

Sardar Vallabhbhai Vidyapeeth (Amendment) Act, 1965

8 of 1966

[25 April 1966]

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Sardar Vallabhbhai Vidyapeeth (Amendment) Act, 1965

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An Act further to amend the Sardar Vallabhbhai Vidyapeeth Act,

1965. It is hereby enacted in the Sixteenth Year of the Republic of India as follows:-

1. Short Title :-

This Act may be called the Sardar Vallabhbhai Vidyapeeth (Amendment) Act, 1965.

2. Amendment Of Section 1 Of Bom. XI Of 1955 :-

In the Sardar Vallabhbhai Vidyapeeth Act, 1955 (hereinafter referred to as the "principal Act"), in sub-section (1) of section 1, for the words and figures "Sardar Vallabhbhai Vidyapeeth Act, 1955 (Bom. XL of 1955)" the words and figures "Sardar Patel University Act, 1955" shall be substituted.

3. Amendment Of Section 2 Of Bom. XI Of 1955 :-

In section 2 of the principal Act,-

- (i) in clause (19), after the word "Ordinances" where it occurs at two places, the words "and Regulations" shall be inserted;
- (ii) in clause (22), for the words "Sardar Vallabhbhai Vidyapeeth" the words "Sardar Patel University" shall be substituted.

4. Amendment Of Section 3 Of Bom. XI Of 1955 :-

In section 3 of the principal Act, in sub-section (1),-

- (i) after the words "the Syndicate" the words "and the Academic Council" shall be inserted;
- (ii) for the words "Sardar Vallabhbhai Vidyapeeth" the words "Sardar Patel University" shall be substituted.

5. Amendment Of Section 4 Of Bom. XI Of 1955 :-

In section 4 of the principal Act-

- (1) in clause (5), for the word "departments" where it occurs at two places the words "University Departments" shall be substituted;
- (2) in clause (11) -
 - (i) in sub-clause (a), for the words "Statutes or Ordinances" the words "Statutes, Ordinances or Regulations" shall be substituted,
 - (ii) in sub-clause (b), after the word, "Ordinances" the words "and Regulations" shall be inserted;
- (3) in clause (13), for the words "Statutes and Ordinances" the words "Statutes, Ordinances and Regulations" shall be substituted.

6. Substitution Of Section 10 Of Bom. XI Of 1955 :-

For section 10 of the principal Act, the following shall be substituted, namely:-

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

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

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

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

(4) The Vice-Chancellor shall hold office for a term of three years and he shall be eligible for being appointed to that office for a further term of three years only.

(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:

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

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

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, one of the Deans nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-

Chancellor."

7. Amendment Of Section 11 Of Bom. XI Of 1955 :-

In section 11 of the principal Act,-

(1) in sub-section (1), after the word "Syndicate" the words "and of the Academic Council" shall be inserted;

(2) in sub-section (2), for the words "the Senate and the Syndicate" the words "the Senate, the Syndicate and the Academic Council" shall be substituted;

(3) in sub-section (3), for the words "the Statutes and Ordinances" the words "the Statutes, Ordinances and Regulations" shall be substituted.

(4) in sub-section (6), for the words "the Statutes and Ordinances" the words "the Statutes, Ordinances and Regulations" shall be substituted.

8. Amendment Of Section 12 Of Bom. XI Of 1955 :-

In section 12 of the principal Act,-

(1) for the words "the Senate and of the Syndicate" the words "the Senate, of the Syndicate and of the Academic Council" shall be substituted;

(2) for the words "Statutes and Ordinances" the words "Statutes, Ordinances and Regulations" shall, be substituted.

9. Amendment Of Section 13 Of Bom. XI Of 1955 :-

In section 13 of the principal Act, for the words "Statutes and Ordinances" the words "Statutes, Ordinances or Regulations, as the case may be," shall be substituted.

10. Amendment Of Section 14 Of Bom. XI Of 1955 :-

In section 14 of the principal Act, after item (2), the following item shall be inserted, namely:-

"(2A) the Academic Council,".

11. Amendment Of Section 15 Of Bom. XI Of 1955 :-

In section 15 of the principal Act,-

(1) under the heading "I. Ex-officio Fellows",

(a) in paragraph (B), clauses (i) and (iii) shall be deleted;

(b) in paragraph (C), clause (iii) shall be deleted;

(c) in paragraph (D), clause (ii) shall be deleted;

(2) under the heading "II. Ordinary Fellows",

(A) in paragraph (A),-

(i) in clause (iv), the words and letters "other than the Head Master of the G.J. Sharda Mandir at Vallabh Vidyanagar," shall be deleted;

(ii) after clause (v), the following clause shall be inserted, namely:-

"(va) one representative to be elected by members of the Kaira District Panchayat from amongst themselves.";

(iii) clause (vi), for the words "One representative" the words "Two representatives" shall be substituted;

(B) in paragraph (B),-

(i) in clause (i), for the words "Three representatives" the words "One representative" shall be substituted;

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

"(ii) One representative of the Institute of Agriculture nominated by the trustees of Sheth Mansukhlal Chhaganlal Trust and by Trustees of Seth Munglal Goenka Trust, by rotation.";

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

"(iii) One representative to be elected in the manner specified below from amongst themselves by donors other than those to whom clause (i) or (ii) applies each donating money or property of the value of not less than five lakhs of rupees to, or for the purposes of, the University, a college of the University or an institution of the University:

(1) if the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University;

(2) if the donor is an undivided Hindu family, trust, firm, company or body corporate, for the purpose of voting, the name of the person nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University:

Provided that the right of electing representatives on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the University or college or, institution, as the case may be.";

(iv) in clause (iv)-

(a) for the word "Five" the word "Two" shall be substituted;

(b) in sub-clause (a), for the words "University, or" the words "University, a college of the University or an institution of the University, or" shall be substituted;

- (c) sub-clause (b) shall be deleted;
- (d) in items (3) and (4), for the word "five" wherever it occurs the word "two" shall be substituted;
- (e) in the proviso, for the word "Syndicate" the word "University" shall be substituted.
- (v) the Explanation I shall be deleted.
- (C) in paragraph (C), for the word "Five" the word "Fifteen" shall be substituted.

12. Amendment Of Section 20 Of Bom. XI Of 1955 :-

In section 20 of the principal Act, in clause (iii) of sub-section (1), for the word "departments" the words "University Departments" shall be substituted.

13. Amendment Of Section 22 Of Bom. XI Of 1955 :-

In section 22 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

"(1) The Syndicate shall be the executive authority of the University and shall consist of the following, namely:-

- (a) The Vice-Chancellor,
- (b) The Director of Education or his nominee who shall not be lower in rank than that of a Deputy Director of Education,
- (c) Two Heads of Departments of the University elected by the Senate from amongst the Heads of Departments of the University in accordance with the Statutes,
- (d) Two Principals elected by the Senate from amongst the Principals of the degree colleges affiliated to the University, in accordance with the Statutes,
- (e) Ten persons elected by the Senate in accordance with the Statutes from amongst the Fellows;
- (f) Two representatives elected by the Charutar Vidya Mandal,
- (g) One representative of the Institute of Agriculture elected by the trustees of Seth Mansukhlal Chhaganlal Trust and of Seth Mungalal Goenka Trust,
- (h) One representative elected by the Birla Education Trust:

Provided that a member elected under clauses (c) to (e) shall cease to hold office as such member if he ceases to be a head of the University department, or a Principal or, a Fellow of the Senate, as the case may be.

14. Amendment Of Section 23 Of Bom. XI Of 1955 :-

In section 23 of the principal Act, in sub-section (1),-

(a) in clauses (xiii) and (xx) for the word "departments" the words "University Departments" shall be substituted;

(b) clauses (xxiii) to (xxvii) shall be deleted;

(c) after clause (xxx), the following clause shall be inserted, namely:-

"(xxxa) to accept, reject or refer back Regulations framed by the Academic Council;".

15. Insertion Of New Sections 23A And 23B In Bom. XI :-

After section 23 of the principal Act, the following new sections 23A and 23B shall be inserted, namely:-

"23A. Academic council.--

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

Class I. Ex-Officio members.

(i) The Vice-Chancellor-Ex-officio Chairman,

(ii) The Registrar,

(iii) The Deans of Faculties,

(iv) Heads of University Departments,

(v) Chairmen of the Boards of Studies,

Class II. Other members.

(i) Two representatives of Principals of Colleges elected by them from amongst themselves.

(ii) One representative of Heads of recognised Institutions elected by them from amongst themselves:

Provided that a member elected under clause (i) or (ii) shall cease to hold office as such member if he ceases to be a Principal of a College or a Head of a recognised Institution, as the case may be.

(iii) two persons nominated by the Syndicate from amongst such of its members as are not already members of the Academic Council under the foregoing provisions of this section.

(2) As soon as the Academic Council is constituted under sub-section (1) it shall co-opt as its additional members from amongst professors, one such professor for each of the subjects other than those represented under clauses (iii), (iv) and (v) under "Class I. Ex-officio members" and clauses (i) and (ii) under "Class II. Other, members."

(3) The term of office of the members of the Academic Council other than Ex-Officio members shall be three years.

23B. Powers and duties of the Academic Council.--

(1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations with the University.

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

(i) to make Regulations in consultation with the Boards of Studies concerned, laying down courses of studies;

(ii) to make Regulations regarding the special courses of study;

(iii) to arrange for co-ordination of studies and teaching in University and affiliated Colleges and in recognised Institutions;

(iv) to make proposals for allocating subjects to the Faculties;

(v) to make proposals for the establishment of University Departments, institutes of research or specialised studies, libraries, laboratories and museums;

(vi) to make proposals for the institution of professorships, readerships, lectureships and other posts of teachers required by the University and for prescribing the duties and fixing the emoluments of such posts;

(vii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and to make Regulations for their award;

(viii) to make Regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;

(ix) to make Regulations prescribing equivalence of examinations;

(x) to make Regulations prescribing the manner for granting exemptions from approved courses of studies in the University or in affiliated Colleges or recognised Institutions for qualifying for degrees, titles, diplomas and other academic distinctions;

(xi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations; and

(xii) generally to advise the University on all academic matters."

16. Amendment Of Section 24 Of Bom. XI Of 1955 :-

In section 24 of the principal Act, in sub-section (1), for the words "Technology including Engineering", the words "Engineering and Technology" shall be substituted.

17. Amendment Of Section 29 Of Bom. XI Of 1955 :-

In section 29 of the principal Act, in clause (iii) of sub-section (2), for the word "Department" the words "University Department" shall be substituted.

18. Amendment Of Heading Of Chapter Vii Of Bom. XI Of 1955 :-

In Chapter VII of the principal Act, in the heading, for the words "Statutes and Ordinances" the words "Statutes, Ordinances and regulations" shall be substituted.

19. Amendment Of Section 43 Of Bom. XI Of 1955 :-

In section 43 of the principal Act, in sub-section (1),-

(1) clause (b) shall be deleted;

(2) in clause (c), the words "and to the examinations of the University" shall be deleted.

20. Insertion Of Section 43A In Bom. XI Of 1955 :-

After section 43 of the principal Act, the following new section 43A shall be inserted, namely:-

"43A. Regulations.--The Academic Council may, subject to the approval of the Syndicate, make Regulations consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for by Regulations and for all other matters solely concerning itself."

21. Amendment Of Section 44 Of Bom. XI Of 1955 :-

In section 44 of the principal Act,-

(1) in sub-section (1),

(i) after the words "shall satisfy the Syndicate" the words "and the Academic Council" shall be inserted;

(ii) in clause (e), for the words "Statutes and Ordinances" the words "Statutes, Ordinances and Regulations" shall be substituted;

(2) in sub-section (2), in clause (c), after the words "its opinion" the words "after consulting the Academic Council" shall be inserted;

(3) in sub-section (4), for the word "Syndicate" the words "Academic Council, the Syndicate" shall be substituted.

22. Amendment Of Section 46 Of Bom. XI Of 1955 :-

In section 46 of the principal Act,-

(1) in sub-section (1), after the Word "power" the words "after consultation with the Academic Council" shall be inserted;

(2) in sub-section (4), after the words "the Syndicate shall" where they occur for the first time the words "after obtaining the opinion of the Academic Council" shall be inserted.

23. Amendment Of Section 47 Of Bom. XI Of 1955 :-

In section 47 of the principal Act, in sub-section (1), after the words "the Syndicate may" the words "after consulting the Academic Council" shall be inserted.

24. Amendment Of Section 48 Of Bom. XI Of 1955 :-

In section 48 of the principal Act, in sub-section (4), after the word "necessary" the words "and after consulting the Academic Council" shall be inserted and in sub-section (6), for the word "Syndicate" the words "Academic Council, the Syndicate" shall be substituted.

25. Amendment Of Section 49 Of Bom. XI Of 1955 :-

In section 49 of the principal Act, in sub-section (4), after the word "necessary" the words "and after consulting the Academic Council" shall be inserted.

26. Substitution Of Section 51 Of Bom. XI Of 1955 :-

For section 51 of the principal Act, the following new section shall be substituted, namely:-

"51. Teaching within University area.--Within the University area all instructions, teaching, research and training beyond the stage of the Entrance Examination shall be conducted by the University through University Departments, constituent and affiliated colleges or recognised Institutions in such subjects as may be prescribed by the Ordinances and Regulations."

27. Amendment Of Section 59 Of Bom. XI Of 1965 :-

In section 59 of the principal Act, after the word "Ordinance," the word "Regulation" shall be inserted.

28. Amendment Of Section 60 Of Bom. XI Of 1955 :-

In section 60 of the principal Act, after the word "Ordinances," the word "Regulations" shall be inserted.

29. Insertion Of Section 60A In Bom. XI Of 1955 :-

After section 60 of the principal Act, the following section shall be inserted, namely:-

"60A. Construction of references to Sardar Vallabhbhai Vidyapeeth Act, 1955 and Sardar Vallabhbhai Vidyapeeth in existing laws, instruments etc.--

(1) As from the commencement of the Sardar Vallabhbhai Vidyapeeth (Amendment) Act, 1965(Guj.8 of 1966), (hereinafter referred to as "the said Act"), any reference in an existing law or instrument or document-

(a) to the expression "the Sardar Vallabhbhai Vidyapeeth Act, 1955" shall be construed as if it were a reference to the Sardar Patel University Act, 1955, and

(b) to the expression "the Sardar Vallabhbhai Vidyapeeth" shall be construed as if it were a reference to the Sardar Patel University.

(2) Any act done by, or any suit or other proceeding filed by or against, the Sardar Vallabhbhai Vidyapeeth before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Sardar Patel University.

Explanation.-For the purposes of this section "existing law" means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any Statute, Ordinance, rule, by law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment."

30. Transitional Provisions :-

(1) The amendments made by section 14 shall take effect on a date which is declared by the State Government, by notification in the Official Gazette, as the date on which the Academic Council is duly constituted for the first time under section 23A of the principal Act.

(2) The amendments made by section 19 shall take effect on the date declared under sub-section (1) of this section and any

ordinances providing for courses of study for degrees, diplomas and certificates and for the conditions under which students shall be admitted to the examinations of the University made before the said date and in force immediately before the said date shall be deemed to be Regulations made under section 43A of the principal Act and continue in force until superseded by any Regulations made under that section.

(3) Any person who, immediately before the commencement of this Act holds office as the Vice-Chancellor under section 10 of the principal Act or as a Fellow of the Senate under clause (iii) of paragraph (C) and clause (ii) of paragraph (D), under the heading "I. Ex-officio Fellows.", clauses (iv) and (vi) of paragraph (A), clauses (i), (ii), (iii) and (iv) of paragraph (B), and paragraph (C) under the heading "II. Ordinary Fellows." in section 15 of the principal Act or as a member of the Syndicate under clause (c) or (d) of sub-section (1) of section 22 of the principal Act shall, notwithstanding that the holding of office as the Vice-Chancellor or a Fellow or member by such person is rendered inconsistent with the aforesaid provisions as amended by this Act, continue to hold office until the expiry of twelve months from the date of the commencement of this Act or until the appointment of the Vice-Chancellor or, as the case may be, the nomination or election of a Fellow or a member is made under the provisions as amended by this Act whichever is earlier.