall give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Chairman and the Director with reference to the result of such inspection or inquiry, and the Director shall communicate to the General Council the results, the views of the Visitor and the advice that may be tendered by the Visitor with regard to the action to be taken thereon.

(5) The General Council shall communicate through the Director to the Visitor of such action, if any, as it proposes to take, or as has been taken, on the result of such inspection or inquiry.

(6) Where the General Council does not take action to the satisfaction of the Visitor within the time limit fixed by the Visitor, the Visitor may after considering any explanation furnished or representation made by the General Council, issue such direction as he may think fit and the General Council shall comply with such direction.

10. Chairman :-

(1) The Chairman of the General Council shall be an eminent person in the field of law, academic, industry, trade or commerce or public life. He shall be appointed by the State Government to consultation with the Visitor;

Provided that until the first Chairman is appointed by the State Government, the person functioning as the Chairman of the Indian Institute of Legal Studies Society registered under the Societies Registration Act, 1860 (21 of 1860), shall be the Chairman of the General Council.

(2) The Chairman shall hold office for a term of five years and he shall be eligible for reappointment to that office only for a further term of five years.

CHAPTER 3

AUTHORITIES OF UNIVERSITY

11. Authorities of University :-

The following shall be the authorities of the University.

(a) the General Council;

(b) the Executive Council;

(c) the Academic Council;

(d) the Finance Committee; and

(e) such other authorities as may be declared by the University by regulation to be the authorities of the University.

12. General Council :-

The General Council shall be the apex authority of the University.

13. Constitution of General Council :-

The General Council of the University shall consist of the following members, namely :

- (a) the Visitor,
- (b) the Chairman,
- (c) the Director,
- (d) the Attorney General of India,
- (e) one Judge of the Supreme Court of India nominated by the Visitor,
- (f) the Minister for Finance, State of Gujarat,
- (g) the Minister for Higher Education, State of Gujarat,
- (h) the Minister for Law, State of Gujarat,
- (i) the Chief Justice, High Court of Gujarat,
- (j) two Judges of the High Court of Gujarat to be nominated by the Visitor,
- (k) the Solicitor General of India,
- (l) any Additional Solicitor General of India to be nominated by the Attorney General of India,
- (m) the Advocate General, State of Gujarat,
- (n) the Chairperson of the University Grants Commission or his nominee from among the members of the University Grants Commission,
- (o) the Chairman, Bar Council of India,
- (p) the Chairman, Bar Council of Gujarat,
- (q) the Chairman, Gujarat State Law Commission,
- (r) the Director of Indian Institute of Management, Ahmedabad,
- (s) two members of the Executive Council as are not otherwise members of the General Council,
- (t) an eminent scholar to be nominated by the State Government,
- (u) two distinguished persons to be nominated by the State Government,

(v)

(i) the Chairman, Indian Institute of Legal Studies Society, and

(ii) one member to be nominated by the Indian Institute of Legal studies Society nominated by it from amongst its members,

(w) two Vice-Chancellors of other Universities established by law in the State of Gujarat, by rotation to be nominated by the State Government,

(x) two distinguished lawyers to be nominated by the visitor,

(y) two distinguished lawyers to be nominated by the Chief Justice of the High Court of Gujarat,

(z) two distinguished educationalists to be nominated by the Director in consultation with the Visitor: Provided that an employee of the University shall not be eligible for nomination under sub-clause (x) and (z).

14. Term of office of members of General Council :-

(1) The term of office of the members of the General Council shall be five years.

(2) When a person becomes a member of the General council by virtue of his office, he shall cease to be such member if he ceases to hold that office.

(3) When a person is nominated as a member of the General Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case may be.

(4) A member of the General Council shall cease to be a member, if he,

(a) tenders his resignation and such resignation is accepted; or

(b) becomes of unsound mind and stands so declared by a competent court; or

(c) becomes undischarged insolvent; or

(d) has been convicted of an offence involving moral turpitude; or

(e) has accepted a full time appointment to the post other than the post of Director in the University.

(5) A member of the General Council may, by writing addressed to the Chairman resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

(6) Any vacancy in the General Council shall be filled in the nomination of a person by the relevant authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

15. Powers of General Council :-

The General Council shall have the following powers, namely :

(a) to formulate and review the broad policies and programmes of the University and suggest measures for the development of the University;

(b) to direct the Executive Council to take such steps as are necessary for achieving the objects of the University;

(c) to consider and pass resolution on the annual report, financial estimates and audit reports on the accounts of the University;

(d) to appoint the Director;

(e) to exercise such other powers as it may deem necessary for the performance of functions and the administration of the University.

16. Meetings of General Council :-

(1) The General Council shall meet at least once in a year. The meetings of the General Council shall be convened by the Director in consultation with the Chairman and the Visitor.

(2) The Visitor shall preside over the meeting of the General Council. In absence of the Visitor, the Chairman shall preside over the meeting, and in absence of the Chairman, a member of the General Council nominated by him shall preside.

(3) The Director shall cause to be laid before the meeting of the General Council, a report of the working of the previous year of the University, the annual statement of accounts together with the report of auditors thereon and the budget estimates and the income and expenditure for the next financial year.

(4) The meeting of the General Council may be called by the Visitor or by the Chairman, either of his own or at the request of not less

than ten members of the General Council.

(5) The General Council shall meet at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at such meeting) as may be provided by the regulations.

(6) If any urgent action is required, the Chairman may, with the approval of the majority of the members of the General Council, permit the business to be transacted by circulation among the members of the General Council. The report of the action so taken shall be placed before the next meeting of the General Council.

17. Executive Council :-

(1) The Executive Council shall be the chief executive body of the University.

(2) The powers of administration and management of the fund and property of the University shall vest in the Executive Council.

18. Constitutions of Executive Council :-

The Executive Council shall consist of the following members, namely :

(a) the Director;

(b) a member of the General Council, who is a Judge to be nominated by the Visitor;

(c) the Chief Secretary to the Government of Gujarat or an officer not below the rank of the Secretary to Government of Gujarat to be nominated by him;

(d) the Secretary to the Government of Gujarat, Finance Department;

(e) the Secretary to the Government of Gujarat, (Higher Education) Education Department;

(f) the Secretary to the Government of Gujarat, Legal Department;

(g) a member of the General Council to be nominated by the State Government;

(h) a member of the General Council, who is a lawyer to be nominated by the Visitor;

(i) a member of the General Council, who is an educationist to be

nominated by the Visitor;

(j) five Professors or Associate Professors of the University to be nominated by the Director, by rotation.

19. Term of office of members of Executive Council :-

(1) The term of office of members of the Executive Council shall be three years.

(2)

(a) When a person becomes a member of the Executive Council by virtue of his office, he shall cease to be such member if he ceases to hold his office.

(b) When a person is nominated as a member of Executive Council, he shall cease to be such member if his nomination of such membership is withdrawn by the nominating body or person, as the case may be.

(c) A member of the Executive Council shall cease to be a member if he,-

(i) tenders his resignation and such resignation is accepted;

(ii) becomes of unsound mind and stands so declared by a competent Court; or

(iii) becomes undischarged insolvent; or

(iv) has been convicted of an offence involving moral turpitude; or (other than the Director or member of the Faculty) has accepted a full time appointment in the University.

(3) A member of the Executive Council may, by writing addressed to the Chairman resign his office, and such resignation shall take effect on the date it is accepted by the Chairman.

(4) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority entitled to make the same and the person so nominated shall hold office so long as the member in whose place he is nominated would have held office had the vacancy has not occurred.

20. Powers and functions of Executive Council :-

The Executive Council shall have the following powers and perform the following functions, namely:

(1) to submit to the General Council, with its recommendations, of persons for appointment as a Director suggested by the Search Committee constituted in accordance with regulations made in this behalf;

(2) to appoint Registrar, Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the Selection Committee.

Provided that the Executive Council shall not appoint teachers without considering the recommendation of the Academic Council with regard to numbers, qualifications and emoluments.

Provided further that it shall not be necessary for the Executive Council to obtain the recommendation of the Academic Council to appoint a person on the following posts, namely : (a) any supernumerary post, or (b) Professor of eminence;

(3) to create administrative and ministerial posts, to determine the number and emoluments of such posts, to specify qualifications for such posts, and to appoint persons to such posts on such terms and conditions of service as may be prescribed by regulations in this behalf, or to delegate the powers of appointment to such authority or officer as the Executive Council may, by resolution, specify either generally or specifically;

(4) to grant, in accordance with the regulations, leave other than casual leave to any officer of the University and to make necessary arrangement for the discharge of the functions of such officer during his period of leave;

(5) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such person or agency as it may think fit;

(6) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may think fit, or to invest in the purchase of immovable property;

(7) to transfer or acquire any movable or immovable property on behalf of the University;

(8) to enter into, vary, carry out or cancel contracts on behalf of the University and to appoint such officers as it may think fit for

that purpose;

(9) to provide buildings, premises, furniture, apparatus and other means required for carrying out the functions of the University;

(10) to appoint examiners and moderators, to fix their fees, emoluments and allowances, in consultation with the Academic Council;

(11) to select a common seal for the University and to provide for the custody of the seal; and

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

21. Meetings of Executive Council :-

(1) The Executive Council shall meet at least once in four months.

(2) The Director or in his absence, any member of the Executive Council nominated by him shall preside over the meeting of the Executive Council.

(3) The Executive Council shall meet on notice, at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at such meeting) as may be provided by the regulations.

(4) If any urgent action is required, the Director may, with the approval of the majority of the members of the Executive Council, permit the business to be transacted by circulation among the members of the Executive Council. The action so taken as approved by circulation shall be placed before the next meeting of the Executive Council.

22. Delegation of powers by Executive Council :-

The Executive Council may, by resolution, delegate to the Director or to a committee, such of its powers as it may deem fit, subject to the condition that the action so taken by the Director or such committee shall be placed at the next meeting of the Executive Council.

23. Academic Council :-

The Academic Council shall be the academic body of the University. It shall have powers, subject to the provisions of this Act and the regulations, to control, regulate and maintain the standards of

instruction, education and examination of the University and advice the Executive Council on academic matters. It shall exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations.

24. Constitution of Academic Council :-

(1) The Academic Council shall consist of the following members, namely:

- (a) the Director;
- (b) a member of the Bar Council of India to be nominated by the Chairman of the Bar Council of India;
- (c) a member of the Bar Council of Gujarat to be nominated by the Chairman of the Bar Council of Gujarat;
- (d) a member of the new panel of the University Grants Commission to be nominated by the Chairman of the Commission;
- (e) one Dean of law faculty of any other University established by Law in the State of Gujarat, by rotation to be nominated by the State Government;
- (f) two distinguished persons (other than employees of the University) teaching law to be nominated by the Director;
- (g) an eminent jurists to be nominated by the State Government;
- (h)
- (i) all Professors of the University; and
- (ii) a representative each of the Associate Professors and the Assistant Professor of the University.

(2) The term of the members shall be three years.

25. Powers and functions of Academic Council :-

Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and perform the following functions, namely :

- (1) to report on any matter referred to or delegated to it by the General Council or the Executive Council;
- (2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the

University and qualifications, emoluments and the duties attached thereto;

(3) to formulate, modify or revise schemes for the organisation of the faculties, schools, centres or specialised institutes, and to assign to them their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty, school, centre or specialised institute, or the combination of one with another;

(4) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;

(5) to promote research and to require reports on such research;

(6) to consider proposals submitted by the faculties;

(7) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;

(8) to fix, subject to any conditions laid by the General council, the time mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;

(9) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;

(10) to make arrangements for the conduct of examinations and to fix dates for holding such examinations;

(11) to declare the results of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(12) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;

(13) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the regulations.

26. Meetings of Academic Council :-

(1) The Academic Council shall meet as many times as may be

necessary, but at least once in six months.

(2) The Director or in his absence any member of the Academic council nominated by him shall preside over at the meeting of the Academic Council.

(3) The Academic Council shall meet at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of its business at its meeting (including the quorum at such meeting) as may be provided by regulations.

(4) If any urgent action is required, the Director may, with the approval of the majority of the members of the Academic Council, permit the business to be transacted by circulation among the members of the Academic Council. The action so taken as approved by circulation shall be placed before the next meeting of the Academic Council.

27. Transitory Powers of Director :-

Where any authority of the University is not constituted, the Director with the approval of the Chairman, may discharge all or any of the functions of such authority and, for that purpose may exercise any power of such authority till such authority is constituted.

CHAPTER 4 **COMMITTEES**

28. Finance Committee :-

(1) The Finance Committee shall consists of the following members, namely.

(a) the Chairman,

(b) the Director,

(c) two members to be nominated by the Executive Council from amongst its members,

(d) one member to be nominated by the State Government from amongst the members of the Executive Council, who is an officer of the State Government.

(2) The term of member of the Finance Committee shall be three years.

(3) A member shall cease to be a member of the Finance

Committee, if he ceases to be a member of the Executive Council or if he ceases to hold the post of the Chairman.

29. Powers and functions of Finance Committee :-

(1) The Finance Committee shall have following powers and discharge the following functions, namely :

(a) to examine and scrutinise the annual budget of the University and to make recommendations on financial matters to the Executive Council;

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

(c) to consider the periodical statements of accounts and to review the finances of the University from time to time, to consider reappropriation statements and audit reports, and to make recommendations thereon to the Executive Council;

(d) to give views and to make recommendations to the Executive Council to any financial matters affecting the University, either on its own motion or on reference from the Executive Council or the Director.

(2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.

(3) The Chairman or in his absence, the Director shall preside over the meetings of the Finance Committee.

30. Selection Committee :-

(1) The Executive Council shall constitute Selection Committees for making recommendations for appointment to posts of Professor, Associate Professor and other teachers of the University.

(2) The Selection Committee shall consist of the following members, namely :

(a) the Director,

(b) the Head of the Department concerned, if any, who is not lower in rank than that of the post for which selection is to be made;

(c)

(i) where an appointment is to be made by any academic post,

three experts nominated by the Director from amongst a panel of names recommended by the Academic Council;

(ii) where an appointment is to be made to any administrative post, three experts in the fields of university administration nominated by the Director from amongst a panel of names recommended by the Executive Council.

(3) Where an endowment from a donor is accepted by the University for instituting a Chair, the donor may be co-opted as a member of the Selection Committee for the purpose of filling in that post.

(4) The meeting of the Selection Committee shall be convened by the Director whenever necessary. The Director or in his absence, a member of Selection Committee nominated by him shall preside over the meeting of the selection committee. Three members of the Selection Committee of whom one shall be an expert, shall form the quorum for a meeting of the Committee.

31. Standing Committees and adhoc committees :-

Subject to the provisions of this Act and the regulations, the Executive Council may, by resolution, constitute such Standing Committees or appoint adhoc committees of such persons and for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University or inquiring into, and reporting or advising upon, any matter relating to the University.

CHAPTER 5

OFFICERS OF THE UNIVERSITY

32. Officers of University :-

The following shall be the officers of the University :

(a) the Director,

(b) the Heads of the Departments, Schools and Centres,

(c) the Registrar, and

(d) such other officers of the University as may be declared by the regulations to be the officers of the University.

33. Director :-

(1) The Director shall be appointed by the General Council after considering the recommendations of the Executive Council and in

consultation with the Visitor.

(2) The terms and conditions of the appointment of the Director shall be such as may be prescribed by the regulations :

Provided that the first Director shall be appointed by the State Government in consultation with the Chairman.

(3) The Director, subject to the specific and general directions of the Executive Council, shall exercise all the powers of the Executive Council for management and administration of the University.

(4) The Director shall hold office for a term of five years. He shall be eligible for re-appointed for a further term of five years only.

(5) The Director shall

(a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;

(b) convene the meetings of the General Council, the Executive Council, and the Academic Council and shall perform such other functions as may be necessary to give effect to the provisions of this Act;

(c) have all such powers as are necessary for proper maintenance of discipline in the University.

(6) When in the opinion of the Director, an emergency requires immediate action, he shall take such action as he deems necessary and shall report the action so taken for confirmation of the authority, to the next meeting which, in the ordinary course, would have dealt with that matter.

34. Head of Departments and Schools :-

(1) Each of the Departments of the University shall have a Head of the Department.

(2) The powers, functions, appointments and the conditions of service of the Heads of Departments shall be such as may be prescribed by the regulations.

35. Registrar :-

(1) The Registrar shall be appointed by the Executive Council and shall be a whole time officer of the University.

(2) The terms and conditions of the appointment of the Registrar shall be such as may be prescribed by the regulations.

(3) The Registrar shall be the ex-officio Secretary to the Executive Council and the Finance Committee, but he shall not be considered to be a member of any of these authorities.

(4) The Registrar shall

(a) comply with all directions and orders of the Executive Council and the Director;

(b) be the custodian of the records, common seal and such other property of the University as the Executive Council may direct;

(c) exercise such powers and perform such functions as may be prescribed by the regulations.

(5) When the post of the Registrar is vacant, the Director may authorise any officer of the University to exercise such powers and perform such functions of the Registrar, as he thinks fit.

36. Terms and conditions of employees :-

The terms and conditions of service (including contract service) and the redressal of grievances relating thereto to teachers, officers and employees of the University shall be such as may be prescribed by the regulations.

37. Insurance, pension and provident fund :-

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

CHAPTER 6

FINANCE

38. 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 Bar Council of India, the Bar Council of

Gujarat and the University Grants Commission;

(b) The income of the University from all sources including income from fees and charges;

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

(3) The University Fund shall, at the discretion of the Executive Council, be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (II of 1934), or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), or may be invested in such securities authorized by the Indian Trusts Act, 1882 (2 of 1882).

(4) The University Fund may be expended for such purpose of the University and in such manner, as may be prescribed by regulations.

39. Annual accounts and financial estimates :-

(1) The annual accounts of the University shall be prepared under the directions of the Executive Council.

(2) The Executive Council shall prepare, before such date as may be prescribed by the regulations, the annual financial estimates for the ensuing year and place the same before the General Council.

(3) Where an expenditure in excess of the amount provided in the budget is required to be incurred, the Executive Council may, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be prescribed by the regulations and a report of such excess expenditure shall be made to the General Council at its next meeting.

(4) The accounts of the University shall be audited by the auditors appointed by the Executive Council:

Provided that the State Government may, whenever it considers necessary, direct that audit of the accounts of the University, including the institutions managed by it, shall be audited by such auditors as it may specify.

(5) The accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the

State Government.

(6) The annual accounts and the Financial Estimates shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council, which shall take them into consideration and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting of the action taken by it or its reasons for taking no action.

40. Annual report :-

(1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year, and shall be submitted to the General Council on or before such date as may be prescribed by regulations. The General Council shall consider such report and may pass resolutions thereon and the Executive Council shall take such action in accordance with the resolution. The action taken by the Executive Council or if no action is taken, the reasons for taking no action shall be communicated to the General Council at its meeting.

(2) The Copy of the annual report alongwith the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at its next session.

CHAPTER 7

ENROLMENT AND DEGREE

41. Qualification for admission of students :-

No student shall be enrolled as a student of the University, unless he possesses such qualifications as may be prescribed by the regulations.

42. Residence of students :-

A student of the University shall study on such terms and conditions as may be prescribed by the regulations.

43. Honorary degree :-

The General Council may, on the recommendation of not less than two-thirds of members of the Academic Council, confer by resolution, honorary degree or academic distinction, on a person who has eminent attainment and position.

44. Withdrawal of degree or diploma :-

(1) The General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person who has been convicted by a Court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the total membership of the General Council and by a majority of not less than two-thirds of the members of the General Council present and voting.

(2) No action under sub-sec. (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) The resolution so passed by the General Council shall take effect immediately and the copy of the same shall be sent to the person concerned.

45. Discipline among students :-

(1) The Director shall be the final authority for maintenance of discipline among the students of the University. The directions given by the Director in this behalf shall be complied with by the Heads of Departments, Schools, Hostels and Institutions.

(2) Notwithstanding anything contained in sub-sec. (1), the Executive Council may, on the report of the Director, impose the punishment of debarring a student from an examination or rustication from the school or a hostel or an institution: Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

CHAPTER 8

SUPPLEMENTARY PROVISIONS

46. Regulations :-

(1) The Executive Council may make regulations consistent with the provisions of this Act to provide for the administration and management of the University.

(2) The Executive Council shall not make, amend or repeal any regulation affecting all or any of the following matters without the prior concurrence of the Academic Council,

- (a) the determination of authorities for organizing teaching relating to syllabus and academic programmes;
- (b) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (c) the establishment and abolition of Faculties, Departments, and specialised schools, centres of learning and research, and halls of residence;
- (d) the institution and award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (e) conditions and modes of appointment of examiners, conduct or standard of examinations and course of study;
- (f) modes of enrolment or admission of students;
- (g) examinations of other University to be recognized as equivalent to University examinations.

(3) The Academic Council may propose to the Executive Council to make regulations on all or any of the matters specified in clauses (a) to (g) and matters incidental or related thereto.

(4) Where the Executive Council has rejected any regulation proposed by the Academic Council, the Academic Council may appeal to the Visitor, and the Visitor may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council, such regulation shall have effect from such date as may be specified in the order :

Provided that where the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(5)

(i) All regulations made by the Executive Council shall be submitted to the General Council and to the Visitor for approval;

(ii) The General Council may, by resolution, approve the regulations;

(iii) The Visitor may approve the regulation and the regulation so approved shall remain in force till the date on which it is approved or disapproved by the General Council.

47. Execution of contracts :-

All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and such contracts shall be executed on behalf of the Executive Council by the Director when the value of the contract is more than twenty lakhs of rupees and by the Registrar when its value does not exceed twenty lakhs of rupees.

48. Appointment of Review Commission :-

(1) The Visitor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.

(2) The Commission shall consist of not more than three eminent educationists, one of whom shall be the Chairman of such Commission, appointed by the Visitor in consultation with the State Government.

(3) The terms and conditions of appointment of the members shall be such as may be determined by the Visitor.

(4) The Commission shall, after holding such enquiry as it deems fit make its recommendation to the Visitor.

(5) The Visitor may take such action on the recommendations as he deems fit.

49. Officers and employees to be public servant :-

Every officer and employee of the University shall be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code (XLV of 1860).

50. Proceedings not invalidated by vacancies :-

No act or proceedings of any authority of the University or body shall be invalid on the grounds merely of the existence of any vacancy in or any defect in constitution of such authority or body.

51. Protection of action taken in good faith :-

No suit, shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

52. Sponsored scheme :-

Notwithstanding anything in this Act or the regulations, whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,

(a) the amount received shall be kept by the University in separate account and shall be utilised for the purpose of the scheme only; and

(b) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

53. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act or the regulations, the Visitor or the Director as directed by the Visitor, may, by order or as occasion requires, do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be necessary or expedient for the purpose of removing the difficulty. Every such order shall have effect as if such action had been taken under this Act or the regulations :

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