

Gujarat University of Transplantation Sciences Act, 2015

GUJARAT

India

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Act 9 of 2015

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Gujarat University of Transplantation Sciences Act, 2015(Gujarat Act No. 9 of 2015)(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 7th April, 2015).An Act to provide for establishment and incorporation of a non-affiliating University to be known as the Gujarat University of Transplantation Sciences to impart proper and systematic instruction, teaching, training, and research in transplantation and allied sciences in the State of Gujarat and to confer the status of a University to Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS) and for the matters connected therewith and incidental thereto.It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title and commencement.

(1)This Act may be called the Gujarat University of Transplantation Sciences Act, 2015.(2)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1)"Academic Council" means the Academic Council of the University constituted under section 24;(2)"Academic Service Unit" means a University science and instrumentation centre, animal houses, animal experimental labs, cadaver labs, academic staff college, computer centre, University printing press or any other unit providing specialized services for the promotion of any of the objectives of the University;(3)"approved

institution" means hospital, health centre, college or such other institution recognized by the University as such in which a person may undergo training, if any, required by a course of study before any degree, diploma or other academic distinction of the University is conferred;(4)"Board of Governors" means a Board of Governors constituted under section 20;(5)"Dean" means a Dean nominated by the Vice-Chancellor with the approval of the Board of Governors under section 15;(6)"Department" means a department designated as such teaching a particular subject or a group of subjects or a unit set up for the purpose of imparting instruction for courses of study in transplantation and allied sciences in the University;(7)"Executive Council" means the Executive Council of the University constituted under section 22;(8)"Finance Committee" means the Finance Committee of the University constituted under section 26;(9)"Field Unit" means a unit established outside the University area for validating and disseminating the benefits of new techniques and practices developed by the University;(10)"Government" means the Government of Gujarat;(11)"Governing Body" means the Governing Body of the Institute;(12)"Hostel" means units of residence for the students of the University maintained or recognized by the University;(13)"Institute" means Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), registered under the Societies Registration Act, 1860, (21 of 1860);(14)"prescribed" means prescribed by the Regulations made under section 38;(15)"Pro-Chancellor" means the Pro-Chancellor of the University appointed under section 10;(16)"Recognized institution" means an institution of higher learning, research or specialized studies recognized as such by the University;(17)"Registrar" means the Registrar of the University appointed under section 16;(18)"Regulations" means Regulations of the University made under section 38;(19)"Research Laboratories" means the place where research in the field of Cell, Tissue and Solid Organ Transplantation, Bioengineering, Bio-chemistry, Tissue-typing, Micro-arrays, Genetics and Translational Research in Humans, Animals, Micro-organisms and Viruses, Xeno-Transplantation and such other fields is carried out;(20)"student" means a person enrolled in the University for undergoing a course of a study for a degree, diploma, titles or other academic distinctions of the University;(21)"Teacher" includes a Dean, Professor, Associate Professor, Assistant Professor and such other person(s) imparting instruction in a constituent college or approved institution and also includes Adjunct Professor;(22)"Transplantation" means the grafting of any living cell, tissue, part of organ or whole organ from any living or deceased organism, tissue engineered or genetically engineered structure from any organism into living being for therapeutic or research purposes;(23)"University" means the "Gujarat University of Transplantation Sciences" established and incorporated under section 3.

Chapter II

University

3. Establishment and incorporation of University.

(1)There shall be established a University, by the name of the "Gujarat University of Transplantation Sciences".(2)The Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer, Controller of Examinations, Board of Governors, Executive Council, Academic Council, Finance

Committee and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Gujarat University of Transplantation Sciences".(3)The University shall be a body corporate, by the name specified in sub-section (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.(4)The University shall be competent to acquire and hold property, both movable and immovable, to sell, lease or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act:Provided that, no such sale, lease or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior sanction of the State Government.(5)The University shall function as a non-affiliating University.

4. Headquarters of University.

- The headquarters of the University shall be at Ahmedabad.

5. Jurisdiction of University.

(1)The University shall have its jurisdiction in the whole of the State of Gujarat.(2)The University may assume responsibility for the establishment and maintenance of Training or Educational Centers, Research and Experimental centers and undertake extension activities and the programmes of training through such centers as may be required in various parts of the State.(3)The University may establish additional campuses at such other places with the prior approval of the State Government within the State of Gujarat, as it may deem fit and appropriate.

6. Objects of University.

- The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service and by effective demonstration in the field of transplantation and allied sciences and influence of its corporate life on society in general, and in particular the objects shall be-(i)to provide for efficient and responsive administration, scientific management and develop organization of teaching and research;(ii)to create a centre of excellence for providing educational and research facilities of high order in the field of transplantation and allied sciences in the existing super-specialties and such other super-specialties as may develop in future, including cell and tissue transplantation, solid organ transplantation, composite tissue transplantation, xeno transplantation, cell, tissue and bioengineering, genetics and translational research in humans, animals, micro-organisms and viruses;(iii)to attain the highest standards of academic excellence by providing the necessary physical infrastructure and creating an intellectual environment conducive to free flow of ideas and meaningful exchange of information;(iv)to provide for the courses and training in paramedical and allied fields, particularly in relation to transplantation and allied sciences;(v)to bring about qualitative improvement in teaching and learning process;(vi)to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;(vii)to facilitate and promote studies leading to award of degrees, diplomas and certificates and other academic

distinctions;(viii)to help foster bond between research and academic institutions for better planning, management, execution, maintenance and standards of transplantation;(ix)to develop as National Referral Centre in the field of cell, tissue and organ transplantation;(x)to do such other acts and activities as may be necessary in furtherance of the objects of the University.

7. Powers and functions of University.

- Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-(i)to formulate and implement syllabi and curricula for various academic courses of the University;(ii)to establish, maintain and manage University Departments, laboratories, research laboratories, libraries, museums and equipments for teaching and research, and institutions of research and specialized studies or academic service units;(iii)to organize, maintain and manage centres, hostels, halls of residence, University auditoria, gymnasiums, residential accommodations for advanced/research students and staff of the University;(iv)to provide for dissemination of the findings of research, technology and technical information through extension educational programmes;(v)to hold examinations and to confer degrees, diplomas and other academic distinctions, including honorary degrees or other distinctions conferred or granted by the University in the manner and under conditions as may be prescribed by the regulations;(vi)to collaborate and co-operate with other Universities in such manner and for such purposes as the University may determine, including Foreign Universities, institutions, authorities or organizations or agencies for research, collaborative programmes, advisory services subject to the prior approval of the State Government and subject to the rules and regulations of the Central Government and the State Government in that behalf;(vii)to create post for teaching, research, extension education, administrative, ministerial and other purposes, and to make appointment , and to prescribe the qualifications in accordance with the guidelines thereto of the University Grants Commission, or concerned professional regulatory bodies;(viii)to institute and award fellowship, scholarships, stipends, medals, prizes and other awards, to hold and manage trusts and endowments for teachers and students of the University;(ix)to fix, demand, receive and recover such fees and other charges, as may be prescribed by the regulations;(x)to lay down and regulate the scale of salaries and allowances and other conditions of service of members of the teaching, other academic, administrative and support staff of the University. The scales of salaries and allowances shall be implemented with the approval of the State Government;(xi)to establish, conduct and promote centres, such as, -(i)Centre of Research,(ii)Centre of Education,(iii)Centre of Training,(iv)Centre of Extension Activities and to provide for facilities even to the remote areas of the State, etc.:(xii)to appoint or recognize persons working in any other University or organization as Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, and to invite Professor Emeritus, Visiting Professors of the University for specified periods, and to facilitate mobility of academic members within the University and to other universities;(xiii)to prescribe for conduct and discipline rules for teaching, administrative and support staff and to ensure the enforcement thereof;(xiv)to establish, maintain and manage whenever necessary, -(i)a printing and publication department;(ii)University Extension Board;(iii)Information Bureaus;(xv)to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:Provided that no donation from a foreign country, foreign

foundation or any person in such country, foundation shall be accepted by the University save with approval of the Central Government or the State Government, as the case may be;(xvi)to lay down for teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the University, may be necessary in academic matter;(xvii)to institute and award degrees, diploma certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University college unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University or shall have carried on research satisfactorily under conditions as may be prescribed;(xviii)to develop, upgrade and start department in transplantation and allied specialties as may be required and to provide instruction for such courses of study as it may determine;(xix)to prescribe conditions under which the award of degree, title, diploma and other academic distinctions may be withheld;(xx)to institute, maintain and administer University colleges, hospitals and laboratories and institutes of research, library or other institutions necessary to carry out the objects of the University;(xxi)to establish, maintain and administer hostel blocks, to recognize hostels not managed by the University and to suspend or withdraw such recognition therefrom;(xxii)to borrow money with or without security for such purpose, as may be approved by the State Government from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act;(xxiii)to undertake publication of works of merit and research pertaining to Transplantation and allied Sciences;(xxiv)to comply with and carry out any directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities 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. University open to all irrespective of sex, religion, class, creed or opinion.

(1)No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.(2)It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

Chapter III

Officers of University

9. Officers of University.

- The following shall be the Officers of the University, namely:-(i)the Pro-Chancellor;(ii)the Vice-Chancellor;(iii)the Deans;(iv)the Registrar;(v)the Finance and Accounts Officer;(vi)the

Controller of Examinations; and(vii)such other persons as may be declared by the regulations to be the officers of the University.

10. Pro-Chancellor.

(1)There shall be a Pro-Chancellor of the University, who shall be appointed by the State Government in consultation with the Board of Governors.(2)The Pro-Chancellor shall be an eminent person with atleast 20 years of experience in the field of transplantation which may include the experience of research in the field transplantation.(3)The Pro-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.(4)Where a vacancy in the office of the Pro-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Pro-Chancellor of the University in accordance with the provision of sub-section (1). Till such appoint is made by the State Government, the Vice-Chancellor shall perform the duties and discharge the functions of the Pro-Chancellor.(5)The Pro-Chancellor may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

11. Powers of Pro-Chancellor.

(1)The Pro-Chancellor shall preside over the meetings of the Board of Governors and at the convocation of the University.(2)The Pro-Chancellor shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.(3)The Pro-Chancellor shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes of any institution or center maintained by the University, and also of the examinations, teaching, research 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, academic affairs and finances of the University.

12. Vice-Chancellor.

(1)The Vice-Chancellor shall be appointed by the State Government, in consultation with the Pro-Chancellor.(2)The qualifications and other terms and conditions of the Vice-Chancellor shall be such as may be determined by the State Government.(3)The Vice-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.(4)Where a vacancy in the office of the Vice-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Vice-Chancellor of the University in accordance with the provision of sub-section (1).(5)The Vice-Chancellor may resign from his office by writing under his hand addressed to the State Government through the Pro-Chancellor, and such resignation shall take effect from the date of acceptance by the State Government.

13. Powers and functions of Vice-Chancellor.

- The Vice-Chancellor shall -(i)exercise general supervision and control over the day to day affairs of the University;(ii)preside over at the meetings of the Executive Council, Academic Council and the Finance Committee;(iii)ensure implementation of the decisions of the authorities of the University;(iv)ensure that the provisions of this Act and the regulations are properly followed;(v)be responsible for imparting of instruction and maintenance of discipline in the University; and(vi)exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board of Governors or by the Pro-Chancellor.

14. Emergency powers of Vice-Chancellor.

(1)Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Pro-Chancellor or any authority or body of the University empowered under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit, and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter.(2)Where the exercise of the power by the Vice-Chancellor due to urgency of matter under sub-section (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of order of the Vice-Chancellor, otherwise such appointment shall cease to have effect.

15. Deans.

(1)There shall be Deans, who shall be the academic officers of the University concerned with and responsible for implementation of the academic policies approved by the Academic Council in respect of academic development, maintenance of standards of teaching and training of teachers.(2)The Deans shall be nominated by the Vice-Chancellor from amongst the Professors of the University after having obtained the approval from the Board of Governors for the same.(3)The Deans shall ensure proper implementation of the decisions of the Board of Governors and the Academic Council.(4)The Deans shall assist the Vice-Chancellor in managing the academic and other affairs of the University and shall exercise such powers and discharge such duties as may be prescribed by the regulations or as may be entrusted by the Vice-Chancellor.(5)The Deans shall inquire, on being directed by the Academic Council, into any malpractice related to any academic programme in any department or recognized or approved institution and report the findings to the Academic Council.(6)The Deans shall prepare proposals for the award of fellowships, scholarships and other distinctions and shall submit the same to the Academic Council.

16. Registrar.

(1)The Registrar shall be appointed by the University in such manner and on such terms and

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

17. Finance and Accounts Officer.

(1)The Finance and Accounts Officer shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.(2)The powers and functions of the Finance and Account Officer shall be as may be prescribed by Regulations.

18. Controller of Examinations.

(1)The Controller of Examinations shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.(2)The powers and functions of the Controller of Examinations shall be as may be prescribed by the regulations.

Chapter IV

Authorities of University

19. Authorities of University.

- The following shall be the authorities of the University, namely : -(i)the Board of Governors;(ii)the Executive Council;(iii)the Academic Council;(iv)the Finance Committee; and(v)such other authorities as may be declared by the regulations to be the authorities of the University.

20. Board of Governors.

(1)The Board of Governors of the University shall consist of the following members, namely:-(i)the Pro-Chancellor;(ii)the Vice-Chancellor;(iii)Secretary to the Government of Gujarat, Health and Family Welfare Department, ex-officio or his representative not below the rank of Deputy Secretary;(iv)Secretary to the Government of Gujarat, Finance Department, ex-officio or his representative not below the rank of Deputy Secretary;(v)Commissioner, Health, Medical Education and Medical Services, Gujarat State, ex-officio or his representative not below the rank of Joint Director;(vi)Four members, to be nominated by the State Government, from the Governing Body of the Institute, other than ex officio members, out of which two members shall be academicians in the field of transplantation.(2)The Registrar shall be the Secretary of the Board of Governors.(3)(i)The term of the nominated members shall be three years and the ex-officio member shall continue so long as he holds the office by virtue of he is a member of the Board of Governors.(ii)A nominated member shall not be eligible for re-nomination for more than two terms.(iii)A nominated member may resign from his office by writing under his hand addressed to the Pro-Chancellor and his resignation shall take effect from the date of acceptance of such resignation.(iv)The members of the Board shall be entitled to such allowances as may be prescribed by the regulations.(4)The Board of Governors shall meet as often as may be necessary, on the dates to be fixed by the Pro-Chancellor.

However, the Pro-Chancellor may, whenever he thinks fit, convene a special meeting of the Board of Governors. The rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meeting as may be necessary shall be such as may be prescribed by the regulations.(5)The quorum shall not be less than three members of the Board of Governors at such meeting.(6)Every meeting of the Board of Governors shall be presided over by the Pro-Chancellor and in his absence, by the Vice-Chancellor and in the absence of both, by a member, who is chosen by the members present at the meeting.(7)The members of the Board of Governors shall not be entitled to receive any remuneration from the University, except such daily and travelling allowance as may be prescribed.

21. Powers and functions of Board of Governors.

(1)Subject to the provisions of this Act, the Board of Governors shall be responsible for the general superintendence, direction and control of affairs of the University, and shall exercise all the powers of the University.(2)The Board of Governors shall have the following powers, namely:-(i)to hold and to control the property and funds of the University and issue any general or special instructions;(ii)to accept the transfer and to dispose of any movable or immovable property on behalf of the University;(iii)to lay down policies to be pursued by the University;(iv)to review decisions of other authorities of the University, if they are not in conformity with the provisions of this Act or the regulations;(v)to approve the budget and annual report of the University with or without modification;(vi)to create and maintain University regional centres, research centres, animal stations and institutions;(vii)to approve contract of employment or amend or repeal the earlier contract of employment with or without modification;(viii)to delegate any power to the Vice-Chancellor, the Registrar or any committee or sub-committee or to any one or more officers of the University;(ix)if urgent action by the Board of Governors becomes necessary, the Pro-Chancellor may permit the business to be transacted by circulation of papers to the members of the Board of Governors; The action proposed to be taken shall not be so taken unless agreed to, by the majority of the members of the Board of Governors. The action so taken shall be forthwith intimated to all members of the Board of Governors and the papers shall be placed before the next meeting of the Board of Governors for confirmation;(x)to determine the form of a common seal for the University and provide for its custody and use;(xi)to receive and consider report of the working of the University from the Vice-Chancellor periodically as provided by the Regulations;(xii)to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

22. Executive Council.

(1)The Executive Council shall be the principal administrative body of the University.(2)The Executive Council of the University shall consist of the following members, namely: -(i)the Vice-Chancellor, who shall be the Chairman,(ii)Secretary to the Government of Gujarat, Health and Family Welfare Department, ex-officio or his representative not below the rank of Deputy Secretary;(iii)Commissioner, Health, Medical Education and Research, Gujarat State, ex-officio or his representative not below the rank of Joint Director;(iv)Two members of the Board of Governors to be nominated by it; and(v)Two eminent persons in the field of transplantation sciences, to be

nominated by the Board of Governors.(3)The Registrar shall be the Secretary of the Executive Council.(4)The term of office of the members other than the ex-officio members, shall be three years.(5)Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as accepted by the Vice-Chancellor.

23. Powers and functions of Executive Council.

- The powers and functions of the Executive Council shall be as follows, namely:-(i)to remove any officer from office on grounds of wilful omission or incapacity, misconduct or refusal to carry out the provisions of this Act or violation of regulatory provisions or for abuse of the powers vested in him;(ii)to approve proposals for submission to the Government or national or inter-national agencies or regulatory bodies;(iii)to appoint such committees, whether standing or temporary, as it may deem necessary for proper functioning of the University;(iv)to enter into, vary, carry out and cancel contracts on behalf of the University;(v)to accept on behalf of the University, bequests, donations of any movable or immovable property;(vi)to borrow, lend or invest funds on behalf of the University on recommendation by the Finance Committee;(vii)to lay down policy for administering funds at the disposal of the University for specific purposes;(viii)to provide buildings, premises, furniture, apparatus and other means needed for the conduct of the affairs of the University;(ix)to create post of academic, administrative and supportive staff on the recommendation of the Academic Council as and when required;(x)to lay down by Regulations, on the basis of qualifications and terms and conditions of service and other guidelines approved by the State Government, from time to time, the procedure for appointment of teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;(xi)to create post of officers and other employees of the University, subject to prior approval of the State Government;(xii)to prescribe fees and other charges;(xiii)to make regulations;(xiv)to prescribe honoraria, remunerations and fees and travelling and other allowances for paper setters, examiner and other staff involved for conduct of examination, visiting faculty and for such other services rendered to the University; and(xv)to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

24. Academic Council.

(1)The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the general control and supervision over the academic policies and be responsible for maintenance of standards of teaching instruction, education, research and examination within the University.(2)The Academic Council of the University shall consist of the following members, namely: -(i)the Vice Chancellor, who shall be the Chairman;(ii)Deans;(iii)three Professors of the University by rotation, to be nominated by the Vice-Chancellor;(iv)two persons who are eminent academicians in the field of research in transplantation sciences to be nominated by the Vice-Chancellor.(3)The Registrar shall be the Secretary of the Academic Council.(4)The term of the office of the nominated members shall be three years.(5)Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

25. Powers and functions of Academic Council.

- The powers and functions of the Academic Council shall be as follows, namely:-(i)to approve proposal for conferment of an honorary degree or distinction;(ii)to institute and confer such degrees, diplomas, certificates and other academic distinctions and arrange for convocation for conferment of the same, as provided by Regulations;(iii)to institute fellowship, travelling fellowships, scholarship, studentships, exhibitions, awards, medals and prizes and prescribe rules therefore in accordance with the Regulations made in this behalf and prizes and prescribe rules therefore in accordance with the regulations;(iv)to collaborate with other Universities, institutions and organisations for mutually beneficial academic programmes in accordance with the regulations.

26. Finance Committee.

(1)The Finance Committee shall consist of the following members, namely(i)the Vice-Chancellor, who shall be the Chairman;(ii)the Secretary to the Government of Gujarat, Finance Department, ex-officio or his representative not below the rank of the Deputy Secretary, Finance department;(iii)one member of the Board of Governors, to be nominated by the Board of Governors;(iv)one expert in the field of finance, to be nominated by the Board of Governors;(2)The Finance and Accounts Officer shall be the Secretary of the Finance Committee.(3)The term of office of the members other than the ex-officio members shall be three years.(4)Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

27. Powers and functions of Finance Committee.

- Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-(i)to examine the annual accounts and annual budget estimates of the University and to advise the Board thereon;(ii)to review from time to time the financial position of the University;(iii)to make recommendations to the Board of Governors on all financial policy matters of the University;(iv)to make recommendations to the Board of Governors on all proposals involving raising of funds, receipts and expenditure;(v)to provide guidelines for investment of surplus funds;(vi)to make recommendations to the Board of Governors on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;(vii)to examine proposals relating to the revision of pay scales, up-gradation of the scales and those items which are not included in the budget, prior to placing before the Board of Governors;(viii)to open accounts in any scheduled bank, operate such accounts, to give instructions to the bank and to provide for the opening and operation of such accounts;(ix)to operate Endowment Fund, General Fund and Development Fund;(x)to approve the expenditure of the University to the extent and manner as may be prescribed; and(xi)to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

28. Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.

- Notwithstanding anything contained in any other law for the time being in force, the University shall have power to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board of Governors on such terms and conditions, as may be prescribed.

29. Withdrawal of degree or diploma and other academic distinction.

- Notwithstanding anything contained in this Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions awarded by it for good and sufficient reasons.

Chapter V University Fund

30. University fund.

(1)The University shall establish and maintain a Fund to be called the University Fund consisting of -
(i)any contributions or grants or loans by the State Government and the Central Government;(ii)any income of the University from all sources including income from fees and other charges;(iii)all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;(iv)all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and(v)the moneys received by the University in any other manner or from any other sources.(2)All moneys credited to the fund of the University shall be deposited in such Scheduled Bank or Banks. The surplus fund, if any, shall be invested in such manner as the Board of Governors, on the recommendation of the Finance Committee, may direct or as per the instructions of the State Government issued from time to time in this behalf.(3)The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.(4)No money from the University "fund shall be spent except as otherwise provided for meeting its objectives.

Chapter VI Finance, Accounts and Annual Report

31. Accounts, audit and annual report.

(1)The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure statement and the balance sheet, in such form and in such manner as may be prescribed by the regulations.(2)The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed by the regulations.(3)The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant as defined by clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949, (38 of 1949) or a firm of Chartered Accountants, to be appointed by the Board of Governors.(4)The accounts of the University certified by the Chartered Accountant or a firm of Chartered Accountants so appointed together with the audit report thereon shall be placed before the Board of Governors and the Board of Governors may issue such instructions and directions to the Vice-Chancellor in respect thereof as it deems fit and the Vice-Chancellor shall comply with such instructions and directions.(5)The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board of Governors, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board of Governors for review.(6)The University shall prepare in each financial year an annual report containing such particulars as the Board of Governors may specify and submit the same to the Board of Governors on or before such date as may be prescribed. The Board of Governors shall consider such report and may pass resolutions thereon.(7)The copy of the annual report along with the resolution of the Board of Governors thereon shall be submitted to the State Government.

32. Pension, provident fund and insurance.

(1)The University shall, with the approval of the Board of Governors, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit.(2)Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925, (19 of 1925) shall apply to such fund as if it were a Government Provident Fund.

Chapter VII

Miscellaneous

33. Acts and proceedings not to be invalidated by vacancies.

- No act or proceedings of the Board of Governors or any authority of the University or any Committee or Council constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of, such Board of Governors, authority or Committee or Council of the University.

34. Returns and information.

- The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them or under any law for the time being in force, from time to time.

35. Officers and employees to be public servants.

- Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Explanation. -For the purposes of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who receives any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

36. Dismissal, removal, reduction or termination of services of staff of University.

(1) No officer or employee or member of the teaching, nonteaching and other academic staff of the University shall be terminated, dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. (2) An appeal against an order under sub-section (1) shall be preferred to the Pro-Chancellor within ninety days from the date of communication of such order and the decision of the Pro-Chancellor in such appeal shall be final.

37. Power of State Government to give directions.

- The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulations and under any other law for the time being in force and the University shall be bound to comply with such directions.

38. Power to make regulations.

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. The regulations shall be ratified by the Board of Governors. (2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-(i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board of Governors, and the quorum and conduct of business at such meeting; (ii) the other powers and functions to be exercised and discharged by the Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer and other Officers of the University; (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and

disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;(iv)the other powers and functions to be exercised and discharged by the Executive Council, Academic Council, Finance Committee and other authorities which may be constituted;(v)to approve the expenditure of the University to the extent and in the manner by the Finance Committee;(vi)procedure to be followed by the Board of Governors and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;(vii)procedures and criteria to be followed in establishing courses of study and admission of students;(viii)procedure to be followed for enforcing discipline in the University;(ix)management of the properties of the University;(x)degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;(xi)the conduct of examinations including the term of office and appointment of examiners;(xii)the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers or equivalent academic and administrative designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;(xiii)the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;(xiv)the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;(xv)the terms and conditions for association of the University with other institutions;(xvi)the preparation of budget estimates and maintenance of accounts;(xvii)the mode of execution of contracts or agreements by or on behalf of the University;(xviii)the classification and procedure for appointment of officers, employees and other staff of the University;(xix)the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice Chancellor, officers, teachers and other employees of the University;(xx)the terms and conditions governing deputation of officers, teachers and other employees of the University;(xxi)the powers and duties of the Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers and other officers, teachers and employees of the University;(xxii)the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;(xxiii)the authentication of the orders and the decisions of the Board of Governors;(xxiv)the matters relating to hostels and housing for faculties, officers and employees and guest house including disciplinary control therein; and(xxv)all matters which, by this Act, are to be or may be prescribed.

39. Indemnity and legal proceedings.

- No suit, prosecution or other legal proceedings shall lie against and no damage shall be claimed from the University, Pro-Chancellor, Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers authorities or Officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

40. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties: Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

41. Completion of courses of students.

- Notwithstanding anything contained in this Act or the regulations, any student of Smt. Gulabben Rasiklal Doshi and Kamalaben Mafatlal Mehta Institute of Kidney Diseases and Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), Ahmedabad who immediately before the commencement of this Act was studying and was eligible for any examination of the Gujarat University, National Board of Examinations-New Delhi, Indian College of Pathologists- Goa, or any other recognized examination forum, as the case may be, shall be permitted to complete his course in preparation therefore and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Gujarat University-Ahmedabad, National Board of Examinations- New Delhi, Indian College of Pathologists-Goa, or any other recognized examination forum, as the case may be, in such manner and for such period as may be prescribed.

Chapter VIII

Transitory Provisions

42. Transitory provisions for first Officers and officials of University.

- Notwithstanding anything contained in this Act - (i) the person holding the post of the Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Pro-Chancellor of the University for a period of five years; (ii) the person holding the post of the Deputy Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Vice-Chancellor of the University for a period of five years. (iii) the person holding the post of the Officer on Special Duty of the IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Registrar of the University for a period of two years; (iv) other officials and Faculties of the IKDRC-ITS, Ahmedabad, functioning immediately before the commencement of this Act, shall be deemed to be the officials and Faculties of the University and shall function as such until the appointments are made against the respective posts; (v) the existing officers and employees of the IKDRC-ITS, Ahmedabad shall be deemed to be the officers and employees of the University subject to fulfillment of eligibility criteria and approval of the Executive Council.

43. Powers of First Vice-Chancellor.

- The first Vice-Chancellor may, with the prior approval of the Pro-Chancellor and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which, by or under this Act and regulations, are to be exercised or performed by any authority of the University until such authority is constituted in accordance with the provisions of this Act or the regulations.