

The Maharaja Sayajirao University of Baroda Act, 1949

(Act XVII of 1949 as amended upto date)



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BARODA ACT NO. XVII OF 1949

(THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA ACT, 1949)

(30th April, 1949)

Amended by the Baroda State (Application of Laws) Order, 1949

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 52 of 1950.

Amended by Bom. 8 of 1951.

Amended by Bom. 9 of 1951.

Amended by Bom. 30 of 1954.

Amended by Bom. 42 of 1955.

Amended by Bom. 18 of 1956.

Amended by Bom. 1 of 1958.

Amended by Bom. 3 of 1958.

Amended by Guj. 40 of 1973.

Amended by Guj. 32 of 1978.

Amended by Guj. 11 of 1979.

Amended by Guj. 19 of 1980.

Amended by Guj. 5 of 1981.

Amended by Guj. 1 of 1982.

Amended by Guj. 10 of 1982.

Amended by Guj. 9 of 1983.

An Act to establish and incorporate a teaching and residential University at Baroda known as the Maharaja Sayajirao University of Baroda

WHEREAS it is expedient to establish and incorporate a teaching and residential University at Baroda having also powers of affiliation for that purpose, the

Preamble Government of Baroda is pleased to enact as follows :—

CHAPTER I

PRELIMINARY

1 (a) This Act may be called "The Maharaja Sayajirao University of Baroda Act, 1949."

Title

(b) This section shall come into force at once.

(c) The Government may, by notification in the *Official Gazette* direct that all or any of the remaining provisions¹ of this Act shall come into force on such date or dates as may be specified in the notification.

¹ Sections 2 to 4 and 6 to 71 were brought into force from the 30th April, 1949 and section 5 was brought into force from the 1st April, 1950 (vide Baroda Government L.R.O. Notification No. 41/1949, dated the 30th April, 1949 and G.N., P. and S.D., No. 9003 dated the 15th March, 1950 respectively).

2 In this Act, unless there is anything repugnant in the subject or context :—

Definitions

- (a) 'Act' means the Maharaja Sayajirao University of Baroda Act, 1949;
- (b) 'Affiliated college' means a college affiliated under sections 5 and 36;
- (c) 'constituent college' means a University college or an affiliated college made constituent under section 42;
- (d) 'Member' means a member of the Senate, whether *ex-officio*, nominated or elected under the provisions of this Act, but does not include an Honorary Member;
- (e) 'Government' means¹ [the Government of Gujarat];
- (f) 'hostel' means a unit of residence for students maintained or recognized by the University under this Act;
- (g) 'Head of department' means a professor or teacher principally responsible for instruction, training or research in a subject, or group of subjects, which is called² [a University department];
- ³[(ga) 'intermediate college' means a constituent or affiliated college other than a degree college;
- (gb) 'prescribed' means prescribed by Statutes or Ordinances;]
- (h) 'Principal' means the Head of a college by whatever name or style described;
- (i) 'recognised institution' means any institution for instruction, training or research in specialised studies other than constituent or affiliated college, and recognised as such by the University;
- (j) 'registered graduate' means a graduate registered under the provisions of this Act;
- ⁴[(ja) 'secondary school' means a high school which has been recognised as a full fledged high school by the Director of Higher Education, Gujarat State, or by an officer authorised by him in this behalf;
- (jb) 'secondary teachers' means such class of teachers imparting instruction in secondary schools as may be declared to be secondary teachers by the Statutes;]
- (k) 'Statutes' and 'Ordinances' mean respectively, the Statutes and Ordinances made under this Act and for the time being in force;
- ⁵[(l) 'teacher' means a professor, a reader, a lecturer, imparting instruction or giving training or guidance in research in the University, a University college,

1 These words were substituted for the words "the Government of Baroda or any other authority that takes its place" by the Baroda State (Application of Laws) Order, 1949, clause 10.

2 These words were substituted for the words "a department in a College" by Bom. 52 of 1950, s. 2(a).

3 These clauses were inserted, *ibid*, s. 2 (b).

4 These clauses were inserted, *ibid*, s. 2 (c).

5 This clause was substituted for the original, *ibid*, s. 2 (d).

an affiliated college or a recognised institution, or any other person declared or recognised to be a teacher by the Statutes;]

- (m) 'teachers of the University' means teachers appointed or recognised by the University for imparting instruction on its behalf;
- (n) 'University' means the Maharaja Sayajirao University of Baroda;
- (o) 'University Area' means the area specified in Schedule I;
- (p) 'University college' means a college transferred to the University under section 69 or a college which the University may hereafter establish or maintain under this Act; or a college which the University may take over and maintain under this Act;
- (q) 'University Department' means any department¹ [for studies or reasearch] maintained by the University.² * * * *

CHAPTER II

THE UNIVERSITY

3 (1) The Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor,³ * * * the first Members of the Senate and the first members of the Syndicate of the University, and all persons who may hereafter become such officers, or members, so long as they continue to hold such office or fellowship or membership, are hereby constituted a body corporate by the name of the "The Maharaja Sayajirao University of Baroda".

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell, mortgage or otherwise transfer any movable or immovable property belonging to, vested in, or acquired by the University, for any purpose of the University, and to contract, and do all other things for the purposes of this Act.

4 Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

1 These words were inserted by Bom. 52 of 1950, s. 2 (e).

2 The words and figures beginning with " and includes " and ending with " for research " were deleted, *ibid*, s. 2 (e).

3 The words ' if any, the Rector, if any ', were deleted, by Guj. 1 of 1982, s. 2.

Powers of the University

- (1) to provide for instruction, teaching and training in such branches of learning and courses of study as the University may, from time to time, think fit or prescribe, and to make provision for research and for the advancement and dissemination of knowledge;
- (2) to make special provision for the spread of University education, among classes and communities which are educationally backward;
- (3) to organize, control and co-ordinate the programme of teaching and research and other activities of the University, whether carried on in constituent colleges or in University Departments or in recognised institutions and to organise common laboratories, libraries, museums and other equipment for teaching and research;
- (4) to establish, maintain and manage ¹[colleges, departments or practising schools and institutions attached to colleges, departments or schools for the purpose of practical work, experiment, research or preparatory instruction];
- (5) to grant such diplomas to, and to provide such lectures, instruction and training for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances;
- (6) to institute professorships, readerships, lecturerships and any other posts required by the University and to appoint or recognize suitable and qualified persons for such posts;
- (7) to ²[institute and confer] degrees,^{3*} ⁴[diplomas, certificates and] other academic distinctions on persons who have carried out a prescribed course of study, research or training, unless exempted therefrom in the manner prescribed by the Statutes and Ordinances, and have passed such tests or examinations as may have been prescribed;
- (8) to confer ⁵[honorary degrees] and other academic distinctions on persons who may have distinguished themselves, in any branch of learning, or by eminent public service ⁶[in the manner laid down by the Statutes];
- (9) to withdraw or cancel degrees, diplomas, certificates or other distinctions from persons on whom the University may have conferred such degrees, diplomas, certificates or other distinctions in accordance with such procedure as may be prescribed by the Statutes;

1 These words were substituted for the words "colleges and departments" by Bom. 52 of 1950, s. 3 (a).

2 These words were substituted for the word "institute", *ibid*, s. 3 (b) (i).

3 The word "titles" was deleted, *ibid*, s. 3 (b) (ii).

4 These words were substituted for the words "diplomas and", *ibid*, s. 3 (b) (i).

5 These words were substituted for the words beginning with "according to" and ending with "titles", *ibid*, s. 3 (c).

6 These words were added, *ibid*, s. 3 (c) (ii).

- ¹[(10) to hold either examinations or tests or both as prescribed by the Ordinances;
(11) to affiliate or recognise educational institutions];
- (12) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, ²[training or research] are maintained in them;
- (13) to hold, accept and manage trusts and endowments, and to utilise the proceeds or income thereof in such manner as may have been provided in a deed of trust or donation or regulated by Statute, or defined by agreement by the University;
- (14) to control and co-ordinate the activities of, and give financial aid to affiliated colleges and recognised institutions;
- (15) to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (16) to control the conduct and discipline of students of the University, to provide for and to supervise and control their residence, and to make arrangements for promoting their moral and physical welfare;
- (17) to establish, maintain and manage hostels;
- (18) to recognise hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;
- (19) to make provisions for the maintenance of—
- (a) University Battalions in the National Cadet Corps or similar training corps,
 - (b) University Sports and Athletic Clubs,
 - (c) Students' Unions,
 - (d) Students' Advisory Bureau for studies abroad,
 - (e) Employment Bureau,
 - (f) Publication Board, and
 - (g) any other organisation relating to and promoting the general welfare and cultural advancement of students, past or present, of the University;
- (20) to organise and promote games and sports of all kinds;
- (21) to co-operate with other universities, bodies, authorities, or associations, in or outside the University Area, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge, or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine;
- (22) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances;

1 These clauses were substituted for the original, by Bom. 52 of 1950, s. 3 (d).

2 These words were substituted for the words "teaching or training", *ibid*, s. 3 (e).

- (23) to make special provision for disseminating knowledge and promoting arts and culture in rural areas;
- (24) to organise extra-mural studies;
- (25) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science, learning, and culture.

5 (1) No educational institution situate within the University Area shall, save with the consent of the University and the sanction of Government, be associated in any way with, or seek admission to any privileges of, any other university established by law.

Jurisdiction and admission to privileges

(2) Any such privileges enjoyed from such other university, before the date on which this section comes into force by any educational institution situate within the University Area, shall be deemed to be withdrawn with effect from such date.

(3) With effect from such date all educational institutions admitted to the privileges of the University of Bombay and situate within the University Area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the University of Bombay immediately before such date.

6 (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,¹* or other academic distinction or course of study ²[in the University, affiliated colleges or recognised institutions] on the sole ground of sex, race, creed, class, religious belief or political or other opinion :

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

Provided that the University may, subject to the previous sanction of the Government, maintain, affiliate or recognize any institution exclusively for women or reserve for women places for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any ³[restriction on the ground of] sex, race, creed, class, 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

1 The word "title" was deleted by Bom. 52 of 1950, s. 4 (i).

2 These words were inserted, *ibid*.

3 These words were substituted for the words "test whatsoever relating to", *ibid*, s. 4 (ii) (a).

any degree, diploma,¹* or other academic distinction, or to enjoy or exercise any privileges of the University, or any benefaction thereof.

²[7 (1) The Governor of Gujarat shall be the Visitor of the University.

Visitor

- (2) (a) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institution, college or hostel maintained or recognised by or affiliated to the University and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in the like manner in respect of financial matters of the University and of any institution, college or hostel maintained by the University.
- (b) The Visitor shall not cause to be made any inspection or inquiry referred to in clause (a) unless he is, after giving notice to the University of his intention to cause such inspection or inquiry and reasonable opportunity to the University of being heard, satisfied that such inspection or inquiry is necessary in the interest of the University education.
- (c) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have a right to be present and be heard at such inspection or inquiry.
- (d) The Visitor may address the Vice-Chancellor with reference to the result of such inspection or inquiry and the Vice-Chancellor shall communicate to the Syndicate the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.
- (e) The Syndicate shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or it has taken on the result of such inspection or inquiry.
- (f) Where the Syndicate does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

1 The word "title" was deleted, by Bom. 52 of 1950, s. 4 (ii) (b).

2 This section 7 was substituted by Guj. 1 of 1982, s. 3.

- (3) The Visitor may, by an order in writing annul any proceeding of the University, which is not in conformity with the provisions of the Act, Statute or Ordinance :

Provided that no such order shall be made by the Visitor unless a reasonable opportunity of being heard is given to the University in respect of the order proposed to be made.]

CHAPTER III

OFFICERS ¹(AND AUTHORITIES) OF THE UNIVERSITY

- 8 The following shall be the officers of the University, namely :—

Officers of the University

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Pro-Vice-Chancellor,,² * *
- ³(iv) * * *
- (v) The Deans of Faculties,
4 * * * *
- ⁵(vi) The Registrar, the Librarian, and the Curator, and
- ⁵(vii) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

- 9 (1) Until otherwise determined by the Statutes His Highness the Maharaja of Baroda shall be the Chancellor of the University.

- (2) The Chancellor shall, by virtue of his office, be the Head of University, and shall, when present, preside at any convocation of the University.

- (3) The Chancellor shall have such powers and duties as may be conferred upon him by this Act or the Statutes.

- ⁶[10 (1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended under sub-section (3) by a
Vice-Chancellor committee appointed for the purpose under sub-section (2).

1 These words were inserted, by Bom. 52 of 1950, s. 6.

2 The words 'if any', were deleted by Guj. 1 of 1982, s. 4.

3 This clause was deleted by Guj. 1 of 1982, s. 4.

4 The brackets, figures and words "(vi) The Teachers of the University " were deleted, by Bom. 52 of 1950, s. 7.

5 The original clauses (vii) and (viii) were renumbered as clauses (vi) and (vii), *ibid*, s. 7.

6 This section 10 was substituted by Guj. 5 of 1981, and s. 2 and by Guj. 1 of 1982, s. 5.

(2) (a) For the purposes of sub-section (1), the Chancellor shall appoint a committee which shall consist of the following members, namely :—

(i) two members (not being persons connected with the University or with any affiliated or constituent college or any recognised institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Syndicate and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat :

Provided that in any case where for any reason whatsoever a person is not nominated under this clause—

(a) by the Syndicate or

(b) by the Vice-Chancellors,

it shall be lawful for the Chancellor to nominate a person to be a member of the committee in any such case;

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

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

Provided that if it shall at any time appear to the State Government that the Chancellor has not exercised any of the powers conferred on him under this sub-section within a reasonable period, then the State Government may by an order require the Chancellor to exercise the power within such period as may be specified in such order and if the Chancellor fails to exercise the power within the period so specified, it shall be lawful for the State Government to exercise such power.

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

Provided that, as far as possible, the Committee shall not select any such person who if appointed as Vice-Chancellor would cease to hold that office on account of attaining the age of 65 years before completion of the term of three years.

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

Provided that no person appointed as the Vice-Chancellor, shall continue to hold his office as such after he attains the age of 65 years.

- (5) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government :

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

- (6) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Pro-Vice-Chancellor and in the absence of the Pro-Vice-Chancellor one of the Deans nominated by Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.]

11 (1) The Vice-Chancellor shall be the principal executive and academic officer of University, and shall preside, at all the meetings of the Senate, and, in the absence of the Chancellor, at any convocation of the University.

Powers of the Vice-Chancellor

- (2) The Vice-Chancellor shall be an *ex-officio* member and chairman of the Syndicate and of the Council of Post-graduate Studies and Research.
- (3) The Vice-Chancellor shall have power to convene meetings of the Senate, the ¹[Syndicate], the Council of Post-graduate Studies and Research, ²[other authorities of the University and committees appointed under sections 48 and 49].
- (4) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall be responsible ³[for the proper administration] of the University in accordance therewith, and he shall have all powers necessary for these purposes.
- (5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity ⁴[thereafter furnish information regarding his action] to such officer, authority or body as would have in the ordinary course dealt with the matter.

1 This word was substituted for the words "Syndicate, and", by Bom. 52 of 1950, s. 9 (i).

2 These words and figures were added, *ibid*, s. 9 (i).

3 These words were substituted for the words "for the discipline", by Bom. 52 of 1950, s. 9 (ii).

4 These words were substituted for the words 'thereafter report his action' by Guj. 10 of 1982, s. 2 (1) (1) (a).

- (b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Syndicate, within fifteen days from the date on which such action is communicated to him.

¹[(5A) (a) Subject to the provisions contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of opinion that the execution of any order or resolution of an authority specified in or declared under section 16, or the doing of anything which is about to be done or is being done by or on behalf of the University :—

- (i) is inconsistent with the provisions of this Act or of any statute, ordinance, rule or regulation, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from,

- (b) Where the authority after reconsideration revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (c) such revised or modified order or resolution shall revive from the date of such revision or modification.
- (c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the State Government for its decision.
- (d) The State Government may, on such reference, being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify :

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the

1 This sub-section (5A) was inserted, by Guj. 10 of 1982, s. 2 (1) (1) (b).

concerned authority a reasonable opportunity of showing the cause against the order.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).]
- (6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

¹[11A] Deleted. * * * * *

²[12 (1) The Pro-Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended by the Vice-Chancellor, from amongst the teachers.

Pro-Vice-Chancellor

- (2) The Pro-Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment to that office for a further term of three years only :

Provided that no person appointed as a Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.

Provided further that where a person is appointed as a Pro-Vice-Chancellor, he shall during the period he holds office of the Pro-Vice-Chancellor continue to have lien on the post of teacher which he vacates on his appointment as the Pro-Vice-Chancellor, till he reverts to the said post on the expiry of the period of his appointment as the Pro-Vice-Chancellor or he reaches the age of superannuation according to the conditions of service applicable to him whichever is earlier.

- (3) The Pro-Vice-Chancellor shall be a whole-time salaried officer and his emoluments and conditions of service shall be such as shall be determined by the State Government:

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

¹ This section 11A was deleted by Guj. 1 of 1982, s. 6.

² This section 12 was substituted, *ibid*, s. 7.

- (4) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such of the powers and perform such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of Syndicate.
- (5) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor, or in the event of his being unable to perform the duties of his office, exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.
- (6) The Pro-Vice-Chancellor shall preside:—
 - (a) in the absence of the Chancellor and the Vice-Chancellor, at the meetings of the Senate, and
 - (b) in the absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.]

¹[13] Deleted

* * * *

- Registrar* 14 (1) The Registrar shall be a wholetime salaried officer. ²[He shall be appointed by the Syndicate in accordance with the Statutes to be made in this behalf and his emoluments and conditions of service shall be determined by such Statutes.] He shall be responsible for the day-to-day administration of the University under the direction of the Vice-Chancellor. He shall act as the Secretary of the Senate, of the Syndicate, of the Council of Post-graduate Studies and Research, of the Faculties, and of such other authorities of the University as may be prescribed by the Statutes.
- (2) All contracts and assurances of property made by or in favour of the University shall be executed on behalf of the University by the Registrar.
 - (3) The Registrar shall act and appear on behalf of the University in a suit or proceeding by or against the University.
 - (4) The Registrar shall be the custodian of the records, libraries, common seal and such other properties of the University as the ³[Syndicate may] commit to his charge.
 - (5) The Registrar shall be responsible for the safe custody of all documents, titles, ⁴(securities and) properties entrusted to him in the ordinary course of his duties, until they are deposited in a bank.

¹ This section 13 was deleted, by Guj. 1 of 1982 *bid*, s. 8.

² These words were substituted for the words "and shall hold office for a term of five years and shall be eligible for re-appointment" by Bom. 30 of 1954, s. 25.

³ These words were substituted for the words "Syndicate shall" by Bom. 52 of 1950, s. 13 (a).

⁴ These words were substituted for the words "security of", *ibid*, s. 13 (b).

- (6) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes and Ordinances.

15 The powers and duties of the Curator, Librarian, and Officers of the University *Other Officers* referred to in ¹[(clause (vii)] of section 8 shall be such as may be prescribed by the Statutes and Ordinances.

16 The following shall be the authorities of the University, namely :—

- (i) The Senate
Authorities of (ii) The Syndicate,
the University (iii) ²*Faculties,
 (iv) The Council of Post-graduate Studies and Research,
 (v) ³*Boards of Studies, and
 (vi) Such other bodies of the University as may be declared by the Statutes to be authorities of the University.

17 The Senate shall be the supreme governing body and authority of the University.

*The Senate to be the
 supreme authority*

⁴[18 (1) The Senate shall consist of the following members, namely :—

The Senate

CLASS I—Ex-Officio Members

(A) University Officers :—

- (i) The Chancellor,
 (ii) The Vice-Chancellor,
 (iii) The last Ex-Vice-Chancellor of the University residing in the State,
 (iv) The Pro-Vice-Chancellor,
 (v) The Registrar,
 (vi) The Librarian.

(B) Others :—

- (i) The Director of Higher Education or an officer not below the rank of a Joint Director of Higher Education designated by such Director,

1 These words were substituted for the words " clause viii ", by Bom. 9 of 1951, s. 3.

2 The word " The " was deleted by Bom. 52 of 1950, s. 14.

3 The word " The " was deleted, *ibid*, s. 14.

4 This section was substituted by Guj. 1 of 1982, s. 9.

- (ii) The Director of Technical Education or an officer not below the rank of a Joint Director of Technical Education designated by such Director,
- (iii) The Director of Health and Medical Services and Medical Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education designated by such Director,
- (iv) The Chairman of the Gujarat Secondary Education Board,
- (v) The Director of Employment and Training or an officer not below the rank of a Joint Director of Employment and Training designated by such Director,
- (vi) Deans of Faculties,
- (vii) Principals of the constituent colleges,
- (viii) Heads of recognised institutions,
- (ix) Member of the Syndicate falling under clause (vii) of sub-section (2) of section 233,
- (x) Member of the Syndicate falling under clause (x) of sub-section (3) of section 233,
- (xi) All the Trustees of Sir Sayajirao Diamond Jubilee and Memorial Trust, Trust,
- (xii) The Mayor of the Municipal Corporation of the City of Baroda,
- (xiii) The President, the Vice President and the General Secretary of the Maharaja Sayajirao University Union recognised by the University.

CLASS II-Ordinary Members

(A) Elected as specified below :—

- (i) Five professors elected by the professors of the University from amongst themselves in the manner specified in the Statutes.
- (ii) One member each elected faculty-wise by teachers other than professors of each faculty from amongst themselves in the manner specified by the Statutes.

*Explanation:—*For the purpose of this clause a teacher does not include a principal of a College or the Head of an Institution.

- (iii) One member from each of the constituent colleges and recognised institutions to be elected by teachers other than professors of such college or as the case may be institution from amongst themselves in the manner specified in the Statutes.

(iv) One member to be elected by registered graduates in each of the faculties from amongst themselves in the manner specified in the Statutes.

(v) One representative to be elected by the Federation of Gujarat Mills and Industries, Baroda from amongst its members in accordance with the Statutes:

Provided that if any such member be an undivided Hindu family, trust, firm, company or body corporate, a representative nominated in this behalf by such undivided Hindu family, trust, firm, company or body corporate shall be deemed to be a member of the federation for the purposes of this clause.

(vi) One representative to be elected by the Heads of the secondary schools in the University Area from amongst such Heads in the manner specified in the Statutes.

(vii) One representative to be elected by the secondary teachers of the secondary schools in the University Area from amongst themselves in the manner specified in the Statutes.

(viii) Two representatives to be elected by the members of the Gujarat Legislative Assembly from amongst its members elected from the University Area.

(ix) One representative to be elected by the registered trade unions in the University Area from amongst their members in the manner specified in the Statutes.

(x) One member to be elected by the Bar Council of the State of Gujarat from amongst its members:

Provided that every person elected under this paragraph shall continue to hold office of a member of the Senate so long only as he is a member of the electing body.

(B) Two members to be elected in the manner specified in the Statutes from amongst themselves by donors each donating money or property of the value of not less than one lakh of rupees:—

(i) to, or for purposes of, the University, or

(ii) to, or for purposes of a constituent or affiliated college or institution recognised by the University, irrespective of whether the donation was made before or after the college was made constituent or affiliated or the institution recognised:

2. Provided that the right of the Senate 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 purpose of this paragraph, the value of the property shall be the market value of the property at the date of acceptance and the decision as to the market value shall rest with the Syndicate and shall be final.

(C) Fifteen persons to be nominated by the State Government from amongst distinguished educationists, scholars, social workers, women and representatives of the minorities, backward communities and such other class of persons.

(C) Fifteen persons to be nominated by the State Government from amongst

(D) One representative of the union of the non-teaching staff of University to be nominated by the Vice-Chancellor from amongst the office bearers of distinguished educationists, scholars, social workers, women and representatives of the minorities, backward communities and such other class of persons.

(D) One representative of the union of the non-teaching staff of University to be nominated by the Vice-Chancellor from amongst the office bearers of such union:

Provided that—

(1) Any person who is appointed as a representative of the University by virtue of his being a member of the Senate shall cease to be such representative on his ceasing to be such member.

(2) Any person who is appointed as a representative of the University by virtue of his being a member of the Senate shall cease to be such representative on his ceasing to be such member.

19 The term of office of Ordinary Members shall, save as herein otherwise provided be five years.

The term of office

of Ordinary Members

19 The term of office of Ordinary Members shall, save as herein otherwise provided be five years.

20 If for a period of two consecutive years any Ordinary Member has not, for any reason whatsoever, attended a meeting of a Senate, other than a convocation, the Chancellor may declare his office to be vacant.

be vacant

20 If for a period of two consecutive years any Ordinary Member has not, for any reason whatsoever, attended a meeting of a Senate, other than a convocation, the Chancellor may declare his office to be vacant.

21 (1) The Senate shall meet at least once a year on any date fixed by the Vice-Chancellor, to be called the annual meeting of the Senate.

be vacant

Meeting of the Senate

21 (1) The Senate shall meet at least once a year on any date fixed by the Vice-Chancellor, to be called the annual meeting of the Senate.

(2) The Vice-Chancellor, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifteen Members convene a special meeting of the Senate.

Meeting of the Senate

(2) The Vice-Chancellor may call any other meeting of the Senate whenever he

thinks fit, and shall, upon a requisition in writing signed by not less than fifteen Members convene a special meeting of the Senate.

22, r-(1) Subject to the provisions of this Act, the Senate shall exercise the following following powers and perform the following duties:—

*Powers and duties
of the Senate*

- (i) to make provision for instruction, guidance in research and practical training in such branches of learning as it may think fit for the advancement of learning, dissemination of knowledge, improvement of technical skill, and to make the necessary financial provision therefor;
- (ii) to make such provision for prescribing Courses of studies, training or research, as will enable the University Departments, University and affiliated colleges, and recognised institutions to undertake instruction, training or research;
- (iii) to institute professorships, readerships, lecturerships or other classes of teachers required by the University;
- (iv) to organise and make provision for common libraries, laboratories, museums, and all other equipment for teaching and research;
- (v) to establish and maintain University Departments, colleges and institutes of research and specialized studies;
- (vi) to institute fellowships, travelling fellowships, scholarships, and research studentships, exhibitions, medals, and prizes;
- (vii) to institute and confer degrees, 2* diplomas and other academic distinctions;
- (viii) to confer, on the recommendation of the Syndicate, honorary degrees 2* or other academic distinctions;
- (ix) to provide and maintain hostels 3** for the residence of students;
- (x) to make, amend or repeal Statutes, but not amend Ordinances;
- (xi) to consider and pass resolutions on the annual administration report and annual accounts;
- (xii) to make Statutes for regulating the procedure at meetings of the Senate and the Syndicate, and the transaction of their business;
- (xiv) to consider and pass [resolutions] on the financial estimates prepared by the Syndicate, and the Council of Post-graduate Studies and Research, and other authorities and officers as provided in this Act or Statute];

1 The words "and award" were deleted by Bom. 52 of 1950, s. 16 (a).

2 The words "and award" was deleted, *ibid.* 16 (b).

3 The words "and to supervise other places" were deleted, *ibid.* s. 16 (c).

4 This was substituted for the word "resolution" by Bom. 9 of 1951, s. 3.

5 These words were added by Bom. 52 of 1950, s. 16 (d).

5 These words were added by Bom. 52 of 1950, s. 16 (d),

(xvi) to admit educational institutions to the privileges of the University
(xvii) to admit educational institutions to the privileges of the University
and to withdraw such privileges;

(xvii) to exercise such other powers and discharge such other duties and
(xvii) to perform such other powers and discharge such other duties and

perform such other functions as may be conferred, imposed upon it,

or entrusted to it by this Act or the Statutes or Ordinances;

(2) The powers and duties under clauses (i) to (xii) of sub-section (1) shall

(2) The powers and duties under clauses (i) to (xii) of sub-section (1) shall

not be exercised except upon the recommendations made by the Syndicate.

(1) The Syndicate shall be the executive authority of the University.

The Syndicate shall be the executive authority of the University.

(2) The Syndicate shall consist of—

(2) The Syndicate shall consist of—

(i) The Vice-Chancellor, ex-officio;

(ii) The Pro-Vice-Chancellor, ex-officio;

(iii) The Director of Higher Education and if he is unable to attend, the

(iii) The Director of Higher Education and if he is unable to attend, the

(iv) The Director of Technical Education, and if he is unable to attend,

(iv) The Director of Technical Education, and if he is unable to attend,

(v) The Director of Health and Medical Services and Medical Education,

(v) The Director of Health and Medical Services and Medical Education,

(vi) Two Deans of Faculties elected by the Senate from amongst its

(vi) Two Deans of Faculties elected by the Senate from amongst its

(vii) One professor of the University to be nominated by the Vice-Chancellor

(vii) One professor of the University to be nominated by the Vice-Chancellor

(viii) One Principal of the constituent college elected by the Senate from

(viii) One Principal of the constituent college elected by the Senate from

(ix) Six persons elected by the Senate from amongst its members who are

(ix) Six persons elected by the Senate from amongst its members who are

(x) One Head of Department elected by the Heads of Departments from

(x) One Head of Department elected by the Heads of Departments from

(xi) Five teachers of the University other than Deans, Heads of Depart-

(xi) Five teachers of the University other than Deans, Heads of Depart-

(xii) Five teachers of the University other than Deans, Heads of Depart-

(xii) Five teachers of the University other than Deans, Heads of Depart-

(xiii) Five teachers of the University other than Deans, Heads of Depart-

(xiii) Five teachers of the University other than Deans, Heads of Depart-

(xiv) Five teachers of the University other than Deans, Heads of Depart-

(xiv) Five teachers of the University other than Deans, Heads of Depart-

1 This sub-section (2) was substituted by Guj. 1 of 1982, s. 10.

1 This sub-section (2) was substituted by Guj. 1 of 1982, s. 10.

Syndicate
Syndicate

Senate from amongst its members in the manner specified in the Statutes;

- (xii) Four persons nominated by the State Government from amongst distinguished educationists, teachers, social workers and such other class of persons irrespective of whether they are members of the Senate].

- (3) The term of office of the elected members of the Syndicate, save as herein otherwise provided, shall be [three] years.

- (4) * * * *

- (4)2. If for any reason whatsoever the elected member remains absent from four consecutive ordinary meetings of the Syndicate he shall vacate his seat in the Syndicate.

- (5) If for any reason whatsoever the elected member remains absent from four consecutive ordinary meetings of the Syndicate he shall vacate his seat in the Syndicate.

- 24 (1) Subject to such conditions as may be prescribed by or under provisions of this Act, the Syndicate shall exercise the following powers and perform the following duties, namely :-

- 24 (1) Subject to such conditions as may be prescribed by or under provisions of this Act, the Syndicate shall exercise the following powers and perform the following duties, namely :-

Powers and duties

Powers and duties of the Syndicate

- (i) to control and administer the properties of the University and the University Fund and to keep and maintain proper accounts of the University
- (ii) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes;
- (iii) to determine the form and provide for the custody and regular use of the common seal of the University;
- (iv) to administer the funds placed at the disposal of the University for specific purposes and to keep and maintain proper accounts of the same;
- (v) to frame the annual financial [estimates] of the University and to submit them to the Senate;
- (vi) to erect, equip and maintain [colleges and research institutes], libraries, laboratories, museums, hostels, gymnasias, playgrounds, and structures needed for carrying on the work of the University;
- (vii) to provide suitable equipment, apparatus, furniture and other appliances needed for carrying on the work of the University;

1 This word was substituted for the word "two", by Bom. 18 of 1956, s. 17 (b).

2 This word was substituted for the word "two", by Bom. 18 of 1956, s. 17 (b).

3 This word was substituted for the words "and Trust Funds", *ibid*, s. 18 (a).

4 This word was substituted for the word "buildings" by Bom. 9 of 1951, s. 3.

5 This word was substituted for the word "estimate" by Bom. 52 of 1950, s. 18 (b).

S These words were substituted for the word "buildings" by Born. 52 of 1950, s.18(*b*).

- (viii) to accept on behalf of the University bequests, donations and transfers of any movable or immovable property to the University and to receive and collect fees, grants and interests due to the University, and to make all payments on behalf of the University;
- (ix) to transfer any movable or immovable property on behalf of the University;
- (x) to manage and regulate the finances, accounts and investments of the University;
- (xi) to make arrangements for the maintenance of the University Battalions in the National Cadet Corps or similar Training Corps, Students' Unions, University or Athletic Clubs, Employment Bureau, Publication Board, and Students' Advisory Bureau for foreign studies;
- (xii) to recognise hostels;
- (xiii) to arrange for co-ordination of studies and teaching in University and affiliated colleges, and in recognised institutions;
- (xiv) to arrange for and direct the inspection of affiliated colleges, and recognised institutions, and to lay down conditions for ensuring or maintaining their efficiency in teaching, training or research and [to issue instructions for ensuring proper conditions of employment for members of the staff of such colleges or institutions and in case of disregard of such instructions, to recommend modification of conditions of their affiliation or recognition, or to take such other steps as it deems proper];
- (xv) to call for reports, returns and other information from University and affiliated colleges and recognised institutions, and from authorities in charge of hostels;
- (xvi) to make Ordinances for the residence, conduct and discipline of the University students, and to make arrangements for their health and general welfare;
- 2[(xvii) to supervise hostels];
- 3((xviii) to recommend to the Senate conferment of honorary degrees and other academic distinctions upon distinguished persons, subject to the provision of the Statutes;
- (xix) to make Ordinances for and to regulate the award of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes];

¹ These words were substituted for the words "to supervise hostels and to direct their inspection" by Bom. 52 of 1950 (c). 18(c).

² This clause was inserted, *ibid.*, 18(d).

³ These clauses were substituted for the original, *ibid.*, 18(c).

- (xix) to recognise a member of the staff of an affiliated college or recognized institution as a professor, reader, lecturer or teacher of the University and withdraw such recognition;
- II (xx) to fix remuneration of examiners¹;
- (xxi) to appoint the Registrar and other officers of the University as provided for in this Act or by Statutes;
- (xxii) to appoint University professors, readers and other teachers as provided for in this Act or by Statutes, and, define their duties;
- (xxiii) to appoint clerks, assistants, supervisors and other servants of the University, University departments, University colleges, and, define their duties;
- (xxiv) to determine salaries, allowances and emoluments of the teachers² and other employees of the University, the conditions of their service, the qualifications for employment as teachers and to prescribe leave rules;
- (xxv) to make Ordinances for the discipline and supervision of all teachers of the University and officers and other employees;
- 3 (xxvi) to hold and conduct the examinations or tests or both as prescribed by the Ordinances³;
- (xxvii) to make Ordinances for levying examination fees and other charges and to collect the same;
- (xxviii) to lay down conditions on which students shall be admitted to examinations;
- (xxix) to publish the results of University examinations and other tests;
- (xxx) to organise or arrange for the employment of students;
- (xxxi) to make amend and cancel the Ordinances;
- (xxxii) to exercise such other powers, perform such other functions and discharge such other duties as may be conferred or imposed on the Syndicate by this Act or the Statutes;
- (xxxiii) to exercise all powers of the University not otherwise provided for in the Act or Statutes which may be necessary to give effect to the provisions of the Act.
- (2) The Syndicate shall submit to the Senate every year an administration report about all matters concerning University affairs, and particularly about all acceptances or transfers of property referred to in clause (viii) of sub-section (1).

1 This clause was substituted by Guj. 10 of 1982, s. 2 (1) (2) (a).

2 These words were inserted by Bom. 52 of 1950, s. 18 (f).

3 This clause was substituted by Guj. 10 of 1982, s. 2 (1) (2) (a).

2 These words were inserted by Bom. 52 of 1950, s. 18 (g).

3 This clause was substituted for the original, *ibid*, s. 18(g).

- (3) The Syndicate may by Ordinances appoint committees to carry out its administrative work and define their constitution, functions and tenures.

- (4) The exercise of the powers by the Syndicate under clause (xxiv) of sub-section (1), in so far as they relate to the determination of salaries, allowances and emoluments of the teachers and other employees of the University shall be subject to the approval of the State Government].

25 (1) The University shall include the Faculties of 2[Arts, Science, Education and Psychology, Commerce, Medicine, 3[Technology and Engineering], Law, Agriculture, Fine Arts, Home Science, Social Work] and such other Faculties as may be prescribed by the Statutes.

Faculties
Faculties

- (2) Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

- (3) Each Faculty shall consist of :—

- (i) such Members as are assigned to each Faculty by the Senate; and
(ii) such members of the Boards of Studies for the subjects comprised in the Faculty, as may be elected to it under the Statute to be made by the Senate.

- (4) The powers, and duties of the Faculties, and the conditions governing the term of offices of their members shall be as prescribed by the Statutes.

- (1) There shall be a Dean of each Faculty, who shall be 4[appointed by the Syndicate in accordance with the Statutes.]

Deans of Faculties
Deans of Faculties

- (2) The Dean of each Faculty shall be responsible for the due observance of the Statutes and Ordinances relating to that Faculty.
(3) The Dean shall be the Chairman of the Faculty, and shall preside at its meetings.

Council of Post-graduate
Council of Post-graduate
Studies and Research

- (1) (i) There shall be a Council of Post-graduate Studies and Research (hereinafter called the Council) to deal with all matters relating to [Post-graduate] instruction, training and research in the various subjects taught in the University or in which training is given or research conducted;

1 This sub-section (4) was inserted by Guj. 10 of 1982, s. 2 (1) (2) (b).

2 This sub-section (4) was inserted by Guj. 10 of 1982, s. 2 (1); (2) (b).

3 These words were substituted for the words beginning with " Arts " and ending with " Fine Arts " ;
by Bom. 52 of 1950, s. 19.

4 These words were substituted for the words and brackets " Technology (including Engineering) " ;
by Bom. 42 of 1953, s. 3.

5 These words were substituted for the words beginning with " elected " and ending with " Fellows " ;
by Bom. 42 of 1955, s. 3.

6 These words were substituted for the words beginning with " elected " and ending with " Fellows " ;
by Bom. 52 of 1950, s. 20.

7 These words were inserted, *ibid*, s. 21 (a) (i).

8 These words were inserted, *ibid*, s. 21 (a) (i).

(ii) The Council may be divided by the Statutes into two following

[divisions] :-

- (a) the Faculties of Arts, Education and Psychology, Commerce, Law, Fine Arts, Home Science and Social Work, and
- (b) the Faculties of Science, Medicine, Technology and Engineering and Agriculture.]

(2) The Council shall consist of :-

(i) The Vice-Chancellor;

(ii) The Pro-Vice-Chancellor;

(iii) * * *

(iv) The Dean of each Faculty;

(v) * * * *

(vi) such number of the teachers of the University not exceeding five, as may be prescribed by the Statutes, elected from amongst such teachers who are themselves doing post-graduate research or training * * *

(3) The term of office of the Council shall be three years and its powers and duties shall be prescribed by the Statutes.]

28 (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

Boards of Studies

(2) Each Board shall consist of—

- (i) Heads of the University Departments in the subjects for which the Board is constituted;
- (ii) Heads of departments in the said subjects in affiliated colleges and recognised institutions;
- (iii) such class of teachers of the University in the said subjects, in such numbers, and elected in such manner as may be prescribed by the Statutes;

1 This word was substituted for the word "departments" by Bom. 52 of 1950, 21. (a) (ii) (i).

2 These sub-clauses were substituted for the original *ibid.*, 21. (a) (iii).

3 These words were substituted for the words and brackets "Technology (including Engineering)" by Bom. 42 of 1955, 3. 3.

4 This clause (ii) was substituted by Guj. Gov. 1982, 1982, s. 11.

5 This clause (iii) was deleted *ibid.*, *ibid.*, s. 11.

6 Clause (v) was deleted by Bom. 152 of 1950, 21. (b).

7 The words "but who are not persons referred to in sub-clauses (i) and (ii)" were deleted *ibid.*, *ibid.*, s. 21. (b).

8 This subsection was added *ibid.*, *ibid.*, (c) 21. (c).

9 The words "the University or", were deleted *ibid.*, 22, (a) 1. (a) (i).

I (iv) such experts in the subjects concerned as may be appointed by the Syndicate in accordance with the Statutes.]
II (iv) such experts in the subjects concerned as may be appointed by the Syndicate in accordance with the Statutes.]

(3) The Chairman shall be elected by the members of the Board of Studies.

(4) The term of office of each Board of Studies shall be three years.

(5) The term of office of each Board of Studies shall be three years.

(5) The powers, duties and functions of the Board of Studies shall be as prescribed by the Statutes.]

29 (1) The University may establish a Board of Extra-Mural Studies, a Sports Board, a Board for Students Welfare and a Publication Board, and such other Boards as may be prescribed by the Statutes.

Other Boards
i Other Boards

(2) The constitution, powers and duties of the Boards established under sub-section (1) shall be as prescribed by the Ordinances.

30 The constitution, powers and duties of such other bodies as may be declared by the Statutes to be authorities of the University shall be as prescribed by the Statutes.

Other authorities
Other authorities

CHAPTER IV

STATUTES AND ORDINANCES

31 Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters :-

Statutes

Statutes

- (i) the powers and duties of the officers of the University, in so far as they are not provided for by this Act;
- (ii) the constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iii) the election of the members to the Senate, and the Syndicate, and other authorities of the University and the procedure at meetings thereof and for the transaction of their business;
- (iv) the conferment of degrees, diplomas, certificates and other academic distinctions to be conferred by the University;

distinctions to be conferred by the University;

1 This clause was added, by Bom. 52 of 1950, s. 22 (a) (ii).

2 Sub-sections (4) and (5) were added, *ibid.*, s. 22 (b).

3 This clause was added, by Bom. 52 of 1950, s. 22 (a) (ii).

4 These words were substituted for the words "the degrees", *ibid.*, s. 23 (a) (i).

5 Sub-sections (4) and (5) were added, *ibid.*, s. 22 (b).

6 The word "titles" was deleted, *ibid.*, s. 23 (a) (ii).

7 These words were substituted for the words "the degrees", *ibid.*, s. 23 (a) (i).

8 The word "titles" was deleted, *ibid.*, s. 23 (a) (ii).

- (v) the procedure for the withdrawal or cancellation of degrees, diplomas, certificates and other academic distinctions;
- (vi) the registration of graduates and maintenance of a register of registered graduates;
- (vii) the holding of convocation to confer degrees or diplomas;
- (viii) the conferment of honorary degrees;
- (ix) the acceptance of grants, bequests, donations and endowments;
- (x) the maintenance of the accounts, and the [method of preparation] of annual budget of the University;
- (xi) all other matters which by this Act are to be or may be prescribed by the Statutes.

32 (1) The Statutes may be made by the Senate, or may be amended, repealed or added to by Statutes made by the Senate, in the manner hereinafter

*Statutes, their making provided;
Amendment, repeal
Addition operation*

4 (1A) Notwithstanding anything contained in sub-section (1), the Statutes in Schedule IV shall, on the commencement of the Mahatma Jayaprakash Narayan University of Baroda (Amendment) Ordinance, 1980, be deemed to be the Statutes providing for matters for which provisions have been made in the said Schedule:

Provided that the Senate shall be competent to amend, repeal or add to any of this Statutes in the manner hereinafter provided, at any time after the commencement of the said Ordinance, subject however to the condition that no such Statute shall be amended, repealed or added to, before the Vice-Chancellor is appointed for the first time after such commencement].

- (2) the Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.
- (3) the Syndicate may propose to the Senate the draft of any Statute to be passed by the Senate.
- (4) Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together

1 The word "titles" was deleted by B.O. 152 of 1950; 1923 (b) 23 (b).

2 These words were substituted for the words "and management of the" 23 (a), s. 23 (a).

3 These words were substituted for the words "preparation and passing" 23 (b), s. 23 (b).

4 This sub-section (1A) was inserted by G.O. of 1981, 1983, s. 3.

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with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate and the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

- (5) Where a Statute affects the powers or duties of any officer, authority or Board of the University :-

- (i) the Syndicate shall, before proposing the draft of such Statutes, ascertain and consider the views of the officer, authority or Board concerned; and
- (ii) the Senate, before passing any such Statute, taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned, and the opinion of the Syndicate.

- (6) All Statutes passed by the Senate from time to time shall be submitted to the Government and shall be liable to be cancelled by the Government within a period of one year from the date they were received by it:

Provided that before a Statute is cancelled, the Senate shall be given an opportunity to express its views.

33 Subject to such conditions as may be prescribed by or under the provisions of this

33 Subject to such conditions as may be prescribed by or under the provisions of this

Ordinances

Ordinances

the following matters :-

- (i) Courses of studies for degrees, ¹diplomas, and other academic distinctions;
- (ii) Admission of students to the various courses of study and examinations;
- (iii) Levy of fees in the [University Departments], affiliated colleges and recognised institutions and institutions maintained by the University;
- (iv) Residence, conduct and discipline of students;
- (v) Qualifications and terms and conditions of the employment of teachers ³[in affiliated colleges and recognised institutions];
- (vi) Appointments of examiners and supervisors;
- ⁴[(vii) Conduct of examinations and other tests];
- (viii) Inspection of affiliated colleges, recognised institutions and hostels;
- (ix) Rules to be observed and enforced by constituent [and affiliated] colleges and recognised institutions in respect of transfer of students;

1 The word "titles" was deleted by Bom. 52 of 1950, s. 24 (a).

2 These words were substituted for the words "University and", *ibid*, s. 24 (b).

3 These words were substituted for the words "University and", *ibid*, s. 24 (b).

4 These words were substituted for the words "other than the teachers of the University", *ibid*, s. 24 (c).

5 This clause was substituted for the original *ibid*, s. 24 (d).

6 These words were inserted, *ibid*, s. 24 (e).

- (x) Number and designations of the teachers of the University, their emoluments, powers and duties, and the conditions of their service;
- (xi) Recognition of hostels;
- (xii) Recognition of teachers of the University;
- (xiii) All matters which by this Act or the Statutes are to be provided by Ordinances;
- (xiv) Generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the power conferred or for the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

34 (1) (1) Ordinances shall be made by the Syndicate, provided that no Ordinance covering any matter connected with the maintenance of standards of teaching and examination in the University shall be made without consulting the Faculty or Faculties concerned.]

Making of Ordinances

(2) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct, but every Ordinance so made shall be laid before the Senate for its consideration.

(3) The Senate shall have power by resolution to cancel or to refer back, but not to amend, any such Ordinances. The resolution shall be passed by a majority of not less than two-thirds of the members present at the [meeting, such majority comprising not less than thirty members of the Senate].

(4) The Vice-Chancellor may, on the application of not less than thirty members of the Senate, suspend the operation of any such Ordinance, until the Senate has considered it as provided in sub-section (3)].

35 Any authority of the University specified in clauses (iii) to (vi) of section 16 and any other Board of the University may, subject to the approval by the Syndicate, make rules, consistent with this Act, Statutes, and Ordinances providing for all matters solely concerning such authority or Board.

Rules

1 These words were substituted for the words beginning with "unless" and ending with "concerned", by Bom, 52 of 1950, s. 25 (a).

2 These words were substituted for the word "meeting", *ibid.*, s. 25 (b), s. 25 (b).

3 This sub-section was added, *ibid.*, s. 25 (c).

CHAPTER V

AFFILIATION AND RECOGNITION

36 (1) A college applying for affiliation¹ to the University shall send a letter of application to the Registrar² and shall satisfy the Syndicate—

Affiliation

- (a) * * * *
- (b) that the college is to be under management of a regularly constituted governing body;
- (c) that the strength and qualification of the teaching staff and the conditions governing their tenure of office are in accordance with the Statutes and the Ordinances and are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;
- (d) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence of students not residing with their parents or guardians, and for the supervision and welfare of students;
- (e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;
- (f) that due provision will, as far as circumstances may permit, be made for the residence of the principal and some members of the teaching staff in or near the college or the place provided for the residence of students;
- (g) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and
- (h) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college as would be injurious to the interests of education.

The application shall further contain an assurance that, after the college is affiliated, and transference of management and all changes in the teaching staff, and all other changes which result in any of the aforesaid requirements not being fulfilled or continuing not to be fulfilled shall be forthwith reported to the Syndicate.

¹ Clause (1) was deleted by Borm 52 of 1950, s. 26 (a).

² These words were inserted, *ibid.*, s. 26 (a).

³ These words were substituted for the word "continued", *ibid.*, s. 26 (a).

(2) On receipt of a letter of application under sub-section (1) the Syndicate shall—

- (a) direct an inquiry to be made by a competent person or persons authorised by the Syndicate in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
- (b) make such further inquiry as may appear to be necessary; and
- (c) record its opinion on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (a) and (b) and (b).

(3) The Registrar shall submit the application and all proceedings, if any, of the Syndicate and the Senate relating thereto to the Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(4) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the ground of such refusal shall be stated.

(5) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (3).

37 Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 36 shall, so far as may be, be followed.

Extension of affiliation

38 (1) The Senate shall have the power to recognise as a recognised institution any institution of research or specialised studies other than a college.

Recognition of institutions of research and specialised studies

(2) An institution applying for recognition under this section shall send a letter of application to the Registrar, and shall give full information in the letter of application in respect of the following matters, namely:—

- (a) constitution and personnel of the managing body;
- (b) subjects and courses in regard to which recognition is sought;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;
- (d) the strength of the staff, their qualifications and salaries and the research work done by them;

1 These words were substituted for the "relating thereto the Senate" by Bom. 53 of 1956, 26 (b).

2 This word was substituted for the words "the Senate" by Bom. 53 of 1956, 26 (c).

(e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration the Senate may call for any further information which it may deem necessary.

(4) If the Senate decides to take the application into consideration, it may direct an inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such inquiry and making such further inquiry as may appear to it to be necessary the Senate shall grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Senate shall specify the subjects and the courses of instruction in respect of which the institution is recognized. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

39 (1) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge of the efficiency of the college or institution.

*Inspection of colleges
and reports*

(2) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(3) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (1) of section 36 and sub-section (2) of section 38.

40 (1) The rights conferred on a college by affiliation may be withdrawn, in whole or in part, or modified, if the college has failed to carry out any of the provisions of sub-section (1) of section 36, or the college has failed to observe any of the conditions of its affiliation, or the college is conducted in a manner which is prejudicial to the interests of education.

Withdrawal of affiliation

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it, and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to

the Principal of the college concerned, together with "an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate";

Provided that the period so specified, may, if necessary, be extended by the Syndicate.

- (4) On receipt of the representation or on the expiry of the period referred to in sub-section (3) the Syndicate after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorised by the Syndicate in this behalf, and such further inquiry, as may appear to it to be necessary, shall make a report to the Senate.
- (5) On receipt of the report under sub-section (4) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, make such recommendations as it deems fit;

Provided that no resolution of the Senate recommending the withdrawal or affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

- (5A) The Registrar shall submit the proposal and all the proceedings, if any, of the Syndicate and the Senate relating thereto to Government, which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it thinks fit.]

- (6) Where the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification, shall be stated in the order.

- (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

[(Withdrawal of
Recognition]

- (2) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.
- (3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to

[This word "order" substituted for the word "order" by Boro 30 of 1954, s. 27.

This sub-section was inserted by Boro 52 of 1950, s. 27.

...the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution, will be considered by the Syndicate;

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(4) On receipt of the representation or on the expiry of period referred to in sub-section (3), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Syndicate in this behalf and after such further inquiry as may appear to it to be necessary shall make a report to the Senate if the Syndicate decides that the recognition should be withdrawn or suspended. No such report for withdrawal or suspension shall be made unless a resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Syndicate.

(5) On receipt of the report under sub-section (4) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Senate to that effect is supported by a majority of at least two-thirds of the members present at the meeting of the Senate; such majority comprising not less than one-half of the members of the Senate.

CHAPTER VI

42 (1) 1 All University colleges and colleges within the University Area specified in Schedule III, which are admitted to the privileges of the University under sub-section (3) of section 51 and all colleges within the said the University Area area which may thereafter be taken over or started by, or be and for teaching affiliated to the University [4 * * * *] shall be constituent colleges of the University.

1 The word "post-graduate" was deleted by Bom. 52 of 1950, s. 28.

2 These words were inserted by Bom. 1 of 1958.

3 The words "and included in Schedule III" were inserted by Bom. 30 of 1954, s. 28.

4 The words "and included in Schedule II" were deleted by Bom. 1 of 1958.

(2) The institutions specified in Schedule III and all institutions within the University Area which may hereafter be recognized under section 38 shall be the constituent recognized institutions of the University.

(3) The relations of the affiliated colleges and constituent recognized institutions within the University 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 colleges and constituent recognized institutions:—

- (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; and
- (ii) to approve the appointments of the teachers made by such colleges and institutions; and
- (iii) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University; and
- (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; and
- (v) to require such colleges and institutions, when necessary, to confine the enrolment of students to certain subjects; and
- (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.

43 (1) Within the University Area all instructions, teaching and training beyond the stage of the Entrance Examination shall be conducted either by the [constituent and affiliated colleges or] recognised institutions in such subjects as may be prescribed by the [Ordinances].

Teaching

(2) 3*

*

*

*

*

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¹ These words substituted for the words "constituent colleges or constituent" by Born. 52 of 1950, §. 29 (a).

² This word was substituted for the word, "Statutes", *Ibid.*, §. 29 (a).

³ Sub-section (2) was deleted, *Ibid.*, §. 29 (b).

CHAPTER VII

ENROLMENT AND DEGREES

44 No student shall be enrolled as a student of University unless he has passed—
*Qualifications for enrolment
 of students of University*

- (i) the Secondary School Certificate Examination [in the eleventh standard or the Higher Secondary School Certificate Examination] conducted by the [Gujarat Secondary Education Board, Gujarat Maharashtra State], in such subjects [and with such standards of attainment] as may be prescribed by the [Ordinances]; or
- (ii) the Entrance Examination [if any, which may be instituted by the University with the consent of Government, and held in such subjects and in such manner as may be prescribed by the Ordinance]; or
- (iii) the Matriculation Examination of the University of Bombay held in or before March, 1948; or
- (iv) any other examination declared to be equivalent to the examination referred to in subclauses (i) and (ii) [preceding and possessing such further qualifications, if any, as may be prescribed by the [Ordinances]].

8[Provided that a student who has passed Secondary School Certificate Examination in the tenth standard conducted by the Gujarat Secondary Education Board in such subjects and with such standards of attainment as may be prescribed by Statutes or any other examination prescribed as equivalent to the aforesaid examination may be enrolled as a student of the University for the purpose of such diploma courses as may be prescribed by Statutes.

Explanation: In this section, "Higher Secondary School Certificate Examination" means the examination of the students in the twelfth standard [].

1 These words were inserted by Guj. 32 of 1978, s. 6(2)(b) (a). (1) (a).

2 These words were substituted for the words "Secondary School Certificate Examination Board", by Guj. 40 of 1973, p. 284 & 24.

3 This word substituted for the word "Province" by the Adaptation of Laws Order, 1956, 1956.

4 These words were inserted by Bom. 52 of 1950, s. 30 (a).

5 This word was substituted for the word "Statutes" *ibid.*, s. 30 (a).

6 These words were substituted for the words "of this University" *ibid.*, s. 30 (b).

7 This word was substituted for the word "Statutes" *ibid.*, s. 30 (c).

8 This proviso was inserted by Guj. 32 of 1978, s. 6(2)(b) (b).

45 Every student of the University shall reside in a hostel or under such conditions as may be prescribed by the Ordinances.

Residence of students

46 If not less than two-third of the members of the Syndicate recommend that an honorary degree,* or other academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainment, a fit and proper person to receive such degree,* or other academic distinction, and where such a recommendation is supported by a majority of not less than two-thirds of the members of the Senate, present at the meeting of the Senate, the Senate may confer on such person the honorary degree,* or other academic distinction so recommended and without requiring him to undergo any examination.

47 (1) The Chancellor may, on the recommendation of the Syndicate and the Senate, supported by a majority of not less than two-thirds of members of each body present at its meeting, remove the name of any person from the register of graduates, or withdraw any diploma or degree, if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence, involving moral turpitude.

Removal from membership of University and withdrawal of degree or diploma

(2) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

C

CHAPTER VIII

COMMITTEES

48 (1) No person shall be appointed as [professor or reader] of the University except on the recommendations of a Committee for Selection specially constituted for the purpose.

Committee of Selection

for appointment of
[professor or reader]
of the University

1 The word "title" was deleted by Born. 52 of 1950, s. 31.

1 These words were substituted for the word "teachership" by Born. 9 of 1951, s. 3.

3 These words were substituted for the word "teachers" by Born. 52 of 1950, s. 32(1), s. 32(1)

- (2) The members of the Committee shall be:—
 (i) The Vice-Chancellor, ~~officiating Chairman,~~
 (ii) The ~~Prof~~ Vice-Chancellor, * * *
 (iii) The Head of the Faculty,
 (iiiia) The Head of the Department in the subject, if appointed by the Syndicate,
 (iv) For persons having special knowledge of the subjects for which the
 2[professor or reader] is to be appointed, to be selected by the Syndicate: provided that two of them shall not be members of the Senate,
 3[or of any Faculty or teachers of the University].
- (3) The Committee shall investigate the merits of the various candidates and shall recommend to the Syndicate the names, if any, of persons who might be considered suitable for the post arranged in the order of merit.
- (4) If there are more than one applicant for any such post, the Committee of Selection shall recommend for each such post not less than two names arranged in the order of merit: provided that it shall be open to the Committee to recommend anyone of such candidates as being in their opinion the best suited for the post.
- 4[(5) Out of the persons so recommended, the Syndicate may make the final selection. If the person so selected is unable to take up the appointment within a reasonable time, the Syndicate may make another selection from the other persons recommended by the Committee of Selection in the order of merit. If none of the persons recommended by the Committee of Selection is able to take up the post or found suitable by the Syndicate, the post may be filled in by the Syndicate at their discretion:
- Provided that when the Syndicate makes the appointment otherwise than in the order of merit arranged by the Committee, the Syndicate shall record its reasons for such or any such appointment.
- (6) 5[Nothing contained in sub-sections (1) to (5) shall apply to a temporary appointment of a person,
 (i) as a professor or reader for a period not exceeding one year, or

1 These clauses were substituted for the original as amended by Bom. 52 of 1950, s. 32 (2) (a), by Bom. 30 of 1954, s. 29 (1) (a), and thereafter clause (ii) was substituted by Guj. 13 of 1982, s. 12.

2 These words were substituted for the word "teacher" by Bom. 30 of 1954, s. 29 (1) (b).

3 These words were substituted for the words "members of the Faculties or teachers" by Bom. 52 of 1950, s. 32 (2) (b).

4 Sub-sections (5) and (6) were substituted for the original sub-section (5) *ibid.* s. 32 (3).

5 These words were substituted for the words "Nothing contained in this section shall apply to a temporary appointment of a person as professor or reader for a period not exceeding one year" by Bom. 30 of 1954, s. 29 (2).

- (ii) as a professor or reader where his services are loaned for a period not exceeding two years].

Provided that no such temporary appointment made under this sub-section shall be renewed or continued for any further period without fulfilling the requirements of this section.]

49 (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointments to University Examiners' Committee consisting of—

- (i) the Pro-Vice-Chancellor, *Ex-officio* Chairman,
 - (ii) the Dean of the concerned faculty,
 - (iii) the Chairman of the Board of Studies, and
 - (iv) two members of the Board of Studies nominated by the Vice-Chancellor for the year.
- (2) The list of Examiners prepared by the Committee shall be placed before the Vice-Chancellor for his approval who may either approve or modify the same for reasons to be recorded in writing.
- (3) The procedure to be followed by the Committee shall be such as may be prescribed by Statutes.]

50 All the authorities of the University shall have powers to appoint Committees. Such Committees may include persons who are not members of the authority appointing it.

CHAPTER IX

FINANCE

51 (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund:—

- 2* (a) Any contribution or grant by the Government.
- 3* (b) The income of the University from all sources including income from fees and charges.

¹ This section 49 was substituted by G.U. 10 of 1982, s. 134(1) (3).

² The original clause (a) was deleted by B.O. 52 of 1950, s. 134(a). 34 (a).

³ The original clauses (b), (c) and (d) were renumbered as clauses (a), (b) and (c) by B.O. 52 of 1950, s. 134 (a).

†³(c) bequests, donations, endowments, [grants and all other receipts.]

P(c) bequests, donations, endowments, [grants and all other receipts.]

(3) The University Fund shall be kept in the Bank of Baroda Ltd. or in any

(3) The University Fund shall be kept in the Bank of Baroda Ltd. or in any

11 of 1934

II of 1934

11 of 1882

scheduled bank as defined in the Reserve Bank of India Act,

1934 [or in a Co-operative Bank approved by the State Government

for the purpose of invested] in securities authorised by [the Indian

Trust Act, 1882], at the discretion of the Syndicate.

52 [Trust Fund.] Repealed by Bom. 52 of 1950, s. 35.

52 [Trust Fund.] Repealed by Bom. 52 of 1950, s. 35.

53 (1) The annual accounts of the University shall be prepared under the direction

53 (I) The annual accounts of the University shall be prepared under the direction

Annual accounts, financial

Annual accounts, financial

estimates and annual report

of the Syndicate and 4* * * * shall be

submitted to the Government for audit.

(2) The Syndicate shall prepare, every year before such date as may be

(2) The Syndicate shall prepare, every year before such date as may be

prescribed by the Statutes, the financial estimates for the ensuing year.

(3) The⁵* * financial statement shall be considered by the

(3) The⁵* * financial statement shall be considered by the

Senate at a meeting of the Senate held before the end of the year and the

Senate may pass resolutions with reference thereto and communicate the

same to the Syndicate which shall take them into consideration and finally

adopt the⁶* * financial estimates.

(4) The annual report [and accounts] of the University shall be prepared under

(4) The annual report [and accounts] of the University shall be prepared under

the direction of the Syndicate and shall be submitted to the Senate on or

before such date as may be prescribed by the Statutes, and shall be considered

at its annual meeting. The Senate may pass resolutions thereon and commu-

nicate the same to the Syndicate, which shall take such action thereon, as

may seem necessary and appropriate to give effect to the resolutions.

† Vide foot-note No. 3 on page 38.

† Vide foot-note No. 3 on page 38.

by Bom. These words were substituted for the words " and other grants, if any, other than the Trust Fund "

by Bom. 32 of 1950, s. 34 (b) substituted for the words " or invested " by Bom. 30 of 1954, s. 30.

2 These words were substituted for the words " or invested " by Bom. 30 of 1954, s. 30.

Samvat 1963, by Bom. 52 of 1950, s. 34 (b) deleted, *ibid*, s. 36 (a).

Samvat 1963, by Bom. 52 of 1950, s. 34 (b) deleted, *ibid*, s. 36 (a).

4 The words " the accounts " were deleted, *ibid*, s. 36 (b).

5 The words " annual accounts and the " were deleted, *ibid*, s. 36 (b).

6 The words " accounts and " were deleted, *ibid*, s. 36 (b).

7 These words were inserted, *ibid*, s. 36 (c).

CHAPTER X

SUPPLEMENTARY PROVISIONS

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

Conditions of Service

1[54A (1)] Where the University has established a provident fund for the benefit of its officers, teachers and other servants under Section 54, such fund shall, notwithstanding anything contained in any Law for the time being in force, be deposited in the State Government treasury in accordance with such directions as the State Government may, from time to time by an order in writing give, and thereupon,—

Provident Fund to be deposited in Government Treasury

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government servant is for the time being entitled to on the balance in his provident fund account and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds Act, Act, XIX of 1952, 1952 applies].

XIX of 1952

2[54AA Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and Employees to be Public Servants

Explanation.—For the purposes of this section any person who is appointed by the University for a specified period or for a specified work of the University, or who receives remuneration by way of compensatory allowance 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 and in relation to all matters relating to the performance of the duties and functions connected with such appointment or work].

1 This section 54A was inserted by Guj. U. J. of 1979, 1979 (i). 2 (i).

2 This section 54AA was inserted by Guj. U. J. of 1980, 1980 (i). 2 (i)

55 Any dispute arising out of a contract between the University and any officer or teacher of the University, shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the [Syndicate], one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of [the Arbitration Act, 1940], and the provisions of that Act shall apply accordingly.

56 Every election under this Act shall be by a system of single distributive vote.
Election to be by single distributive vote

57 (1) Any member of any authority or body of the University may resign his office by letter addressed to the [Vice-Chancellor through the Registrar and on the Vice-Chancellor accepting the resignation, the office of such member shall become vacant].

Vacating of Office
Vacating of Office

(2) Any member of any authority or body of the University shall cease to be a member on his being convicted by a court of law of an offence which involves moral turpitude.

(3) The Government may on the recommendation of the Senate supported by at least two-thirds of the number of members present at the meeting, cancel the appointment of any person appointed or elected a member of the University. As soon as such order is published or notified in the *Official Gazette*, the person so appointed or elected shall cease to be a member, and he shall not be eligible for the re-appointment or re-election until the disqualification has been removed by the Government by a notification in the *Official Gazette*.

58 When any vacancy occurs in the office of a member (other than *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled as soon as conveniently may be, by the election, nomination, or appointment, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated or appointed would have held it if the vacancy had not occurred:

1 This word was substituted for the word "Senate", by Bom. 52 of 1950, s. 37.
2 These words and figures were substituted for the words and figures "the Baroda Arbitration Act, 1926" by Bom. 52 of 1950, s. 37.
3 These words were inserted by Bom. 3 of 1958.
4 These words were inserted by Bom. 3 of 1958.

11 [Provided that if the vacancy be of an elected member of the Senate and occurs within six months preceding the date on which the term of office of such member expires, expires, the vacancy shall not be filled].

59. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

*Proceedings not to be
invalidated by vacancies*

2[60 Where any question arises as to—

*Disputes as to constitution
of University
authority or body*

(1) the interpretation of any provision of this Act, or of any of any Statute, Ordinance or Rule, or

(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be a member of any authority or other body of the University,

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

(b) it shall be referred to the State Government if it relates to a matter specified in clause (2), and the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard and where necessary) decide the question and its decision shall be final.

61 All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances and Rules framed thereunder.

*Protection of acts
and orders*

1 This proviso was added by Born 52 of 1950, s. 38.

2 This Section 60 was substituted by Guj 9 of 1983, 1983.

BARODA ACT NO. XVII OF 1949

CHAPTER XI

1949

43

TRANSITORY PROVISIONS

CHAPTER XI

62 Notwithstanding anything contained in this Act, or the Statutes and Ordinances made thereunder, any student of a college situate within the

Completion of courses of studies in colleges 62 Notwithstanding anything contained in this Act, or the Statutes and Ordinances made thereunder, any student of a college situate within the University Area and affiliated to the University of Bombay, who was studying before the date on which section 5 came into force immediately before the date on which section 5 came into force of Bombay 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 by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the University of Bombay.

63 Notwithstanding anything contained in section 10, the first Vice-Chancellor shall

Appointment of Vice-Chancellor 63 Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be an honorary officer who shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

Appointment of Vice-Chancellor 63 Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be an honorary officer who shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

64 (1) Notwithstanding anything contained in section 12 the first Pro-Vice-Chancellor shall be a wholetime salaried officer who shall be appointed by the

Appointment of Pro-Vice-Chancellor 64 (1) Notwithstanding anything contained in section 12 the first Pro-Vice-Chancellor shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

Appointment of Pro-Vice-Chancellor 64 (1) Notwithstanding anything contained in section 12 the first Pro-Vice-Chancellor shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

(2) The first Pro-Vice-Chancellor, shall under the control of the first Vice-Chancellor discharge such of the [functions] and duties of the first Vice-Chancellor, as he may direct.

65 (1) Notwithstanding anything contained in section 13 the first Rector shall be a wholetime salaried officer who shall be appointed by the Govern-

Appointment of Rector 65 (1) Notwithstanding anything contained in section 13 the first Rector shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

Appointment of Rector 65 (1) Notwithstanding anything contained in section 13 the first Rector shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

(2) The first Rector shall, under the control of the first Vice-Chancellor work as the administrative head of all constituent colleges and institutions in the

(2) The first Rector shall, under the control of the first Vice-Chancellor work as the administrative head of all constituent colleges and institutions in the

1 This word was substituted for the word" function" by Bom. 9 of 1951, s.3.

66 Notwithstanding anything contained in section 14, the first Registrar shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such terms and conditions as the Government thinks fit.

Appointment of the first Registrar

67 Notwithstanding anything contained in sections 18 and 23, the first Fellows of the Senate and the first members of the Syndicate shall be nominated by the Government as soon as practicable after the passing of this Act. They shall hold office up to and inclusive of the 31st day of October, 1951. The casual vacancies in the office of a Fellow or member, as the case may be, may be filled up by the Government and the Fellow or member so nominated shall hold office so long only as the Fellow or member in whose place he has been nominated would have held it if the vacancy had not occurred.

The first Senate and Syndicate

68 (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the authorities of the University other than the Senate and the Syndicate within six months after the date of his appointment or such longer period not exceeding one year as the Government may direct.

Transitory powers of the first Vice-Chancellor

(2) The first Vice-Chancellor shall make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the method of election to the aforesaid authorities.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as may be determined by the Vice-Chancellor.

(4) The first Vice-Chancellor shall, also subject to the provisions of this Act and the approval of the Chancellor, frame the first Statutes and Ordinances under this Act and submit them for confirmation to the Senate and the Syndicate respectively and shall when confirmed be published in the Official Gazette.

2[68-A (4)] At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor.

(b) teachers of the University may be appointed by the Vice-Chancellor after considering the recommendations of the Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

1 These words, letters and figures were substituted for the words beginning with the words "for a period" and ending with the words "their nomination" by Bom. 8 of 1951 of 1951, s. 3.

2 This section was added by the Barbuda State (Application of Laws) Order, 1949, clause 10, clause 10.

- (2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit.
- (2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit.

69 On the coming into force of this section, the colleges, and institutions specified in Schedule II except the Medical College and in Schedule III except the Museum and The Baroda Sanskrit Mahavidyalaya, respectively, and established and conducted by the Government immediately before the coming into force of this section and all rights, powers and privileges of the said colleges and institutions and all property, movable and immovable, thereof shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

69 On the coming into force of this section, the colleges, and institutions specified in Schedule II except the Medical College and in Schedule III except the Museum and The Baroda Sanskrit Mahavidyalaya, respectively, and established and conducted by the Government immediately before the coming into force of this section and all rights, powers and privileges of the said colleges and institutions and all property, movable and immovable, thereof shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

70 Notwithstanding anything contained in this Act, all teachers and other staff employed immediately before the coming into force of this section in the colleges and institutions transferred to the University under section 69 shall hold employment in the University on the same tenures and on the same terms and conditions and with same rights and privileges as they would have enjoyed if this Act had not been passed.

70 Notwithstanding anything contained in this Act, all teachers and other staff employed immediately before the coming into force of this section in the colleges and institutions transferred to the University under section 69 shall hold employment in the University on the same tenures and on the same terms and conditions and with same rights and privileges as they would have enjoyed if this Act had not been passed.

71 If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Government as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

71 If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Government as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

Transitory Provisions of Gujarat Act No. 9 of 1981

5. The person who immediately before the commencement of the Maharaja Sayajirao University of Baroda (Amendment) Ordinance, 1980 (hereinafter referred to as such commencement) holds office as the Vice-Chancellor under section 10 of the principal Act shall,—

5. The person who immediately before the commencement of the Maharaja Sayajirao University of Baroda (Amendment) Ordinance, 1980 (hereinafter referred to as such commencement) holds office as the Vice-Chancellor under section 10 of the principal Act shall,—

(a) notwithstanding that he has not been appointed to such office in conformity with the provisions of the said section 10 as substituted by this Act or that his continuance in that office has been rendered inconsistent with the provisions of sub-section (4) of the said section 10 as so substituted continue to hold that office, after such commencement, subject to the other provisions of the principal Act as if this Act had not been enacted; and

(a) notwithstanding that he has not been appointed to such office in conformity with the provisions of the said section 10 as substituted by this Act or that his continuance in that office has been rendered inconsistent with the provisions of sub-section (4) of the said section 10 as so substituted continue to hold that office, after such commencement, subject to the other provisions of the principal Act as if this Act had not been enacted; and

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- (b) notwithstanding anything contained in sub-section (2) of section 10 of the principal Act, continue to hold that office till the day immediately before the day on which another person is appointed as Vice-Chancellor under the said section 10 as substituted by this Act.

6. (1) The **Maharaja Sayajirao University of Baroda (Amendment) Guj. Ord. 188 of 1980** Ordinance, 1980 is hereby repealed.

- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Transitory Provisions of Gujarat Act No. 1 of 1982

Transi-
tory
provi-
sions

14 (1) The person who immediately before the commencement of Guj. of Guj. the Maharaja Sayajirao University of Baroda (Amendment) Ordinance, Ord. 6 of 1981 (Hereinafter referred to as "such commencement") holds office as of a Pro-Vice-Chancellor under section 12 of the principal Act shall not, 1981 1981 notwithstanding that he has not been appointed to such office in conformity with the provisions of the said section as amended by this Act continue to hold that office till the term of his office specified in sub-section (1) of section 12 of the principal Act or his successor is appointed in conformity with the provisions of the said section 12 as amended by this Act which ever is later.

(2) The Senate and Syndicate of the Maharaja Sayajirao University of Baroda functioning immediately before such commencement shall, notwithstanding that their constitution has been rendered inconsistent with the provisions of the principal Act as amended by this Act and notwithstanding that the term of their members may expire earlier continue after such commencement to exercise the powers until the date of expiry of seven months from such commencement.

(3) It shall be the duty of the Vice-Chancellor or —

(a) to make arrangements for constituting the Senate and the Syndicate within seven months from such commencement in accordance with the provisions of the principal Act as amended by this Act;

(b) to make, amend or repeal any statute for the purpose of clause (a), notwithstanding anything contained in section 32 of the principal Act.

principal Act.

(4) The Statutes framed by the Vice-Chancellor shall when confirmed by the Senate be published in the *Official Gazette*.

*Repeal
and
saving*

15 (1) The Maharaja Sayajirao University of Baroda (Amendment) Ordinance, 1981 is hereby repealed.

*Guj.
Ord. 66
of 1981
of 1981*

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

SCHEDULE I

SCHEDULE I

The University Area comprising the limits of the City of Baroda and territories within a radius of ten miles from the office of the University.

SCHEDULE II

SCHEDULE II

1. The Baroda Arts and Science College.
2. The Pratapsingh College of Commerce.
3. The Secondary Teachers' Training College.
4. The Engineering College and Kalabhavan.
5. The Medical College.
6. The Oriental Institute.
7. The Technological Institute.
8. The College of Indian Music, Dance and Dramatics.
9. The Baroda Sanskrit Mahavidyalaya].

SCHEDULE III

SCHEDULE III

1. * * *
2. * * *
3. * * *
4. The Baroda Museum and Picture Gallery.
5. * * *

1 These entries were added by Bom. 30 of 1954, s. 31.

2 The original entries were deleted and entry 4 was substituted for "4 Museum", *ibid*, s. 32.

1 These entries were added by Bom. 30 of 1954, s. 31.

2 The original entries were deleted and entry 4 was substituted for "4 Museum", *ibid*, s. 32.

SCHEDULE IV

[See Section 322 (A) (4)]

Statutes of the University
Statutes of the University

1. Definitions—In these Statutes—

- (1) "Act" means the Maharaja Sayajirao University of Baroda Act, 1949;
- (2) "section" means a section of the Act;
- (3) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

2. Procedure for the appointment of the Vice-Chancellor—

- (1) At least five months before the date of expiry of the term of the Vice-Chancellor, the Registrar shall call a meeting of the Syndicate for the purpose of nominating a member of the Committee to be appointed under sub-section (2) of section 10 for recommending the panel of the names for the Vice-Chancellor as required under sub-clause (i) of clause (a) of the said sub-section (2).
- (2) The Registrar shall, within 15 days from the date of the meeting referred to in clause (1) convene a meeting of the Vice-Chancellors of the Universities established by law in the Gujarat State for nominating a person on the said Committee for recommending the panel as required under sub-clause (i) of clause (a) of sub-section (2) of section 10.
- (3) The Registrar shall, within 10 days from the date of the meeting referred to in clause (2), communicate to the Chancellor the names of persons nominated at the meetings referred to in clauses (1) and (2) and request him to nominate a third person on the Committee and to designate one of them as the Chairman and to communicate the appointment of the Committee, to its members.
- (4) Within 30 days after the appointment of the Committee by the Chancellor as mentioned in clause (3), the Registrar shall convene a meeting of the Committee at the place and time fixed in consultation with the Chairman of the Committee.
- (5) The Registrar shall record the proceedings of the meeting and shall submit to the State Government, the names of the persons recommended by the Committee along with the particulars specified in clause (6) with the approval of the Chairman of the Committee, and the State Government shall announce the appointment of the Vice-Chancellor at least one month before the date of the expiry of the term of the Vice-Chancellor.

- (6) The particulars of the persons recommended by the Committee shall contain the following :-
- (i) The name with particulars of degrees, if any, and other academic distinctions.
 - (ii) Place of residence.
 - (iii) Birth date.
 - (iv) Literary activities, if any.
 - (v) Administrative or teaching experience, if any.
 - (vi) Other particulars, if any, e.g. public service, membership of public institutions, and educational activities.
- (7) In relation to the appointment of a person as the Vice-Chancellor in place of the person holding the office of the Vice-Chancellor at the date of the commencement of the Maharaja Sayajirao University of Baroda (Amendment) Ordinance, 1980, this Statute shall apply subject to the following modifications, namely:-
- (a) In clause (1), for the words "At least five months before the date of expiry of the term of the Vice-Chancellor" the words, brackets and figures "Within one month after the commencement of the Maharaja Sayajirao University of Baroda (Amendment) Ordinance, 1980" shall be substituted.
 - (b) In clause (5) for the words "at least one month before the date of the expiry of the term of the Vice-Chancellor" the words "as soon as possible" shall be substituted.]