

Bhavnagar University (Amendment) Act, 1987

GUJARAT

India

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Act 7 of 1987

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An Act further to amend the Bhavnagar University Act, 1978. It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows:-* Received the Assent to by the Governor on the 23rd February, 1987 is hereby published for general information.

1. Short title.- This Act may be called the Bhavnagar University (Amendment) Act, 1987.

2. Amendment of long title of Guj. 26 of 1978.- In the Bhavnagar University Act, 1978 (Guj. 26 of 1978) (hereinafter referred to as "the principal Act") in the long title, for the words "and residential", the words "and affiliating" shall be substituted.

3. Amendment of Section 2 of Guj. 26 of 1978.- In the principal Act, in section 2,

(1) after clause (2), the following clauses shall be inserted, namely:- "(2A) "autonomous college" means a college which exercises the powers conferred on it under section 42A; (2B) "autonomous recognised institution" means a recognised institution which exercises the powers conferred on it under section 42A; (2C) "autonomous University Department" means a University Department which exercises the powers conferred on it under section 42A;" (2) after clause (13), the following clause shall be inserted, namely:- "(13A) "student" means a person studying in a college or a University Department;" (3) for clause (15), the following clause shall be substituted, namely:- "(15) "teachers of the University" means teachers appointed by the University for imparting instruction in the University Departments;" (4) clause (18) shall be deleted.

4. Amendment of section 4 of Guj. 26 of 1978.- In the principal Act, in section 4,-

(1)in clause (10), for the words "University Departments, University Centres and recognised institutions", the words "University Departments and recognised institutions" shall be substituted.(2)after clause (17), the following clauses shall be inserted, namely:-(17A) to submit to the State Government proposals for conferment of autonomy on any affiliated college or a University college or a University Department or a recognized institution entitling it to privileges in the matters of admission of students, prescribing the courses of study, imparting instruction in teaching and training in the courses of study, tip holding and conduct of examinations and the powers to make necessary rules for the purpose;(17B)to recommend to the State Government withdrawal of autonomy conferred on any affiliated college, recognized institution or a University college or Department;".

5. Amendment of section 7 of Guj. 26 of 1978.- In the principal Act, in section 7,-

(1)in sub-section (2),-(a)the words "and to the Court" shall be deleted;(b)the words "and the Court" shall be deleted;(2)in sub-section (3), the words "with the opinion of the Court thereon and" shall be deleted.

6. Amendment of section 10 of Guj. 26 of 1978.- In the principal Act, in section 10,-

(1)in sub-section (1), for the words "The Vice-Chancellor shall be appointed by the State Government", the words "The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government" shall be substituted;(2)in sub-section (2), for clause (a), the following clause shall be substituted, namely:-(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, recognised institution or approved institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellor of all the Universities established by law in the State of Gujarat;(ii)one member to be nominated by the Chancellor;(iii)one member to be nominated by the Chairman of the University Grants Commission".(3)in sub-section (3), for the words "shall recommend to the State-Government the names of the persons so selected" the words shall recommend to the Chancellor the names of the persons so selected arranged in an alphabetical order shall be substituted;(4)in sub-section (6), for the words "one of the Deans nominated by the Chancellor", the words "the senior professor nominated by the Chancellor" shall be substituted.

7. Amendment of Section 11 of Guj. 26 of 1978.- In the principal Act, in section 11, in sub-section (6A),-

(1)in clause (c), for the words "the State Government for its decision", the words "the Chancellor for his decision" shall be substituted;(2)in clause (d)-(i)for the words "The State Government", the words "The Chancellor" shall be substituted;(ii)in the proviso, for the words "the State Government", the words "the Chancellor" shall be substituted;(3)in clause (e), for the words "the State Government", the words he Chancellor" shall be substituted.

8. Amendment of section 11A of Guj. 26 of 1978.- In the principal Act, in section 11A,-

(1)in sub-section (1), for the words, "the State Government", the words "the Chancellor" shall be substituted;(2)for sub-section (2), the following shall be substituted, namely;-(2)(a) The term of the office of Pro-Vice-Chancellor shall be co-terminus with that of the Vice-Chancellor.(b)Subject to the provisions of clause (a), he shall be eligible for appointment to that office for a further term:Provided that no person appointed as a Pro-Vice-Chancellor shall continue to hold ins office as such after he attains the age of 65 years."

9. Amendment of section 14 of Guj. 26 of 1978.- In the principal Act, in section 14, after clause (6), the following clauses shall be inserted, namely:-

"(6A) The Finance Committee,(6B)The Planning Board."

10. Amendment of section 15 of Guj. 26 of 1978.- In the principal Act, in section 15, in sub-section (1), under heading "Class II-Ordinary Members",-

(1)in paragraph (A), clauses (iii), (viii) and (x) shall be deleted;(2)after paragraph (B), the following paragraph shall be inserted, namely:-(C)(i) One member from amongst such teachers of recognised institutions who are not the Heads of those Institutions to be nominated by the Vice-Chancellor by rotation in the manner specified in the Statutes;(ii)One member from the management of colleges affiliated to the University to be nominated by the Vice-Chancellor by rotation in the manner specified in the Statutes;(iii)One member from the following donors to be nominated by the Vice-Chancellor by rotation in the manner specified by the Statutes, namely:-Donors each donating money or property of the value of not less than one lakh of rupees-(a)to, or for the purposes of, the University, or(b)to, for or the purposes of, a college or institution affiliated to or recognized by the University irrespective of whether the donation was made before or after such, affiliation or recognition:Provided that the right to be nominated on the Court shall not extend beyond the period of twenty years from the date of acceptance of such donation by the college, institution or, as the case may be, the University.Explanation-For the purposes of this paragraph the value of property means the market value of the property at the date of acceptance and the decision as to market value shall rest with the Executive Council and shall be final."

11. Amendment of section 17 of Guj. 26 of 1978.- In the principal Act, for section 17, the following section shall be substituted, namely:-

"17. Power and duties of the Court. Subject to the other provisory of this Act, the Court shall exercise the following powers and perform the following duties, namely:-(a)to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;(b)to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;(c)to advise the Chancellor in respect of any matter which may be referred to it for advice; and(d)to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes."

12. Amendment of section 18 of Guj. 26 of 1978.- In the principal Act, in section 18, in sub-section (1),-

(1)for clauses (iv) to (viii), the following clauses shall be substituted, namely:-(iv) One Head of the University Department nominated by the Vice-Chancellor by rotation from amongst the members of the Court who are the Heads of the University Departments in the manner specified by the Statutes;(v)Two persons to be nominated by the Chancellor from amongst the members of the Court who are neither teachers nor students nor employee of any University or affiliated college or recognised or approved institution;(vi)One University Professor to be nominated by the Vice-Chancellor by rotation from amongst the members of the Court, in the manner specified by the Statutes;(vii)One teacher of a University Department other than the Head of the University Department to be nominated by the Vice-Chancellor by rotations from amongst the members of the Court, in the manner specified by the Statutes;(viii)Two Principals of affiliated colleges to be nominated by the Vice Chancellor by rotation from amongst such members of the Court who are Principals of affiliated colleges, in the manner specified by the Statutes;(viii-a) One teacher of the affiliated college other than a Principal nominated by the Vice-chancellor by rotation from amongst such members of the Court who are teachers of affiliated colleges, in the manner specified by the Statutes(2)clause (x) shall be deleted;(3)in clause (x-a), for the words "Four persons", the words "Two persons" shall be substituted.

13. Amendment of section 20 of Guj. 26 of 1978.- In the principal Act, in section 20, in sub-section (1),-

(1)after clause (i), the following shall be inserted, namely:-(ia) The Pro-Vice-Chancellor, if any, ex-officio;"(2)clause (iii) shall be deleted;(3)for clauses (v) and (vi), the following clauses shall be substituted, namely:-(v) not more than five Head of the University Department to be nominated by the Vice-Chancellor by rotation, in the maimer specified by the Statutes;(vi)One Head of the recognised institution to be nominated by the Vice-Chancellor by rotation from amongst; the Heads of recognised institutions, in the manner specified by the Statutes;"(4)for the proviso, the following proviso shall be substituted, namely:-"Provided that a member specified in any of the clauses (ii) to (vi) shall cease to hold office as such member if he ceases to be a than of a Faculty, a member of a Faculty, a Head of the University Department or, as the case may be, a Head of the recognised

institutions.",

14. Amendment of section 22 of Guj. 25 of 1978.- In the principal Act, in section 22,-

(1)in sub-section (2),-(a)clause (ii) shall be deleted;(b)for clauses (iv) and (v), the following clauses shall be substituted, namely:-"(iv) One University reader of the subject comprised in the Faculty to be nominated by Vice-Chancellor by rotation, in the manner specified by the Statutes;(v)One member who is a teacher to be nominated by the Vice-Chancellor by rotation from amongst the members of the Board of Studies Other than the Chairman in the manner specified by the Statutes."(2)after sub-section (2), the following sub-section shall be inserted, namely:-"(2A) As soon as the Faculty is constituted under sub-section (2), it may co-opt as its additional members two persons who are experts in the subject comprised in the Faculty, whether they are or are not connected with the University as its members, teachers or otherwise."(3)for sub-section (5), the following sub-section shall be substituted, namely:-"(5) The term of office of a member of the faculty shall be three years.".

15. Amendment of section 24 of Guj. 26 of 1978.- In the principal Act, in section 24, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

"(1) There shall be a Dean of each Faculty who shall be nominated by Vice Chancellor by rotation from amongst the Heads of the University Departments related to the subject comprised in the Faculty, in the manner specified by the Statutes.(2)The Dean shall hold office for a term of three years.".

16. Amendment of section 25 of Guj. 26 of 1978.- In the principal Act, in section 25, in sub-section (4), in the proviso, for clause (b), the following clause shall be substituted, namely:-

"(b) Where there is no such Head of the University Department on the Board, the Chairman shall be nominated by rotation by the Vice-Chancellor from amongst the other members of the Board in the manner specified in the Statutes.".

17. Substitution of section 31 of Guj. 26 of 1878.- In the principal Act, for section 31, the following section shall be substituted, namely:-

"31. Making, amendment, operations and repeal of statutes.- (1) The Statutes may be made by the Executive Council, or may be amended, repealed or added to by the Executive Council in the manner hereinafter provided.(2)The Executive Council may take into consideration the draft of a Statute either of its own motion or on a proposal by any other University authority.(3)Such draft shall be considered by the Executive Council at its next succeeding meeting. The Executive Council may

approve such draft, and pass the Statute or may reject it or return it to the concerned University authority for reconsideration either in whole or in part together with any amendment which the Executive Council may suggest. After any draft so returned has been further considered by the concerned University authority together with any amendment suggested by the Executive Council, it shall be again presented to the Executive Council with the report of the concerned University authority thereon and the Executive Council may then deal with the draft in any manner it thinks fit.(4)Where a draft of a Statute seeks to provide for academic matter or matters relating to discipline of teachers or students, the Executive Council shall, before passing such Statute, consult the Academic Council.(5)Where a Statute affects the powers or duties of any officer, authority or Board of the University-(i)the Executive Council shall, before proposing the draft of such Statute, ascertain and consider the views of the officer, authority or Board concerned: and(ii)the Executive Council, before passing any such Statute take into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned.(6)Every Statute passed by the Executive Council shall be presented to the Chancellor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.(7)No Statute passed by the Executive Council shall have validity until assented to by the Chancellor."

18. Substitution of Chapter VII of Guj. of 1978.- In the principal Act, for chapter VII, the following Chapters shall be substituted, namely:-

"CHAPTER VIAAutonomous Colleges, Autonomous Institutions and Autonomous University Departments

42A. Conferment of autonomy, on colleges etc. in certain matters.- (1) Any affiliated college or University college or a recognised institution or a University Department may, by a letter addressed to the Registrar, apply to the Executive Council to allow the college, institution or, as the case may be, Department, to enjoy autonomy in the matters of admission of students, prescribing the courses of studies, imparting instructions and training, holding of examinations and the powers to make necessary rules for the purpose (hereinafter referred to as "the specified matters"),

(2)Either on receipt of a letter of application under sub-section (1) or where it appears to the Executive Council that the standards of education in any affiliated college or University college or recognised institution or University Department are so developed that it would be in the interest of education to allow the college, institution or Department to enjoy autonomy in the specified matters, on its own motion the Executive Council shall-(a)for the purpose of satisfying itself whether the standards of education in such college, institution or Department are so developed that it would be in the interest of education to allow the college, institution or Department to enjoy autonomy in the specified matters-(i)direct a local enquiry to be made by such body of persons authorised by the Executive Council in this behalf, out of whom at least one person shall be a representative of the University Grants Commission; and(ii)make such further inquiry as may appear to it to be

necessary;(b)after consulting the Academic Council on the question whether the college, institution or Department should be allowed to enjoy autonomy in the specified matters and stating the result of the inquiry under clause (a) record its opinion on that question.(3)The Registrar shall thereupon submit the proposals for conferring such autonomy on such college, institution or Department and all proceedings, if any, of the Academic Council, and the Executive Council relating thereto, to the State Government(4)On receipt of the proposals and proceedings under sub-section (3), the State Government, after such inquiry as may appear to it to be necessary may sanction the proposals or reject the proposals.(5)Where the State Government sanctions the proposals, it shall by an order published in the Official Gazette confer on the college, institution or Department specified in the proposals, powers to regulate the admission of students to the college, institution or, as the case may be, the Department, prescribing the course of studies in the college, institution or Department, the imparting of instructions, teaching and training in the course of studies, the holding of examination and such other powers as may have been specified in the proposals.(6)A college, recognised institution or University Department exercising the powers under-section (5) shall be called an autonomous college, autonomous recognised institution or, as the case may be, autonomous University Department.(7)In the case of an autonomous college, autonomous recognised institution or autonomous University Department, the University shall continue to exercise general supervision over such college, institution or Department and to confer degrees on the students of the college, institution or Department passing any examination qualifying for any degree of the University.

42B. Standing Committee. (1) For the purpose of enabling it to exercise the powers conferred on it under section 42A, an autonomous college, autonomous recognised institution or autonomous University Department shall appoint a Standing Committee consisting of such members, including the Chairman, as may be prescribed by the Statutes.

(2)The Standing Committee shall exercise such of the powers of the college, institution or Department under section 42A as the college, institution or Department may delegate to it.(3)The Standing Committee may appoint a special committee or committees for the purpose of exercising such powers and performing such function of an authority of the University other than the Court, the Executive Council and the Academic Council, in relation to the college, institution or Department as the Standing Committee may, subject to such conditions as it thinks fit to impose, assign to it or them.

42C. Autonomous colleges, etc. to furnish reports etc. and, inspection of such Withdrawal of power of autonomous college, etc.- (1) Every autonomous college, institution or Department shall furnish such reports, returns and other information as the Executive Council may require to enable it to judge the efficiency of the college, institution or Department.

(2)The Executive Council shall cause every autonomous college, institution or Department to be inspected from time to time by one or more competent persons authorised by it in this behalf.

42D. Withdrawal of power of autonomous college etc.- (1) Where in respect of an autonomous college, institution or Department the Executive Council is of opinion that the efficiency of the college, institution or Department has so deteriorated that in the interest of education it is necessary to withdraw the powers conferred on the college, institution or Department under section 42A, the Executive Council shall send an intimation to that effect to the Principal of the college, or head of the institution or Department stating that any explanation in writing submitted within the period specified in the intimation on behalf of the college, institution or Department will be considered by the Executive-Council:

Provided that the period so specified may if necessary be extended by the Executive Council.(2)On receipt of the explanation or on the expiry of the period referred to in sub-section (1), the Executive Council, after considering the explanation, if any, and after such inspection by a competent person or persons authorised by the Executive Council in this behalf and such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall pass a resolution recommending the withdrawal of powers conferred under section 42A:Provided that no resolution of the Executive Council recommending the withdrawal of the powers conferred under section 42A, shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at the meeting of the Executive Council such majority comprising not less than one-half of the members of the Executive Council.(3)The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit and communicate it to the Executive Council.(4)Where in the case of an autonomous college, autonomous recognised institution or autonomous University Department the rights conferred under section 42A are withdrawn by an order made under sub-section (3), the college, institution, or, as the case may be, the Department shall cease to be an autonomous college, institution or Department from the date specified in the order.

Chapter VII

Organisation within the University Area for Post-Graduate Teaching

43. Post-graduate teaching.- (1) All post-graduate instruction, teaching and training within the University area shall be conducted by the University at its Head-quarters.

(2)Until the University establishes a department for post-graduate instruction, teaching and training in respect of any subject for the purpose mentioned in sub-section (1), it shall continue to maintain the University Centres existing immediately before the commencement of the Bhavnagar

University (Amendment) Act, 1987 (Guj. 7 of 1987) for such instruction, teaching and training in that subject. Explanation.-For the purposes of this section, University Centre shall mean a Centre established by the University before the commencement of the Bhavnagar University (Amendment) Act, 1987 where post-graduate studies are imparted as determined by the Statutes, Ordinances and Regulations of the University made in this behalf.

43A. ??? alleges and ???. The relations of the affiliated colleges. University colleges and recognised or approved institutions within the University area shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the affiliated degree colleges and recognised institutions, namely:-

(i) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service; (ii) to approve the appointments of the teachers made by such colleges and institutions; (iii) to require each such college and institutions to contribute a prescribed quota of recognised teachers in any subject for teaching on behalf of the University; (iv) to co-ordinate and regulate the facilities provided and expenditure incurred by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research; (v) to require such colleges and institutions, when necessary, to confine the enrolment of students to certain subjects; (vi) to levy contributions from such colleges and institutions and make grants to them; and (vii) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time: Provided that a degree college or recognised institution shall supplement such teaching by tutorial or other instruction, teaching or training in a manner to be prescribed by the Regulations to be made by the Academic Council."

19. In the principal Act, for Schedule I, the following shall be substituted, namely:-

"SCHEDULE I (See sections 2(17) and 5) The area comprising the limits of the Bhavnagar District on the date of the coming into force of the Bhavnagar University (Amendment) Act, 1987 (Guj. 7 of 1987)."

20. Amendment of Guj. 39 of 1985.- In the Saurashtra University Act, 1965, in the Schedule, entry 2 shall be deleted (Guj. 39 of 1985).

21. Transitory Provision.- (1)(a) The Court, Executive Council, Academic Council and each Transitory Faculty of the Bhavnagar University functioning immediately before the commencement of this Act (hereinafter referred to as "such commencement") the constitution of which has been rendered

inconsistent with the provisions of the principal Act as amended by this Act shall cease to so function from such commencement.

(b)The person who immediately before such commencement, holds office as a Dean of a Faculty under section 24 of the principal Act, and who has not been nominated to such office in conformity with the provisions of the said section 24 as amended by this Act, shall cease to hold that office.(2)(a)The Vice-Chancellor shall make arrangement for constituting the Court, the Executive Council, the Academic Council and each Faculty of the University and for nomination of a Dean of the Faculty so constituted, as soon as possible.(b)The Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government and notwithstanding anything contained in section 31 of the principal Act as amended by this Act, but subject to the other provisions of the principal Act as amended by this Act and the approval of the Chancellor, make Statutes necessary for constituting the authorities mentioned in clause (a) and for nomination of a Dean of each Faculty.(c)The Statutes made by the Vice-Chancellor under clause (b) shall have the same force and effect as the Statutes of the Executive Council assented to by the Chancellor under the principal Act as amended by this Act.(3)Any privileges enjoyed from the Saurashtra University before such commencement by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such commencement.(4)With effect on and from such commencement all educational institutions admitted to the privileges of the Saurashtra University situate within the Bhavnagar University area shall be deemed to be admitted to the privileges of the Bhavnagar University, and such institutions shall on and from such commencement cease to be associated with and to enjoy the privileges of the Saurashtra University and the Saurashtra University Act, 1965 (Guj. 89 of 1965) shall thereupon cease to apply to them. The Bhavnagar University shall, as far as may be possible and consistent with the principal Act as amended by this Act, admit such institutions to all such privileges as they had from the Saurashtra University immediately before such commencement.