

GUJARAT ACT NO. 19 OF 2005.

THE GANPAT UNIVERSITY ACT, 2005.

SECTIONS.	CONTENTS	PAGE NO.
	CHAPTER I	
	PRELIMINARY	
1.	Short title and Commencement.	3
2.	Definitions.	4
	CHAPTER II	
	UNIVERSITY	
3.	Establishment and incorporation of University.	4
4.	Objects of University.	6
5.	University open to all irrespective of sex, religion, class, creed or opinion.	6
6.	Powers and functions of University.	6
	CHAPTER III	
	AUTHORITIES OF UNIVERSITY	
7.	Patron-in-Chief, President and his powers.	9
8.	Authorities of University.	9
9.	Officers of University.	10
10.	Board of Governors.	10
11.	Chairman of the Board.	10
12.	Powers and functions of the Board.	11
13.	Terms of office and vacancies among members of the Board.	11
14.	Academic Council.	12
15.	Powers and duties of Academic Council.	12
16.	Finance Committee.	13
17.	Powers and functions of Finance Committee.	13
18.	Director.	13
19.	Powers and duties of the Director.	14
20.	Registrar.	15
21.	The Deans.	15

CHAPTER IV

FUNDS, ACCOUNTS AND AUDIT

22.	Permanent Endowment Fund of the University.	16
23.	Payment to University.	16
24.	Funds of University.	16
25.	Accounts and Audit.	16
26.	Pension and Provident Fund.	17

CHAPTER V

SUPPLEMENTARY PROVISIONS

27.	Acts and proceedings not to be invalidated by vacancies.	17
28.	Conferment of degrees, diplomas and grant of certificates by University.	17
29.	Returns and information.	17
30.	Management of University on dissolution of Foundation.	18
31.	Officers and employees to be public servants.	18
32.	Dismissal, removal, reduction and termination of service of staff of University.	18

CHAPTER VI

MISCELLANEOUS PROVISIONS

33.	Powers of State Government.	18
34.	Regulations.	18
35.	Indemnity.	20

CHAPTER VII

TRANSITORY PROVISIONS

36.	Transitory provisions.	20
37.	Completion of courses of students in Colleges affiliated to the Hemchandracharya North Gujarat University.	21
38.	Removal of difficulties at the commencement.	21

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 23rd March, 2005 is hereby published for general information.

S.S. PARMAR,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2005.

(First published, after having received the assent of the Governor in the “*Gujarat Government Gazette*”, on the 23rd March, 2005).

AN ACT

to provide for the establishment of the Ganpat University, Kherva, District Mehsana, Gujarat by law and to confer the status of a non-affiliating University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Ganpat University Act, 2005.
(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and
commencement.**

Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) “Academic Council” means the Academic Council of the University constituted under section 14;
- (b) “Board” means the Board of Governors of the University constituted under section 10;
- (c) “Chairman” means the Chairman of the Board appointed under section 11;
- (d) “Director” means the director of the University appointed under section 18;
- (e) “Deans” mean the Deans of the University appointed under section 21;
- (f) “Finance Committee” means Finance Committee of the University constituted under section 16;
- (g) “Foundation” means the Mehsana District Education Foundation, Kherva, Mehsana;
- (h) “Patron-in-Chief means a pioneer donor of the foundation;
- (i) “President” means the President of the University appointed under section 7;
- (j) “ Prescribed ” means prescribed by the Regulations;
- (k) “Registrar” means Registrar of the University appointed under section 20;
- (l) “Regulations” means the Regulations of the University made under section 34;
- (m) “Trust” means the Mehsana District Education Foundation, Mehsana registered under the Bombay Public Trusts Act, 1950;
- (n) “University” means the Ganpat University Kherva, District Mehsana, Gujarat, established and incorporated under section 3.

Bom. 29 of
1950.

CHAPTER II UNIVERSITY

**Establishment
and
incorporation
of University.**

3. (1) There shall be established a University by the name of “the Ganpat University, Kherva, District Mehsana, Gujarat”.
- (2) The Patron-in-Chief, the President, the Board, the Academic Council, the Director, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body

corporate by the name of “the Ganpat University, Kherva, District Mehsana, Gujarat”.

(3) The University shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or institute for the award conferment of degree, diploma and certificate of its degree to the students admitted therein.

(4) The University shall not have any grant-in-aid or other financial assistance from the Central Government, any State Government, University Grants Commission, All India Council for Technical Education or any other authority or institutions of the Central Government or any State Government.

(5) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provision of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(6) The headquarters of the University shall be at the Ganpat Vidyanagar, Kherva, District Mehsana.

4. The objects of the University shall be to develop the knowledge of science, technology, dental, medical, paramedical, physiotherapy, pharmacy, commerce, management and humanitics for the advancement of mankind. The objects of the University shall be as follows, namely:-

**Objects of
University.**

- (i) to disseminate, create and preserve knowledge and understanding by teaching, research, training and extension activities by effective demonstration and influence of its corporate life on society in general;
- (ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic and other related professional education as per its current status and such other matters as may develop in future, including continuing education and distance learning;
- (iii) to develop patterns of teaching for a Certificate or Diploma Courses, Undergraduate, and Post-graduate courses and at Doctoral level and to maintain a high standard of education, its applications; to create capabilities for upgrading science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic courses;
- (iv) to develop training facilities and to make arrangements for training in higher education, professional education, and allied fields, to provide for inter-relationship for national and international participation, in the field of science and

technology, dental, medical, physiotherapy paramedical, pharmacy, commerce, management, and its allied fields;

- (v) to function as a learning resource centre;
- (vi) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at national and international level.

University open to all irrespective of sex, religion, class, creed or opinion.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities 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 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, or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

Powers and functions of University.

6. The University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training, research advancement and dissemination in such branches of knowledge or learning pertaining to science, technology, dental, medial, physiotherapy, pharmacy, commerce, management, humanitics and allied areas;
- (iii) to conduct innovative experiments in new teaching and learning methods and technologies in the above referred subjects in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the Regulations;

- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Regulations;
- (vii) to establish such special centres, specialized study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (ix) to sponsor and undertake research in the different areas of science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, and humanities;
- (x) to collaborate or associate with, advise, develop, maintain, or otherwise, any educational institution with like or similar objects;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, researchers and domain experts in science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanities and allied areas in any part of the world for achieving the objects of the University;
- (xiii) to regulate the expenditure and to manage the finances and to maintain accounts of the University;
- (xiv) to receive funds from industry, national and international organizations or any other source as gifts, donations, benefactions, bequests and by transfers of movable and immovable properties for the purpose and objects of the University, under the intimation to the State Government;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;
- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Regulations, in accordance with the guidelines of the State Government or National statutory bodies;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;

- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works under the intimation to the State Government;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University, under the intimation to the State Government;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed, under the approval of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University, under the intimation to the State Government.;
- (xxv) to admit the students for the courses offered by the University in the manner prescribed by the Regulations;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lecturerships, and any other teaching, academic or research posts and to prescribe qualifications by Regulations, in accordance with the guidelines prescribed by University Grant Commission or

concerned National Technical or Professional councils, for such matters;

- (xxix) to appoint qualified persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers of the University;
- (xxx) subject to the provisions of this Act and Regulations, any officer or authority of the University may, by order, delegate his or its powers except the power to make Regulations to any other officer or authority under his or its control;
- (xxxix) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

CHAPTER III AUTHORITIES OF UNIVERSITY

7. (1) (i) There shall be a Patron-in-Chief of the University.
- (ii) The First President of the University shall be nominated by the Patron-in-Chief.
- (iii) The first President shall hold office during the pleasure of the Patron-in-Chief or for his lifetime, whichever is earlier.
- (iv) In the event of the first President ceases to hold office, a President shall be nominated by the managing committee of the foundation from amongst the permanent members of the Executive Committee of the foundation for five years, and shall be eligible for reappointment to that office for a further term of five years.

**Patron-in-Chief,
President and his
powers.**

(2) The President shall have, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or centre 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 and finances of the University.

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

- (a) The Board of Governors;
- (b) The Academic Council;
- (c) The Finance Committee; and

**Authorities
of
University.**

(d) such other authorities as may be prescribed by the Regulations.

Officers of University.

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

- (a) The President,
- (b) The Director,
- (c) The Deans,
- (d) The Registrar, and
- (e) such other officers as may be prescribed by the Regulations.

Board of Governors.

10. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) The President shall be the Chairman of the Board;
- (ii) Two representatives of the Trust;
- (iii) The Director of the University;
- (iv) Two Deans of the University, by rotation, to be nominated by the Director;
- (v) Secretary to Government (Higher and Technical Education), Education Department, Government of Gujarat;
- (vi) The Commissioner of Higher Education, Education Department, Government of Gujarat;
- (vii) The Director of Technical Education, Education Department, Government of Gujarat;
- (viii) The Director of Health and Medical Services and Medical Education, Health and Family Welfare Department, Government of Gujarat;
- (ix) Two Principals of the colleges of the University by rotation to be nominated by the Director ;
- (x) Three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the President;
- (xi) Two representatives of the Industries to be nominated by the President.

(2) The Registrar shall be the Secretary of the Board.

Chairman of the Board.

11. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.

12. (1) The Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all the powers of the University.

Powers and functions of the Board.

(2) Without prejudice to the provisions of sub-section(1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University for every financial year;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, books, periodicals, reports and other literature and to sell or arrange for the sale as it may deem fit from time to time;
- (vii) to create or abolish posts of teachers and other employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate by written order, any of its powers to the Director, Dean, Registrar, or any other officer, employee or authority of the University or to a committee appointed by it;
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or Regulations;
- (xi) to review the acts of the Academic Council and the Finance committee.

13. (1) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination.

Terms of office and vacancies among members of the Board.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member.

(3) Any vacancy in the Board occurring before the reconstitution or before the expiry of the prescribed period shall be filled by nomination of another person by the President.

(4) A member nominated under sub-section (3) shall continue for the remainder of the term of a member, in whose place he is nominated.

(5) A member shall be eligible for re-nomination for the next term.

(6) A member may resign his office by writing under his hand, addressed to the President but he shall continue in office until his resignation has been accepted by the President.

Academic Council. 14. (1) The Academic Council of the University shall consist of the following members, namely:-

- (i) the Director of the University, *ex-officio*, who shall be the Chairman of the Academic Council;
- (ii) one eminent academician and one eminent professional to be nominated by the Board;
- (iii) one external eminent academician and one eminent professional to be nominated by the Director;
- (iv) two deans of the University by rotation to be nominated by the Director;
- (v) one Professor from each discipline of the University by rotation to be nominated by the Director; and
- (vi) the Registrar who shall be the non-member Secretary of the Council;

(2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers and duties of Academic Council. 15. The Academic Council shall have the following powers and duties, namely:-

- (i) to exercise control over the academic policies of the University and shall be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the University; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

16. (1) The Finance Committee shall consist of the following members, namely :-

**Finance
Committee.**

- (i) the Director of the University, *ex-officio* shall be the Chairman of the Committee;
- (ii) one member of the Board to be nominated by the President;
- (iii) one Dean of the University by rotation to be nominated by the Director;
- (iv) one expert professional to be nominated by the President; and
- (v) the Registrar shall be the non-member Secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

17. The Finance Committee shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
Finance
Committee.**

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditures;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board 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 has been incurred;
- (vii) to examine proposals relating to revision of pay scales, upgradation of the scales and all those items which are not included in the budget, before they are placed before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations.

18. (1) The Director shall be appointed by the Board, out of the panel of names, recommended from time to time, by the committee consisting of the following members, namely:-

Director.

- (i) an eminent professional to be nominated by the President;

- (ii) an eminent educationist to be nominated by the President; and
- (iii) one member of the Board to be nominated by the President.

(2) The President shall designate one member as the Chairman of the Committee.

(3) The term of office of the Director shall be for the period of five years and shall be eligible for re-appointment to that office for a further term of five years.

(4) Where a vacancy in the office of the Director occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (3) and if there is any emergency, the President, in consultation with the Board may appoint any suitable person to be the Director and may, from time to time extend the term for a period not exceeding one year.

(5) The terms and conditions of the service of the Director shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the president.

Powers and duties of Director.

19. (1) The Director shall be the Chief Executive and Academic Officer of the University. He shall preside over at the meetings of the Academic Council and Finance Committee.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Director shall -

- (i) exercise general superintendence and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him under this Act or the Regulations or as may be delegated to him by the Board or by the President, as the case may be.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or Authority or body of the University empowered under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter.

(4) Where the exercise of the power by the Director under sub-section (3) 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 three months from the date of order of the Director, otherwise the same shall cease to have effect on the expiration of a period of three months from the date of order of the Director.

20. (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. **Registrar.**

(2) The Registrar shall exercise the following powers and perform following duties, namely:-

- (i) He shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) He shall place before the Board and other authorities of the University, all such information as may be necessary for transaction of its business;
- (iii) He shall be responsible to the Director for the proper discharge of his functions;
- (iv) He shall, subject to the control of the Director, be responsible for the administration and services of the University;
- (v) He shall attest and execute all documents on behalf of the University;
- (vi) In all suits and other legal proceedings by or against the University, the pleadings shall be verified and signed by the Registrar and all processes in such suits and proceedings shall be issued to and served on, the Registrar;
- (vii) He shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the Regulations or as may be delegated to him by the Board or the Director.

21. (1) The Deans of the University shall be appointed by the Director, with the approval of the Chairman of the Board, from amongst the faculty members of the University. **The Deans.**

(2) The Dean shall assist the Director in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed by the Regulations or to be delegated to them by the Director.

**CHAPTER IV
FUNDS, ACCOUNTS AND AUDIT**

- Permanent Endowment Fund of the University.** 22. The Trust shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of ten crores of rupees or as such required for meeting the full operational expenditure of the University for three years, in long term interest bearing securities issued or guaranteed by the Central or State Government. On the termination of the involvement of the Trust and after meeting the operational expenditure for three years out of the permanent Endowment Fund, if there is any unused balance that shall be paid back to the Trust, with the previous permission of the State Government.
- Funds of University.** 23. The Trust shall pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.
- Payment to University.** 24. (1) The University shall have its own funds consisting of –
- (i) all moneys provided by the trust;
 - (ii) all fees and other charges received by the University;
 - (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests or transfers;
 - (iv) all moneys received by the University from the collaborating Industry in terms of the provisions of the Memorandum of Understanding between the University and the Industry for establishment of sponsored chairs, fellowships and infrastructure facilities of the University, under the intimation to the State Government.
- (2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance Committee.
- (3) The funds of the University shall be applied towards the expense of the University including expenses incurred in the exercise of its powers and discharge of its function.
- Accounts and Audit.** 25. (1) The University shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure account 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 finance, 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 or a firm of Chartered

XXVII of 1949.

Accountants as defined in the Chartered Accountant Act, 1949 who shall be appointed by the Board.

(4) The Accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The Accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accounts appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare each year a report of its activities during the previous year and submit it in the form of an annual report to the Board for review and approval.

26. (1) The exiting terms and conditions of the service, including scheme of pension, provident fund and insurance of the officers, teachers, and other employees of the concerned institutions run by the Mehsana District Education Foundation shall continue in such manner and subject to such conditions, even after the commencement of this Act, till new Regulations are made in this regard.

**Pension,
Provident
Funds and
Insurance.**

XIX of 1925.

(2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

CHAPTER V SUPPLEMENTARY PROVISIONS

27. No act or proceeding of the Board, or any authority of the University or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, Authority or Committee of the University.

**Acts and
proceedings
not to be
invalidated
by vacancies**

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have powers to confer degrees, honorary degrees, diplomas and other academic distinctions, titles and grant certificates as approved by the Board.

**Conferment of
degrees, diplomas
and grant of
certificate by the
University.**

29. 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 from time to time.

**Returns and
information.**

Management of University on dissolution of Foundation. **30.** The Foundation shall give a notice of not less than four years period to the State Government of its intention to dissolve the Foundation. The State Government may direct the University to cease fresh admissions and also direct the Foundation to phase out the responsibility of running the University until the last batches of students in regular courses of the University complete their courses. It shall be obligatory on the part of the Foundation not to compromise in terms of the quality of education and training in the interim years and provide reasonable exit benefits for the employees.

Officers and employees to be public servants. **31.** Every officer, teacher and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

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 compensatory allowance or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing and in relation to all matters relatable to the performance of the duties and functions connected with such appointment of work.

Dismissal, removal, reduction and termination of service of staff of University. **32.** No member of the teaching, non-teaching and other academic staff of the University shall be 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. An appeal from an order of dismissal, removal or reduction or of termination shall lie to the President within ninety days from the date of communication of such order and the decision of the President in such appeal shall be final.

CHAPTER VI MISCELLANEOUS PROVISIONS

Powers of State Government. **33.** The State Government shall have powers to issue directions from time to time as may be required to be followed by the University under the provisions of this Act, the Regulations made thereunder and under any other law for the time being in force.

Regulations. **34.** (1) Subject to the provisions of this Act, the Board 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.

(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, and the quorum and conduct of business at such meeting;

- (ii) the powers and functions to be exercised and discharged by the President of the Board of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, 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 procedure to be followed by the Board and any committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of pension, provident funds, insurance and such other schemes for the benefit of officers, teachers and other employees of the University;
- (xiii) the terms and conditions applicable for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers and staff of the University;

- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the university;
- (xix) the powers and duties of the Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein, and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

Indemnity. 35. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Director, the authorities or officers 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 Regulation made thereunder.

CHAPTER VII TRANSITORY PROVISIONS

- Transitory provisions.** 36. Notwithstanding anything contained in this Act,-
- (i) the existing Hon. Director of the Foundation holding the office at the time of commencement of this Act., shall be deemed to have been appointed as the first Director. The Director, subject to availability of 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 power or perform any duty which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Regulations;
 - (ii) the Board functioning as such immediately before the commencement of this Act shall continue to so function until the Board is constituted for the University under this Act, but on the constitution of the Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
 - (iii) the Academic Council functioning as such immediately before the commencement of this Act shall continue to so function until the Academic Council is constituted for the

University under this Act, but on the constitution of the Academic Council under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;

- (iv) the Finance Committee functioning as such immediately before the commencement of this Act shall continue to so function until the Finance Committee is constituted for the University under this Act, but on the constitution of the Finance Committee under this Act, the member of the Finance Committee holding office before such constitution shall cease to hold office;
- (v) until the first Regulations of the University are made under this Act, the existing rules and regulations of the Mehsana District Education Foundation, Ganpat Vidyanagar, Kherva, Mehsana as approved by the Board as in force immediately before the commencement of this Act, shall continue to apply to the University in so far as they are not inconsistent with the provisions of this Act.

37. Notwithstanding anything contained in this Act or Regulations made thereunder, any student of the Institutions, named (1) S.K. Patel College of Pharmacy Education and Research (2) U.V. Patel College of Engineering (3) V.M.Patel College of Management Studies (4) V.M.Patel Institute of Management (5) Acharya Motibhai Patel Institute of Computer Studies situated within the University area and affiliated to the Hemchandracharya North Gujarat University, was studying or was eligible for any examination of the Hemchandracharya North Gujarat University, shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Hemchandracharya North Gujarat University.

Completion of courses of students in colleges affiliated to the Hemchandracharya North Gujarat University.

38. 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 the difficulty:

Removal of difficulties at the commencement.

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