



ગુજરાત રાજ્ય

GOVERNMENT OF GUJARAT

શિક્ષણ વિભાગ

EDUCATION DEPARTMENT

વિશ્વવિદ્યાલયોના અધિનિયમોમાં  
સુધારણા સમિતિનો અહેવાલ

REPORT OF THE  
COMMITTEE  
ON  
AMENDMENT OF UNIVERSITY  
ACTS

ફેબ્રુઆરી ૧૯૭૯  
FEBRUARY 1979



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## CHAPTER I

### INTRODUCTORY

#### **The Genesis :**

1.1 The genesis of the appointment of this Committee lies in the Government's decision contained in Resolution No. USG-4277-KH(I), dated 22nd September, 1977 of the Government of Gujarat, Education Department, (Appendix I). The Committee is appointed to examine the question of amendment of University Acts of different Universities constituted in the State of Gujarat. Looking back a Commission to examine the difficulties experienced in the functioning of Universities and make suggestions for modernization of the University Acts was appointed by the Government of Gujarat in February, 1970 under the Chairmanship of Shri S. R. Dongerkary, former Vice-Chancellor, Merathawada University. The Commission submitted their report to the Government on 31st March, 1971. After consideration of the recommendations of the Commission, steps were taken to amend the University Acts in the light of its recommendations and the Gujarat University (Amendment) Act, 1972. Amendment bills to amend the rest of the University Acts, however, could not be undertaken for various reasons.

#### **Previous Committee :**

1.2 Almost simultaneously, on 6th June, 1971 a Committee appointed by the University Grants Commission called "Committee on Governance of Universities and Colleges" also examined the matter and submitted its report. The State Government has since decided to implement 12+3 pattern of Higher Secondary Education which reduces the course of education from four years to three years invoking certain consequential problems. Further, the recommendations of the Committee on College Finances (Faul Committee) appointed by Government to examine the financial structure of non-Government colleges receiving grant-in-aid from Government and allied matter have been accepted by the Government. These recommendations also may require amendment of certain provisions of the University Acts.

**Membership :**

1.3 With a view to examine the question of amendment of University Acts in all its aspects and in the light of the above, the Government has constituted a Committee as follows:

1. Shri Fateh Ali H. Palejwala Former, Speaker, Gujarat Legislative Assembly and former Chairman, Gujarat Public Service Commission, Vadodara. *Chairman*
2. Dr. Gauribhai P. Bhatt, Former Pro-Vice-Chancellor, Saurashtra University, Bhavnagar. *Member*
3. Shri R. K. Chhabra, Secretary, University Grants Commission, New Delhi. *Member*
4. Director of Education, Gujarat State, Ahmedabad. *Member Secretary*

**Terms of reference :**

1.4 The terms of reference of the Committee run as follows :

(i) To examine the existing University Acts and to report how far these Acts need to be amended in the light of the recommendations contained in the "Report of the Committee on Governance of Universities and Colleges" appointed by the University Grants Commission and the report of the Paul Committee appointed by the State Government having regard to local requirements.

(ii) To suggest changes in the constitutions of the various authorities of the university, including the reduction in their members, having regard to the experience of Universities and having regard to the introduction of 12+3 pattern of Higher Secondary Education in the State.

(iii) To suggest qualifications and mode of appointment of the officers of the Universities in the best interest of University Education.

(iv) To suggest, if necessary, changes in the power of the Universities and readjustment of the powers and duties of the various authorities, bodies, and officers of the Universities with a view to improve the efficiency in the working of the Universities, having regard to the resources and education policy of the State Government.

(v) To make such other recommendations as are germane to the subject.

### **Change in Membership :**

1.5 The Committee held its first meeting on 31st December, 1977. Before it set upon its detailed task, one of its members Dr. Gauribhai P. Bhatt, former Pro-Vice-Chancellor, Saurashtra University, Bhavnagar expired on 21st December, 1977. Owing to the sad demise of Dr. Bhatt, the Committee could not avail of his valuable guidance and experience. The Government under Resolution No. USG-4277-KH(I), dated 19th February, 1978 appointed Shri V. R. Mehta, former Vice-Chancellor of the Gujarat Agricultural University as a member. (Appendix II).

### **Time Limits :**

1.6 The Committee, for various reasons, was not in a position to submit its report to the Government within a period of two months from the date of its first meeting as laid down in the Government Resolution. The time limit has since been extended up to 15th February, 1979.

### **Scope and Approach :**

1.7 In the first meeting, the Committee discussed its scope broadly in the light of the terms of reference. It also considered the general approach and procedure of work. The Committee had to take cue from the comprehensive recommendations made by the Dongerkary Commission and also from the spade work done by the Government for modernization of University Acts and it has now to report on how far the University Acts need to be amended in the light of recommendations made by (1) the Committee on Governance of Universities and Colleges, (2) Recommendations made by the Paul Committee, (3) Introduction of 10+2+3 pattern of Higher Education, and (4) the experience of various Universities



in Gujarat. It has particularly to report on (1) constitution of various authorities of the University including the reduction in their number, (2) qualifications and mode of appointment of the officers of the universities, (3) changes in the powers of the universities and re-adjustment of the powers of the various authorities, bodies and officers of the Universities, and (4) such other recommendations as are germane to the subject. In dealing with the existing University Acts in the above light, the Gujarat Agricultural University Act and the Gujarat Ayurved University Act are not to be examined. This Committee is, therefore, concerned with reviewing the University Acts, while making recommendations, pertaining to (1) the Gujarat University, Ahmedabad, (2) Maharaja Sayajirao University of Baroda, (3) Sardar Patel University, Vallabh Vidyanagar, (4) The South Gujarat University, Surat, and (5) the Saurashtra University, Rajkot. After the appointment of the Committee, the Government has established a Teaching and Residential University at Bhavnagar under the Bhavnagar University Act, 1978. The Government has also amended the Gujarat University Act under the Gujarat University (Amendment) Act, 1978. Since the Committee is required to examine the Acts existing at the time of its appointment, it has kept these Acts outside its review, although it will be open to the Government to review them, if necessary, in the light of the relevant recommendations, made in this report.

### **Modus Operandi :**

1.8 Accordingly, the main task of the Committee is to consider the recommendations of the earlier Committees and to examine the existing University Acts in the light of these recommendations and experience of the Universities. In view of the very comprehensive and specific recommendations made by the previous committees which had based their conclusions on the data collected by them, it was hardly necessary for this Committee to collect detailed data and, therefore, in Committee's view no detailed questionnaire was required to be issued. The Committee was, however, concerned with the views of the officers and members of the various authorities in the Universities, educationists, leading citizens and others with regard to the terms of reference and also their experience. It was, therefore decided to obtain the views by giving wide publicity to the terms of reference. A press note was accordingly issued (*vide* Appendix III).

The Committee visited various University headquarters on the dates and places shown below :—

<i>Place</i>	<i>Date</i>
1. Baroda	7th—8th April 1978
2. Vallabh Vidaynagar	21st April, 1978
3. Ahmedabad	22nd April, 1978
4. Rajkot	29th April, 1978
5. Surat	7th May, 1978
6. Bhavnagar	13th May, 1978
7. Ahmedabad	21st May, 1978

#### **Meetings :**

1.9 The Committee held 12 meetings. It received 58 written memoranda. It heard the groups and individuals as stated in Appendix IV. The Committee also visited Bombay and Delhi to have the benefit of views of the Vice-Chancellors and Officers of these Universities. Since the Act of the University of Bombay is the Mother Act from which by and large the Acts of Universities in Gujarat have been derived and since the University of Bombay has long experience, the study of working of the University Act in Bombay was found extremely useful. The said Act has also been amended in 1974 and some of the improvements in the light of the Model Act have been incorporated therein.

#### **Design of the Report :**

1.10 The Committee's report is divided in ten Chapters. The first chapter is introductory, explaining the terms of the appointment of the committee, its scope and procedure of work. In the second chapter, the Committee has given the perspective of the changing role of the University which may be helpful in reviewing the task of various authorities and bodies and more particularly the legislative frame work within which such bodies and authorities have to function. The third chapter is devoted to definitions; concepts and jurisdictions of the University. In the fourth,

chapter, recommendations have been made regarding constitution and powers and functions of authorities and bodies of the University. In the fifth chapter the committee has discussed the internal legislation. The sixth chapter is devoted to qualifications and mode of appointment of officers of University. The seventh chapter deals with affiliation, recognition and approval. In the eighth chapter, the constitution and functions of various committees have been discussed. The problem regarding University finance and college finance have been discussed in chapter nine and recommendations are made for amendments in University Acts for implementing the recommendations made by the Committee on College Finance (Paul Committee). In the tenth and the last chapter, we have discussed the service conditions under a broad heading covering recommendations with regard to selection and appointment of teachers disciplinary matters, joint consultative committees and provisions for a tribunal.

#### **Acknowledgement :**

1.11 The Committee expresses its deep sense of gratitude to the Vice-Chancellors of all the Universities in the State who have expressed their views on various issues involved under the terms of reference. It also expresses its gratefulness to the Ex-Vice-Chancellors, members of the Syndicate, Deans, Heads of Departments, Principals of the Colleges, representatives of the teachers, representatives of Managements of Colleges, representatives of the students and other eminent educationists and individuals. The Committee owes special thanks to Shri K. Ramamoorthy, Special Secretary to Government, General Administration Department, who has not only facilitated the Committee's work by arranging timely meetings at various places and preparing notes and record of discussions but has helped the Committee's discussions by making valuable suggestions. The Committee was also benefited by the very valuable experience and views of Vice-Chancellor, Bombay University.

## CHAPTER II

### THE PERSPECTIVE

#### **The Perspective :**

2.1 The history of Universities in India is one of triumph of hope over experience. Universities have been created. Universities have proposed. Universities have limped towards progress or have stagnated. And yet it is the Universities that have to shape the destiny of the nation. No problem can, therefore, be of greater concern to-day than to radically transform the higher educational system and for that end to transform the character of Universities and institutions of higher learning in India. It is true that Universities are facing a crisis but it is equally true that the Universities are undergoing a profound change in their scope, function and organisation and are in a process of rapid evolution. The Secondary Education system itself has undergone a change with the implementation of 12+3 pattern. The structural change required for the university has already been laid down in the report of the Committee on Governance of Universities. The financial aid structure has also been revised by the Government of Gujarat on the basis of the recommendations of the Committee on College Finances. These measures call for a change in the provisions in the University Acts to take into account the limitations imposed by the acceptance of these recommendations. These recommendations do not really change the basic spirit of independence and integrity assured for the Universities but only imposes a certain discipline to be introduced in the functioning of the various authorities under the University Acts. It is in this perspective that we propose to examine the changing role of the Universities and to review the legislative frame work which should become conducive to the smooth implementation of the above changes.

#### **Role of Universities :**

2.2 The role of the Universities in Independent India was well brought into focus by the Radhakrishnana Commission which state that "They (i.e. Universities) have to provide leadership in politics and administration, the professions, industry and commerce. They have to meet the increasing demand for every type of higher education, literary and scientific, technical and professional. They must enable the country to attain, in as short a time as possible, freedom from want, disease and ignorance by the application and development of scientific and technical

knowledge. It is for the Universities to create knowledge and to train minds who would bring together the two material resources and human energies. The Education Commission (1964-66) emphasised in no uncertain terms three things *viz.* (i) internal transformation so as to relate it to life, needs and aspirations of the nation, (ii) qualitative improvement so that the standards achieved are adequate, keep continually rising and at least in a few sectors, become internationally comparable, and (iii) expansion of educational facilities broadly on the basis of manpower needs and with an accent on equalisation of educational opportunities.

### **National Policy :**

2.3 It was in 1968 that a resolution of National policy on Education was formulated by the Government of India on the basis of the recommendation made by the Education Commission (1964-66). It emphasised the need for a radical reconstruction of education on the broad lines recommended by the Commission for the economic and cultural development of the country, for national integration and for realising the ideal of a socialistic pattern of society. This involved a transformation of the system to relate it more closely to the life of the people, a continuous effort to expand educational opportunity, a sustained and intensive effort to raise the quality of education at all levels, and emphasis on the development of science and technology and the cultivation of moral and social values. The Policy Statement further envisaged that "The educational system must produce young men and women of character and ability, committed to national service and development". Only then will education be able to play its vital role in promoting national progress, creating a sense of common citizenship and culture and strengthening national integration.

### **U. G. C. Policy Frame :**

2.4 Coming to contemporary thinking, the University Grants Commission has recently brought out a document entitled "Development of Higher Education in India — A Policy Frame". The main objective is to suggest a policy frame for the development of higher education in India over the next 10 to 15 years. As education at all stages forms an integrated whole and as the University has a significant role to play in school and adult education, the University system has important responsibilities to the society as a whole as well as to the educational system itself. In pursuance of this, the University Grants Commission has suggested that the policy to be adopted in this regard should consist of the following:—

(1) adoption of measures which will reduce pressures on the university system, such as effective vocationalisation at the secondary stage, delinking most of the jobs from degrees, and changing the present recruitment policies which virtually make a degree a minimum qualification for any good job ;

(2) exercising great restraint in the establishment of new institutions, which should not be setup (except in backward areas) unless their need is clearly established on sound academic considerations and adequate resources in terms of men, materials and money are available ;

(3) Planning the location of new institutions very carefully and rationalising that of the existing ones to the extent possible ;

(4) adopting a policy of selective admissions to full-time institutions off higher education at first degree and post-graduate levels on the basis off merit with reservation of at least half the seats for ail weaker sections ;

(5) enabling talented but economically weaker students to pursue their studies on a whole time basis by ensuring to them to full cost of their education through appropriate bursaries, for which funds may be raised from public and private bodies ;

(6) Providing facilities for expansion of higher education through channels of non-formal education such as correspondence courses, and

(7) opening Board and University examinations to private candidates to encourage self-study.

### **Organisational Model :**

2.5 The wider objectives set before the Universities and the diversification of educational programmes could not be achieved, unless the Universities went outside the four walls and got involved in processes leading to social change and development. The transformation of the Universities thus in essence means and involves a two fold change *viz.* (i) a qualitative change in the content of its educational programmes and (ii) a change in its organisational pattern. The qualitative change has largely to be brought about by the Universities themselves and by their men, but the content and purposes cannot be fully achieved, unless there is a suitable organisation and structure which may lead to and facilitate such a change. On one hand, there is need to change the value-system and on the other hand, it is equally urgent

and necessary to devise an organisation and structure which may help achieving the transcendental purpose. While it is obvious that it is not given to us to suggest, within the confines of the terms of reference what the qualitative change should be and how the change in value system will be brought about, we shall be concerned more specifically with suggesting a suitable organisation and structure within the framework of University Acts.

### **Legislative Frame Work :**

2.6 University, in our view, is a community with a culture, social inter-relationship and having an internal moral and cultural climate. University organisation provides a "Form" while the community and its organs provide the "Soul". The anatomy of the "form" is provided by the legislative frame. We shall be concerned with what the legislative frame work should be so that it may promote dynamics of change within and enrich life and ethos of the University.

### **Its Pattern :**

2.7 Viewed as above, University legislation should not be a mere conglomeration of sections and clauses. It has to reflect a pattern in which respective roles and responsibilities of various authorities and bodies are defined, their inter-organisational relations are linked with one another, harmony of inter-working is ensured and the entire working is turned to faithful implementation of the programmes and firm achievement of goals. We consider for this purpose as essential, internal autonomy, democratic functioning, rational relationship flexibility and dynamism, and harmony and balance which should prevade the content and form of University legislation.

### **Prevading concepts :**

2.8 Before we proceed to analyse the existing University Acts and examine their provisions in details, we would like to impart clarity to the above concepts which have been assigned highly varying and some-times vague meaning by different groups of people tendering evidence before us. We discuss these concepts briefly as follows:

#### **Autonomy :**

2.8.1 The concept of autonomy is sacrosanct to University. However, its meaning is understood differently by different people. Autonomy for University in relation to its basic goals and avowed intention is indisputable, but in view of University's dependence on public funds, its accountability to the State of the society cannot be questioned. Subject to this obligation, we have no doubt that internal autonomy of the University should be

fully respected and preserved. We may refer to legislative control of the State Legislative which may seem to impair the University autonomy to some extent. As stated by the Committee on Governance of Universities and Colleges." The Sovereignty of the State Legislative to deal with University education cannot and is not in question in other words, University autonomy does not suggest that the Universities are a State within a State. The restrictions on University's freedom are inherent in various entries of the VII Schedule of the Indian Constitution as enumerated by the Committee. We are in agreement with the Committee's view that "the concept of University autonomy, however, means that it would be appropriate on the part of the democratic legislatures not to interfere with the administration of university life, both academic and non-academic.,, Again, the disturbing spectacles on some of the University Campuses have posed serious problems of law and order and the earlier concept of autonomy expressed in self-preservation or self-protection has to be replaced by acceptance of ultimate responsibility of the State and the Society, in such matters. We shall examine the relevant provisions of University Acts, touching on autonomy while suggesting modifications in the Act. Within the frame work of the University Legislation, however, we have no doubt, that the Universities should enjoy the widest academic freedom, the academic freedom in our opinion, extends to the determination of the standards and content of education, control of teaching and examination standards and regulation of admissions of students. The Universities should also enjoy the freedom to propose introduction of new courses, development of departments and establishment of facilities in new areas of study and research and also freedom to implement them within financial constraints and cover all planning, if any. Universities, we believe, should also have the freedom to make appointments to academic posts on merit. In our discussions with the Vice-Chancellors, Syndicate Members, Deans and Heads of the Departments, it is this academic freedom which is emphasised and overtones of absolute autonomy in the sense of absolute freedom have been allayed. We have no hesitation to accept that the Universities should have academic autonomy *i.e.* to improve quality of education through innovation, experimentation and change, and we have considered, while reviewing the University Acts, how best within the inevitable constraints, the academic freedom of the University can be preserved.

### **Democratic Functioning :**

2.8.2 We now refer to the concept of democratic functioning in the University working system. In the culture of the University. Caleb Foote



nas lucidly described the concept of Democratic functioning thus "a mechanical analogy of a University with its very specialized and unique functions to an democratic society is yet such attributes of the democratic spirit as freedom of speech and inquiry, respect for personal autonomy and the pre-eminence of the appeal to reason are the essence of a genuine educational climate". The UNESCO report on "World of Education and tomorrow" explains the positive and negative aspects of the concept. It says "the Educational system cannot be described as democratic even when students and pupils are recruited on a democratic basis, if its fundamental approach is not democratic; if it is open broadly speaking, but run by narrow-minded people; if it endeavours to break-down social barriers but restricts and impoverishes the subject matter taught; if it offers learners many paths but bars them no truth". The democratic functioning of the University has two aspects. The first is that it has the responsibility of training the youth to participate democratically in the functions of the society and to enable him to discharge his duties as a democratic citizen. The second is to introduce democratisation in the University structure itself. Authoritarian structure is to be replaced by democratic functioning in which organised groups democratically formed, work through organised procedures, towards an orderly and democratic organisation. We shall examine various provisions of the University Acts with due regard to democratic character in the composition and structure of University authorities and bodies, their inter-relationship and participation and involvement of various elements which constitute the University. However, for democracy to be brought in the world of education, the UNESCO report again says "Social structures must be changed and the privilege built into cultural heritage must be reduced; educational structures must be remodelled to extend widely the field of choice and enable people to follow life-long education patterns; subject matter must be individualized and the pupils and students must be aware of their status, their rights and their own wishes; authoritarian form of teaching must give way to relationship marked by independence, mutual responsibility and dialogue; pedagogical training must be geared to knowing and respecting multiple aspects of human personality; guidance must replace selection; those making use of educational institutions; must participate in their management and policy making; bureaucratic aspects of educational activity must be broken down and its administration decentralised." We hope the Universities will imbibe this spirit and freely permit these aspects to permeate in their day to day functioning.

### **Rational Relationship :**

2.8.3 Rational relationship between various bodies of the University is yet another concept which has to be reflected in the pattern of the legislation. The Court, the Executive Council, the Academic Council, the Faculty and the Boards of Studies, have each to play a specific role in the University. A clearly defined role of each is a *sine-qua-non* for sound University organisation. For specific tasks and role expectations, there should be well-defined duties and responsibilities. It should be clear as to what decision is to be taken by whom and in what manner. For decisions to be rational, in matters of teaching research and extension, students affairs, promotion and selection of teachers and in such other matters, objectivity, freedom from personal bias and avoidance of group interest have to be scrupulously ensured. Rational relationship between several bodies shall mean the arrangement of functions under a system in which each may have freedom to take decision in the assigned sphere but definitely contributing in the long run to the achievement of common goals. While it will be upto us to suggest appropriate structures and roles and responsibilities, the organizational climate will have to be created in the Universities and by the Universities themselves.

### **Flexibility and Dynamism :**

2.8.4 The Committee on Governance of Universities and Colleges has emphasised need for flexibility in the organisation of the University. It specifically referred to "the flexibility of the academic structure and academic needs and requirements of each university in the light of its own special conditions, its conception and changing nature of academic problems and the manner in which it wishes to specialise in certain areas". In this connection, the Committee has recommended that this can be ensured partly by keeping the items to be covered in the Act to the barest essential and leaving the composition and powers of the various authorities and bodies to be dealt with in the Statutes. The Dongerkary Commission also felt that the structure of the University should not be rigid. In the view of the Commission, it should be sufficiently flexible to allow the Universities and their officers full freedom to exercise their respective functions and discharge their duties and responsibilities efficiently and smoothly. It also said that if in light of their experience, the universities find it necessary to make any change in the constitution for their better working, they

should have sufficient powers to do so by means of internal legislation *i.e.* by passing Statutes, Ordinances, Regulations or Rules, without the Act being amended. Agreeing with the above approach, in suggesting amendments in the Acts, we have constantly kept ourselves reminded of the observations that "inflexibility or rigidity should be foreign to the organizational set-up of the University and flexibility and acceptance to change should be its characteristic". Academic Council, Boards of Studies and such other Academic Bodies have to show responsiveness to change in framing courses and syllabi and flexibility has to be imparted to the structures of such bodies but it will be for the Universities again to imbibe the spirit of dynamism and develop responsiveness to change.

### **Harmony and Balance :**

2.8.5. Harmony and balance are necessary for any progressive organisation and are a positive virtue for University organisation. In 'Experiment at Berkely' Josheph Tussman aptly said, "American college must discover and review its commitment to its fundamental purpose. It has a purpose and that purpose is for the sake of all of us and for the society and for the individual to develop our rational power to heighten sensitiviay to and awareness of fundamental human problems, to cultivate and strengthen the habits and dispositions which made it possible for humanities to displace the varities of warefare with institutions, the practices and the spirit of reasoning together". Conflicts arise, if there is malfunction and confusion in the roles and responsibilities. Tensions arise, if there are conflicting attitudes and contradictory decisions. Cinflicts and tensions can be reduced and diluted by devising mechanics which enable the organisation to run smoothly.

2.9 We believe that the above concepts deftly woven in the University structure and wisely implemented in practice, will impart resilience, adeptibility and stability which alone will advance transformation, development and progress of the Universities.

## CHAPTER—III

### **PREAMBLE, DEFINITIONS AND JURISDICTION OF THE UNIVERSITY.**

#### **The mandate :**

3.1 We now propose to examine in the present and subsequent Chapters the provisions of University Acts with regard to the mandate given under the terms of reference. As the Committee on Governance of University and Colleges and other Committees have extensively traversed the ground on several issues with which we are concerned, we shall have to make a brief reference at several places to the relevant recommendations already made by them and shall have to discuss them with a little risk of repetition. In this Chapter, we shall deal with the preamble, definitions and jurisdiction of the University.

#### **Preamble :**

3.2 Preamble of an Act explains succinctly the general object and intention of the legislature. It should clearly express both the intention and the general object. It is customary to state in the preamble of an University Act that the act seeks to establish and incorporate a teaching and unitary or a teaching and affiliating University as the case may be and to consolidate and amend the law relating to it. The preambles in the existing university acts, hardly explain the object with which various new provisions are being introduced from time to time. We feel that in view of some fundamental changes which are contemplated in the legislation a more connotative preamble should be inserted. Whereas the Governments of both the Union and the State have appointed committees from time to time to consider and amend measures for the better governance of Universities and the re-organisations of higher education and whereas taking into account the recommendations of these committees and in order to introduce uniformity, as far as possible, in the basic concepts underlying the provisions of the Acts of various Universities in the State, to provide for democratic structures which may lead to better organisation of teaching and financial control, and to ensure faithful observance of law in all matters, to define the specific role of the different authorities of the

University, to avoid conflicting decisions, it will be expedient to consolidate and amend the law relating to the Universities in Gujarat. We, therefore, propose that preamble may be inserted in the University amendment Acts on the above lines. We also feel that when intention is expressly clear in the preamble, there should not be any provision in the Act which runs counter to such intention. For instance, M. S. University, Baroda is a unitary and teaching University, it has no affiliated college, nor as strongly represented, it wants to affiliate any college. Therefore, there seems to be no reason for continuing the provision for affiliation. We suggest that the provisions relating to affiliation of colleges should be deleted in the M. S. University Act and that any such provisions in other University Acts which run counter to the expressed intention in the preamble, should be amended or removed.

### **Definitions :**

3.3 Definitions are given in the Act to define certain terms which appear in the body of the Act. We suggest that the number of definitions should be few and only for such terms which require to be defined or described. However, there are a few definitions which, in our opinion, will have to be added or amended in the University Acts in the light of various recommendations which we propose to make hereafter.

### **Head Master and High School :**

3.3.1 The word "Head Master" has been defined as Head of a High School in the Acts of Gujarat University, Sardar Patel University, South Gujarat University and the Saurashtra University. Such a definition does not exist in the Act of M. S. University, Baroda. The definition is found necessary in M. S. University Act also as the provisions regarding constitution of the Senate (Court) refer to a representative to be elected by the Heads of the Secondary Schools in the University area. The "Secondary School" as per definition given in M. S. University Act means a High School which has been recognised as a full fledged high school by the Director of Public Instructions, Bombay State or by an officer authorised by him in this behalf. In other Acts the word "High School" has been defined. In view of the introduction of 12+3 pattern, the University will be concerned with an integrative view of syllabi, courses etc. It will be appropriate, therefore to give representation to the Head and Teachers, High School having classes upto XII. We therefore, consider it necessary to define "High

School" to mean a High School having classes upto XII and which has been recognised as such by the Director of Education, Gujarat State or by an Officer authorised by him in this behalf. The word "Head Master" shall mean the Head of a High School. The Head Master will include the second head also. The word "Secondary Teacher" should be replaced by the word "High School Teacher" which shall mean a teacher imparting instruction in a High School. We recommend that the University Acts should be amended to define uniformly the words "Head Master", "High School" and "High School Teacher" accordingly.

### Teacher :

3.3.2 It has been represented to us that the definition of "Teacher" causes some practical difficulties. A distinction has been made between "Teacher" and "Teacher of University" in the University Acts, since "Teacher" means and includes a person imparting instruction and guiding research, we do not see any reason to make a distinction between "Teacher" and "University Teacher". The only valid distinction may be necessary to distinguish a Teacher appointed by the University and Teacher appointed by the governing body of an affiliated college or recognised or approved institution. We, therefore, recommend that the distinction in the definition clause should be done away with and only the word "Teacher" should be defined in the Act. Another difficulty pointed out to us was that for want of clarification, doubts have been raised whether "Teacher" includes a Teacher serving part time or in an honorary capacity. We have no doubt that a person teaching or guiding research either full time or part time or in an honorary capacity should all be covered in the definition of "Teacher". We also consider it necessary that such other persons imparting instructions of guiding research in the University or an affiliated college or recognised institution or an approved institution as may be declared to be Teachers by the Statute should also be covered. Accordingly, we recommend that the word "Teacher" should be defined in the University Acts as follows:—

"Teacher" means a full time, part-time or honorary Professor, Associated Professor, Reader, Lecturer or such other person appointed by the University or by the Governing Body of any College or recognised Institution or approved Institution for imparting instruction or guiding research, and designated as Teacher by the Statutes provided that

any such Statutes may also declare that any class of persons whether serving full time or part time or in any honorary capacity shall not be teachers for the purpose of this Act.

**'Registered Graduates' :**

3.3.3 It is contended before us that the "Registered Graduates" constituency serves no purpose and the representation from the registered graduates in the Court should be abolished. We have given thought to this suggestion. No cogent reasons have been advanced in support of the contention and we do not wish to propose abolition of the registered graduates representation which has its purpose. It will be necessary, however, to define the word "Registered Graduates" in the different University Acts. The definition will have to be more explicit. The Registered Graduates should include the graduates of the University before revision of its jurisdiction and also Graduates of any other University who are recognised as Registered Graduates. In view of the bifurcation of Universities and consequent change in jurisdictions of the Universities from time to time as has happened in the State of Gujarat, it seems necessary to provide for graduates registered before the commencement of the Act as deemed registered graduates. We also think it necessary to define "Registered Graduates" to mean a graduate registered under the relevant section and to include a graduate deemed to be a registered graduate under the provisions of the Act. We recommend therefore that the University Acts should be amended to make provisions at appropriate place in the body of the Act for the registered graduates as under :

(1) Subject to the provisions of sub-clause 2, the following persons shall be entitled to have their names entered in the register of graduates or to be registered graduates namely persons :

(a) Who are graduates of the University.

(b) Who are graduates of the concerned University constituted under the University Act amended from time to time.

(c) Who, being graduates of any other university, are recognised as registered graduates, as prescribed by the Statutes.

(2) Any person who—

(a) is of unsound mind and stands so declared by a competent court,

(b) is an undischarged insolvent,

(c) is convicted by a court for an offence punishable with imprisonment for more than six months if such offence involves moral turpitude, and

(d) is a registered graduate of any other university established by law in the State of Gujarat;

shall not be qualified to have his name entered in the register of graduates or be a registered graduate.

Provided that such disqualification in clause (d) shall not apply to a person referred to in (b) of sub-clause (1) above, if within six months from the commencement of the Act, such person elects to be a registered graduate only of the university and intimates to the Registrar that he has so elected, where upon he shall cease to be a registered of any other University established by law in the State of Gujarat.

(3) Every person who intends to be a registered graduate shall make an application to the Registrar in such form and on payment of such fees as are prescribed by the States. The Registrar shall, after making such inquiry as he thinks fit, decide whether a person is entitled to be a Registered Graduate.

(4) If any question arises whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the Registrar after making such inquiry as he thinks fit. As appeal against the order of the Registrar shall lie before the Vice-Chancellor whose decision shall be final:

Provided further that all graduates registered or deemed to be registered, before the commencement of the Act shall unless they are disqualified under the clauses (a), (b) or (c) or sub-section (2) above, shall be deemed to be registered under the Act :



Provided further that if any such graduate is a registered graduate of any other University established by law in the State of Gujarat before the commencement of the Act, he will cease to be registered graduate unless he has elected as required by the proviso of sub-section 2 above.

### **Gujarat Colleges Board :**

3.3.4 We have considered recommendations of the Committee on college finances (1977) appointed by the Government of Gujarat. One of the recommendations with which we are in general agreement is regarding the establishment of Gujarat Affiliated Colleges Board. We have discussed the detailed recommendations in our discussions on the relevant subject in one of the chapters hereafter. Since we are in favour of establishment of such a Board, we think it necessary to insert a definition of the proposed board in the definition clause. According to the function clearly assigned to the Board, viz. surveying the need for establishment of a college and its location, developing coordinated and group teaching among the colleges, and administering grant-in-aid code for colleges, there is no doubt that the Board has to deal with colleges, not university education. We would suggest that consistent with the nature of functions, the Board should be more appropriately designated as "Gujarat Collegiate Education Board". We recommend that a definition should accordingly be inserted in the University Acts as follows :

"Gujarat Collegiate Education Board" means a Board established by the State of Gujarat for the purpose.

### **Autonomous Colleges :**

3.3.5 The concept of autonomous college was put forward by the Education Commission to encourage experimentation and innovation of teaching programmes. The Dongerkary Commission had also referred to the question of recognition of autonomous colleges. The University Grants Commission has again referred to this concept in its policy frame and has also evolved detailed guide lines for grant of autonomous status to the colleges. We have, therefore, considered it necessary as will be discussed hereafter that provision should be made in the statute for conditions of grant of autonomous status. We also consider it necessary that in the definition clause, a provision should be made to define "autonomous

college” or “Autonomous Recognised Institution” or Autonomous University Department. We recommend that the University Acts should be amended to provide for definition as under :

(1) “Autonomous College” means a college designated to be so by the statutes.

(2) “Autonomous Recognised Institution” means recognised Institution designated to be so by the statutes.

(3) “Autonomous University Department” means a University Department designated to be so by the statutes.

#### “University Area” :

3.3.6 The word “University Area” has been defined to mean the area specified in the schedule attached to the Act as per the definition given in the existing University Acts. The area is determined according to the unitary and teaching or regional or affiliating character of the University and geographical area within which it has to operate. We have received representations from the M. S. University, Baroda about redefining University Area. It has been urged before us that the present character of M. S. University, Baroda should be maintained as unitary and teaching university. The University area at present comprises the limits of the city of Baroda and territories within a radius of ten miles from the office of the university. Baroda is a fast growing city and there is tremendous pressure of students entering colleges and higher education. If the University is not to be converted into a city university, obviously the capacity for admissions will have to be limited. To retain the area of jurisdiction over a radius of ten miles and simultaneously to restrict the capacity is bound to result in an anomalous situation. We feel that it will be difficult to maintain unitary and teaching character and also to maintain standards, if with the present limits of ten miles, the optimum capacity is over-stepped. In our opinion, the optimum capacity for the university like one at Baroda should advisedly be not more than 10,000 out of which the ratio between the post-graduate students and under graduate students may be 1:1 to begin with, but ultimately it should reach an ideal ratio of 2:1, in faculties other than Medicines and Engineering. It will be necessary therefore, to progressively reduce the existing strength. In order to maintain the present character it has been agreed before us that area as comprising the limits of the city of

the Baroda and the territories within a radius of ten miles from university office should be redefined so as to confine the area only to the campus of the University. We accept this suggestion and recommend that the character of Baroda University should be maintained as unitary and teaching university and the university area should be confined only to its campus. The definition of the University area in schedule one may be amended accordingly. It will be useful to define the word "Campus" in terms of existing boundaries and future limits with a view to impart definiteness. We, therefore, propose that the word "Campus" should be defined as a unit established or constituted by the University for imparting instruction, supervising, research or extension and covering the entire area existing on the date of commencement of the Act or such other units to be established hereafter for supervising research and extension only.

#### **Jurisdiction :**

3.4 Each University Act defines the jurisdiction of the University with a view to audit colleges or Institutions situated in the university area to the privileges of the University. We have already referred to the new responsibility of the University as an open University which should resort to recurrent and non-formal education. We have also envisaged that the new educational system should be responsive to the diverse needs of the society. We have also referred to the need for survey of college education and location of new colleges, establishment of new departments of teaching and new courses and subjects. In order to enable the University to discharge these responsibilities, some flexibility will have to be introduced without changing the territorial jurisdiction. The relevant provisions in the University Acts are not uniform in this matter. Since all the Universities will have to be able to discharge their new responsibilities, amendments may be made in the existing acts to achieve this object. We recommend that any educational institution in the State of Gujarat or in other territory, may, subject to such conditions and restrictions as the university and the State Government may think fit to impose, be admitted to the privileges of the University. We also recommend that no educational institution situated within the University area shall, except with the consent of the University and the sanction of the State Government, be associated or seek admission to any privileges of any other university established by law. We further suggest that if an educational institution seeks to be associated with or to be admitted to the privileges of the University whose jurisdiction is not

restricted by another State or area, such association or admission may be permitted by the State Government with prior consent of the University already operating in that area. We also consider it necessary that if a University, whose jurisdiction is not restricted by any State, wishes to establish a centre or other unit of research in the University area, it should be possible for it to do so with the sanction of the State Government. While doing so, we further recommend to provide that any privileges enjoyed by any educational institution within the area of any other University before the date of the commencement of the Act shall not be withdrawn without the sanction of the State.

#### **Powers beyond the Area of Jurisdiction :**

3.5 We have referred to another dimension of University responsibility which should carry its activities beyond its area of jurisdiction. We particularly refer to correspondence courses and external degrees which the Universities will have to provide in the light of the policy frame of the UGG while the University area may be defined as discussed above, the territorial limits within which the powers are to be exercised by the University may even extend beyond the University area. A clause may, therefore, be inserted at appropriate place in the existing Acts that the benefit of correspondence courses or external degrees may be extended by the University to students outside the University area also.

#### **Change in Boundaries :**

3.6 Our attention was drawn to the need for imparting flexibility in regard to the changes in the university area, if such changes are inevitable under any statutory requirement. We suggest that provisions should be made in the University Acts that where there is any statutory change in the boundaries of any of the areas specified in the schedule, the State Government may, after consultation with the University concerned, by notification in the *official gazette*, and with effect from such date as may be specified in the notification, enlarge or reduce boundaries of the area aforesaid in order to correspond with such change. It should also be provided that a copy of such notification shall be placed before the legislature.

**Powers of University :**

3.7 We have discussed the territorial jurisdiction of the University in the above paragraphs. The powers will be related to the jurisdiction and to the functional responsibility of the university. Powers will also be defined in terms of objectives to be achieved. University Acts at present contain the provisions regarding powers of the University without defining the objectives in broad terms. We consider it necessary to insert a provision in the Act to provide for the objects of the University. Since the powers will flow from this, we suggest that the existing powers shall be amplified in light of new responsibilities and obligations. We, therefore, suggest that a provision to define the objects of the University should be inserted in the University Act on the following lines :

“The object of the University shall be to disseminate and advance knowledge by providing instruction research and extension facilities in such branches of learning as deemed fit and by example of its corporate life, and in particular, to make special provision for integrated courses in humanities and science in the educational programme of the University, to take appropriate measures for promoting interdisciplinary studies and research, to undertake part-time and correspondence courses, to promote adult education and extension, to conduct programmes of formal and non-formal education and through appropriate programmes, to involve the teachers and students in social work and community service. Keeping in view the above objects, we have re-formulated powers of the University and we recommend that the University Acts should be amended to provide for the powers of the University accordingly.

**Sub. National Systems Unit,**  
**National Institute of Educational**  
**Planning and Administration**  
**17-B, SriAurobindo Marg, New Delhi-110016**  
**DOC. No.....**  
**Date.....**

## CHAPTER IV

### AUTHORITIES AND BODIES

#### Pragmatic Approach :

4.1 We now turn our attention to very important and yet somewhat intricate part of our terms of reference. We are required to suggest changes in the constitution of various authorities of the University, having regard to the experience of the University and having regard to the introduction of 12+3 pattern of higher secondary education in the State. We have to suggest, if necessary, changes in the powers of the University and readjustment of the powers and duties of the various authorities and bodies of the University. We have received a wide range of suggestions regarding the size and composition of the Court, of the Executive Council, of the Academic Council and of the Board of Studies which constitute the core of authorities in the University. We have also received suggestions regarding powers and duties of these authorities and bodies. Some groups and individuals have preferred traditional approach tantamount to reluctance to move from the present position. Some came forward with radical suggestions to abolish the Court. Many have suggested a middle course maintaining the present structure of authorities and bodies with marginal change in their size, composition and functions. We have considered very carefully all the suggestions received by us and have discussed them in the paragraphs below. In our view, no two institutions are identical in character. In determining size, composition and functions of University authorities and bodies, therefore special conditions and traditions existing in each University will have to be taken into account. A certain amount of variety in the pattern or organisation has been considered desirable by the Education Commission and the Model Act Committee has also observed that the Institutional differences are to be encouraged in a developing pattern of higher education in this country. We, therefore, would not attempt any rigid pattern in considering the size, composition and functions of various authorities and bodies in the University. We believe that what we propose hereafter will make sense in the context of the wider perspective and the guiding concepts which we have elaborately set out in Chapter two.

### **Conceptual Frame work of authority structure :**

4.2 As stated above, we consider Court, Executive Council and Academic Council as three pivotal bodies of the University between whom the deliberative, executive and academic functions are distributed. The Court (Senate) in our view, is primarily a deliberative body which discusses the general policies of the University and matters within the scope of its activities. It also reviews the work of the University as presented in the Annual Reports. It is the most representative body of the University reflecting the views of the academic community on one hand and of several cross sections of the society on the other, providing a forum for discussion on matter affecting both. We need not confuse the concept of Court which was designated as Senate in most of the earlier University Acts and where it was conceived as the Supreme Governing Body of the University. According to the British concept which was mostly followed in earlier University Acts and which was also reflected in the Report of the Committee on Higher Education in Great Britain by Lord Robins (1961—63) "The Senate is a general supervisory body, it is normally large and pre-dominately consisting of lay membership." We do not conceive the Court as a supreme body. It is a deliberative and general supervisory body. It will be fairly large but not unwieldy. It should have a judicious mix of lay and academic elements. It should not meet frequently but should meet normally once a year. Its functions should not overlap with the functions of Executive Council and the Academic Council which will take decisions in executive and academic spheres respectively. The Executive Council (Syndicate) is a body which exercises executive authority of the University. Its functions should cover all matters on which decisions are to be taken in day-to-day management in light of the policy of the University and also in accordance with the provisions of the Act and the Statutes. It is the most powerful executive organ of the University. It should have sufficient freedom to take executive decisions to be taken in the day-to-day management. It should be a compact body. Its composition should be of person largely from the univeristy reflecting an organic link of membership between the court, the Executive Council and the Academic Council. It should ordinarily meet once a month or as frequently as is found necessary. The Academic Council is the supreme academic body in the University. Its composition should be pre-dominately academic. It should not be too large and should meet ordinarily once in three months. The Academic Council will be an authority to decide all

academic matters and will enjoy academic freedom for the purpose. Nevertheless, academic freedom cannot cover the prescription of conditions which run contrary to prescription or such conditions as a part of the pay revision or as a part of discipline laid down. In matters which involves finance, the proposals though initiated in the Academic Council will go to the Executive Council. The Court, the Executive Council and the Academic Council under the University Acts shall be conceived to be bodies with co-ordinate authority each enjoying freedom to take decisions within the scope of its powers as defined in the Act and the statutes. It is in the background of this conceptual frame work that we shall now discuss on the size, composition and powers of various authorities and bodies.

4.2 (a) In the following paras, we have set out definite recommendations regarding the size, compositions and powers of the various authorities and bodies and we would like that this should form part of the main Act itself. However, the realisation that in the field of university education dynamic forces are always at work, makes us to suggest that this should form part of the first Statute only so that the fundamental structure remains sacrosanct but at the same it should not be necessary to refer to the Legislature every time for adjustments in regard to matters of detail such as increasing particular membership or adding to the list of powers when required.

#### **Suggestion to abolish Court :**

4.3 Before we enter upon the discussion on the size, composition and powers of the Court in light of what we have stated above, we shall refer to all extreme suggestion made before us that the court is an ornamental body, hardly contributing to innovative policy-making or effective direction and it should be dispensed with. The suggestion has arisen perhaps out of misappreciation of its role or growing frustration that the Court is either by jassed or is belittled or that it has ceased to have any influence on university working. We need not go into the causes. We only wish to emphasize that the Court has a role to play. Its role should be readjusted if needs be or its position should be re-established in practice. In this connection, our attention was drawn to the Model Act of the Agricultural University where there is no Court or the Executive Council but the policy functions and executive decisions are entrusted to one body viz. the Board of Management. It was also argued that this is most conducive to quick



and effective decisions. We have carefully considered this argument. In the present state of affairs in the Universities such an arrangement may receive growing acceptance. We are, however, of opinion that while such arrangement may be advantageous in mono faculty, university, Court may not be dispensed with in conventional universities. We believe that conventional universities which have wider interests to serve will definitely benefit by the initiative and wisdom of lay element represented in a body contemplated as a Court of the University. The Court we believe should play a distinctive and positive role and therefore, we do not favour the view of abolishing the Court altogether.

### **Size of the Court :**

4.4 We now come to the question of the size of the Court. We have examined the size of the Court in each University under the existing Acts. The number of members on the Court in Gujarat University is the highest viz. 146. The number in other Universities is varying between 97 and 146. It was observed by the Dongerkery Commission that the size of the Court in Gujarat University was unwieldy particularly due to the large number of principals of affiliated colleges. The number of affiliated colleges and disproportionate growth of the Court could not be prevented for want of inbuilt provision in the Act. Even in the amended Act of the Gujarat University, the position is not remedied. We agree with the view that unwieldy size of the Court in Gujarat University is not healthy for the progress of the University, which is prevented from carrying our radical reforms, making innovations and experiments and maintaining high standards of teaching. We also believe that apart from the size, the composition should be balanced. We have considered the views expressed by the Commission that the Court in none of the University should have more than 110 members. This view of the Commission is fortified by the view of the Model Act Committee. Considering all factors, we are of the opinion that the number may not exceed 100 in case of an affiliated University, which may go up to 110 where the number of affiliating colleges exceeds 50. The size in a unitary teaching university need not be the same as in an affiliating university. We are of the view that the size of the Court in unitary teaching university should ordinarily be between 75 to 80. However, it is not the size so much as the balanced composition of the Court which is more important. While restricting the size, we have therefore considered it necessary to discuss the composition at length.

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### **Lay element :**

4.5 We have received suggestions about the ratio between academic and what is known the lay element in the Court. Interesting debate was raised before us as to what should be considered, as lay element and what should be considered as academic element. The arguments centered round the proportion of teachers in the University and non-teachers from outside. In British Universities, there is a majority of lay members on what they call the Court or the Council. We have not favoured majority of lay element, but we are substantially in agreement with the arguments in support of the existence of lay or external element stated in the Report headed by Lord Robins. The Report observes, "where men and women of wider experience and high standing in the world of affairs can spare time to associate themselves, with University activities, the Universities gain from the maturity and sagacity in their dealings with the world outside." In our opinion also, it is this external element which should have a place in the Court and as proposed by us, the proportion of such external element in the Court should be approximately 40%.

### **Composition of the Court :**

4.6 We now discuss the composition of the Court with regard to external and internal membership. Recognised pattern of composition of the Court in all the universities more or less consist of *Ex-Officio* members and ordinary members. *Ex-officio* members again fall into two categories *viz.* (1) Officers of the University and (2) Officers of Government Department by virtue of their office. Ordinary members are either elected or nominated and consist of teachers and lay element from outside bodies. We have received a number of suggestions regarding (i) restricting the number of *ex-officio* members; (ii) restricting to a reasonable size the number of representatives of affiliated colleges, (iii) reducing the number of nominated members and (iv) abolishing certain constituencies or categories. After fully considering the various suggestions, we visualise the constitution of the court in an affiliating university broadly on the following lines;

#### **Internal Members**

#### **Ex Officio Members :**

- A. (1) The Chancellor.
- (2) The Vice-Chancellor.
- (3) The Pro-Vice-Chancellor, if any.

- (4) The Registrar.
- (5) The Librarian.
- (6) Immediate ex-vice Chancellor.

B. (1) Deans of faculties, provided that the number shall not exceed ten and if the number of faculties exceeds ten, the faculties shall be suitably grouped in ten groups in the manner specified in the Statutes for purpose.

(2) Heads of University Departments not exceeding seven to be nominated by the Visitor by rotation.

(3) Heads of the recognised institutions not exceeding two to be nominated by the Visitor by rotation.

C. (1) Principals of degree colleges not exceeding two from amongst themselves in the manner specified in the Statutes.

(2) Teachers (Excluding Deans of Faculties, Heads of University Department, Heads of recognised Institutions and Principals of Degree Colleges) 10 from amongst the teachers appointed by the University and 15 from amongst the teachers appointed by the recognised colleges or institutions in the manner specified in the Statutes.

D. (1) (a) Two Post-Graduate students who are wholly engaged in the studies in the University to be nominated by the Vice-Chancellor on merit as prescribed in the Statutes.

(b) Two under Graduates students who are wholly engaged in the studies in a college to be nominated by the Vice-Chancellor on merit as prescribed in the Statutes. By wholly engaged students, we mean students attending regular courses of studies which will exclude part-time courses. However, it should not keep out certain students who are engaged in some part-time work merely to support themselves for their courses of studies.

B. One member of the non-teaching staff to be nominated by the Vice-Chancellor as prescribed in the statutes.

**External Members :****Ex-Officio Members :**

A. (1) Director of Higher Education or if there is no Director of Higher Education, the Director of Education.

(2) Director of Technical Education.

(3) Director of Medical Education and Research, where there is Medical Faculty.

(4) Chairman, Gujarat Higher Secondary Education Board.

(5) Chairman, Gujarat Collegiate Education Board.

B. (1) The Mayor of the Corporation or the President of the Borough Municipality as the case may be in the Headquarter of the University.

(2) The President of the Chamber of Commerce in the Headquarter of the University.

(C) (1) Two Members of the State Legislature as nominated by the Speaker.

(2) One Member elected by the Bar Council of the State of Gujarat from amongst its members.

(3) Two Chairmen of the Governing Bodies of the Colleges affiliated to the University nominated by the Visitor.

(4) One Head Master of the High School situated within the University Area from amongst themselves in the manner specified in the Statutes.

(5) One high school teacher other than Head Master of the High School situated within the University area from amongst themselves in the manner specified in the Statutes.

(6) Two representatives of the donors donating a sum or property of the value of not less than one lakh of rupees from amongst themselves in the manner specified in the Statutes.

(7) Two representatives of the Registered Trade Unions situated within the University area from amongst themselves in the manner specified in the Statutes.

D. (1) One member elected Faculty-wise by Registered Graduates in each of the Faculty from amongst themselves, in the manner specified in the Statutes, if the number of Faculties does not exceed ten and if the number of Faculties exceed ten, the Faculties shall be suitably grouped in ten groups in the manner specified in the Statutes for the purpose.

E. (1) Ten members to be nominated by the Visitor from amongst the distinguished educationists, scholars, and social workers.

### **Variation in the Model :**

4.7 We have suggested a model for an affiliating University. While maintaining the approximate balance between external members and the internal members, the number may be varied in an affiliating University where the number of affiliated colleges is more than 50, by increasing the representation of Principals, teachers and the managements, of the affiliated college. The number may also vary according to special local donations or obligations arising out of legal commitment. We do not think, that the structure should be very much different in unitary and teaching University, except that the representation of management, Principals and Teachers may be none in non-affiliating University. Since M. S. University, Baroda is the only unitary teaching University at present and since special conditions and requirements in the University are brought to our notice, we suggest a model for the M. S. University, Baroda on the following lines.

### **Internal Members :**

#### **Ex-Officio Members :**

- A. (1) The Chancellor.
- (2) The Vice-Chancellor.
- (3) The Pro-Vice-Chancellor.
- (4) The Registrar.
- (5) The Librarian.
- (6) Immediate ex-Vice-Chancellor.

B. (1) All Deans of Faculties (which are at present ten in number).

(2) Principals and Heads of constituent colleges and recognised institutions (which are six in number).

C. (1) Five Professors elected by the Professor of the University.

(2) Five teachers other than Professors, one each of the constituent college and recognised institutions, to be elected by the teachers other than Professors in the College or the institutions as the case may be.

(3) Ten teachers other than Professors, one from each of the Faculties, elected by the teachers, other than Professors of subjects comprised under each Faculty.

D. (1) (a) Two Post-Graduate students who are wholly engaged in the studies in the university to be nominated by the Vice-Chancellor on merit as prescribed in the Statutes.

(b) Two under-graduate students who are wholly engaged in the studies in the college to be nominated by the Vice-Chancellor on merit prescribed in the Statutes. By wholly engaged students we mean students attending regular courses of studies which will exclude part-time courses. However, it should not keep out certain students who are engaged in same part-time work merely to support themselves for their courses of studies.

E. (1) One member of the non-teaching staff to be nominated by the Vice-Chancellor as prescribed in the Statutes.

External Membership :

Ex-Officio Members :

A. (1) Director of Higher Education or if there is no Director of Higher Education, the Director of Education.

(2) Director of Technical Education.

(3) Director of Medical Education and Research.

(4) Chairman, Gujarat Higher Secondary Board or if there is no such Board, Chairman, Secondary Education Board.

(5) Chairman, Gujarat Collegiate Education Board.

B. (1) The Mayor of the Corporation.

(2) Three representatives of the Federation of Gujarat Mills and Industries, Baroda from amongst its members in the manner specified in the Statutes.

(3) All trustees of Shri Sayajirao Diamond Jubilee and Memorial Trust from amongst the trustees in the manner specified in the statutes.

C. (1) Two members of the Gujarat Legislative Assembly as nominated by the Speaker.

(2) One member by the Heads of the High Schools situated within the limits of Baroda Municipal Corporation from amongst members in the manner specified in the Statutes.

(3) One member by High School teachers other than the Head Master of the High Schools situated within the limits of Baroda Municipal Corporation from amongst themselves in the manner specified in the Statutes.

(4) Two representatives of Deonors donating a sum or property of the value of not less than one lakh of rupees from amongst themselves in the manner specified in the Statutes.

(5) One representative of the Registered Trade Unions situated within the limits of Baroda city from amongst themselves in the manner specified in the Statutes.

(6) One member elected by the Bar Council of the State of Gujara from amongst city members.

(D) (1) One member elected faculty-wise by Registered Graduates in each of the Faculty from amongst themselves in a manner specified in the Statutes.

**E. Eight members to be nominated by the Visitor from amongst the distinguished educationists, scholars, social workers.**

**Method of representation :**

4.8 We envisage that in giving representation to the internal members, element of election should be minimum. We see no difficulty in adopting a method of rotation in such categories as Deans, Heads of Departments, head of recognised institutions etc. where number is not large. We would not like to enter into details as to how the rotation is to be effected but we consider as sound the suggestion made by the Committee on Governance of Colleges that rotation can be based on length of service and experience. Where the number is large as in the case of Principals and Teachers of the colleges in affiliating universities, election cannot be ruled out in such categories but even in the method of election, we are inclined to suggest a system known as proportional representation by means of a single transferrable vote by ballot. We are of definite view that the representation to students should be on merit and by nomination by the Vice-Chancellor. We recommend that a specific provision should be made in the Act that no employee other than a teacher appointed by University or an affiliated college or recognised or approved institution shall be eligible for election to the Court under D(I) in external membership in para 4.6 as well as in D(I) in external membership in para 4.7.

**Term of Office and vacancies :**

4.9 We have considered suggestions on incidental matters like term of office, vacancies, filling of casual vacancies and disqualification of members. As for the term of members, we recommend that the term of office of the elected members and members nominated by the Visitor shall be three years. As for the term of office of students, it shall be the academic year in which they are appointed. We suggest that a provision should be made in the Act for vacating the office. We recommend that the Act should provide that (i) any member of any authority or body of the university may resign his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect from the date of acceptance by the Vice-Chancellor or on the expiry of the 30 days from the date of the receipt of the letter by the Vice-Chancellor, (ii) 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 for an offence which, in the opinion of the Vice-Chancellor in the case of a member of the Court and in the opinion of the Executive Council in the case of a member of any other authority or body, involves moral turpitude. We also recommend that the Act should provide that when any vacancy occurs in the office of a member, other than an *Ex-Officio* member of any authority or other body of the University before the expiry of the term of office of such members, the vacancies shall be filled up, as soon as convenient, may be, by election, nomination, appointment or cooption, 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 appointed or coopted would have held it, if the vacancy had not occurred. The Act should further provide that if the vacancy is of an elected member of the court and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled. In order to remove invalidity of proceedings on the ground of defect in constitution or vacancy, a provision should be made in the Act. We recommend that the Act should provide that no act shall, at any time, be deemed to be invalid on the ground only that it is not duly constituted or that there is a defect in its constitution or reconstitution or that there is a vacancy in the membership thereof, and the validity of any such Act on proceeding shall not be questioned in any Court or before any authority or officer merely on any such ground. The recommendations which we have made in regard to vacating of office, filling of casual vacancies and invalidation of proceedings shall, in our view, apply *mutatis mutandis* to other University authorities and bodies also.

#### **Powers and Duties of the Court :**

4.10 We have already emphasised that the functions of various authorities and bodies should not appear overlapping and have suggested a system of clear cut demarcation of functions and responsibilities. Accordingly, we suggest that the Court which is a deliberative body, shall, subject to the provisions of the Act, exercise the following functions, *viz.*

(1) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the authority.

(2) to consider the annual report, the annual accounts and financial estimates and the annual audited accounts and to make suggestions thereon if any and to intimate the same to the Executive Council.

(3) to consider, record or refer back but not to amend statutes proposed by the Executive Council.

(4) to advise the visitor in respect of any matter which may be referred to it by him in advance.

(5) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under the Act.

(6) to confer Honorary Degrees, as recommended by the Executive Council.

#### **The Executive Council :**

4.11 The Executive Council as already suggested by us shall be the Principal Executive Body of the University. It is the most powerful body which shall take decision in day-to-day management, and, therefore the powers to be exercised and the duties to be performed by it shall be as wide as possible so as to enable it to take effective decisions in all matters coming before it. Such a body has obviously to be compact and business-like. Its composition has to be so devised that it can take harmonious decisions. We have not specifically mentioned about representation of Chairman of Governing Bodies on the Executive Council. We have also not specifically mentioned about lay or expert element from outside. However, it will be advisable that representation to such persons is given by way of nomination by the visitor. We hope that in the clause regarding members to be nominated, representation to such element will be considered. We discuss the composition and powers and duties of the Executive Council in the following paragraphs.

#### **Composition of the Executive Council :**

4.12 We recommend that the Executive Council in an affiliating University shall consist of the following namely;

- (i) The Vice-Chancellor-*Ex-Officio* Chairman.
- (ii) The Pro-Vice-Chancellor.
- (iii) The Director of Higher Education or if there is no Director of Higher Education the Director of Education.

(iv) Two Deans of Faculties nominated by the Vice-Chancellor from amongst the Deans of Faculties in the manner specified by the Statutes.

(v) One Professor by rotation according to seniority.

(vi) Seven persons' elected by the Court from amongst its members who are not teachers and who are also neither employees nor students of either of the University or the college.

(vii) One Principal of a Degree College elected by the Court from amongst its members.

(viii) Two Professors of University Departments elected from amongst themselves.

(ix) Two teachers of the Degree Colleges other than Principals elected by the Court from amongst its members.

(x) Two members of the Academic Council, who are teachers elected by the Academic Council.

(xi) Three persons not being employees of the University or colleges to be nominated by the Visitor.

We have considered it necessary to adopt a slight change in the composition of the Executive Council in M. S. University, Baroda. The only change we propose is that instead of one Principal of a Degree College in an affiliating University, one teacher of the University Department other than the Head of the Departments and instead of two teachers of the Degree Colleges in an affiliating University, there should be three teachers of University Departments other than the heads of Departments elected by the Court from amongst its members.

#### **Powers and Duties of the Executive Council :**

4.13 The Executive Council, according to the system which we have suggested, shall have the management and administration of the revenue and property of the University and the conduct and all administrative

affairs of the University. We recommend that subject to such conditions as may be prescribed by or under the provisions of the Act, the Executive Council shall exercise the following powers and perform the following duties namely:—

(i) To hold, control and administer the property and funds of the University.

(ii) to enter into, vary, carry out or cancel contracts on behalf of the University in the exercise of performance of the powers and duties assigned to it by or under this Act or the Statutes.

(iii) to determine the form and provide for the custody and regulate the use of the common seal of the University.

(iv) to administer funds placed at the disposal of the University for specific purposes.

(v) to finalise the annual financial estimates as prepared by the Finance Officer and place it before the Court for suggestions.

(vi) (a) to adopt annual financial estimates after considering the suggestions, if any, of the Court.

(b) to reduce the amount of any budget grant.

(c) to sanction the transfer of any amount within a budget grant from one head to another, or from a subordinate head under one minor head to a subordinate head under another minor head; and

(d) to sanction the transfer of any amount within a minor head from one subordinate head to another, or from one primary unit to another;

(vii) to make provision for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University.

(viii) to hold accept and manage bequests donations, 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, endowment or bequest or regulated by Statute or designed by agreement by the University.

(ix) to transfer by sale, lease or otherwise any moveable or immoveable property on behalf of the University and to accept, transfer of such property to the University;

(x) to recommend to the Court, the raising of public loans on the security of the assets of the University with the previous approval of the State Government.

(xi) to manage and regulate the funds, finances, accounts and investments of the University.

(xii) to institute and manage:

(a) Printing and Publication Department.

(b) University Extension Boards;

(c) Information Bureaux,

(d) Employment Bureaux, and

(e) such other institutions or organisations as may be necessary for the functioning of the University.

(xiii) to make provision for the following activities and activities allied thereto;

(a) for continuing Education and Adult Education.

(b) for extramural teaching extension courses and research and other recognised educational activities.

(c) physical education, National Cadet Corps National Service Scheme, National Sports Organisation, Military training and such other recognised activities.

(xiv) to manage and maintain colleges, departments, institutes of research or specialised studies, laboratories, libraries, museums and hostels of the University.

(xv) to establish within the University area or outside that area such field stations and specialised laboratories and such other units for research and instruction as are necessary for the furtherance of object of the University;

(xvi) to recognise hostels, to inspect such hostels and to withdraw recognition therefrom.

(xvii) to provide housing accommodation for university teachers and other employees to the extent the finances of the University permit.

(xviii) to register high schools situated outside the State of Gujarat as may be provided by Statutes.

(xix) to recommend to the State Government to affiliate colleges.

(xx) to arrange for and to direct the inspection of affiliated colleges, recognised or approved institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment including salary scales and allowances for members of their teaching, other academic and non-teaching staff and in case of disregard of such instructions, to recommend modification of the conditions of their affiliation or recognition or to take such other steps as it may deem proper.

(xxi) to recommend to the State Government—

(a) the withdrawal, either in whole or in part, or to modify, the rights conferred on a college by affiliation.

(b) the withdrawal or reduction of a grant to a college which makes default in carrying out the conditions of affiliation;

(xxii) to withdraw recognition or approval of institutions or to modify the right conferred on an institution by recognition or approval.

(xxiii) (a) to control and co-ordinate the activities of, and to give financial aid to affiliated colleges and recognised or approved institutions and

(b) to regulate the fees to be paid by the students in affiliated colleges, recognised and approved institutions.

(xxiv) to call for reports, returns and other information from colleges recognised or approved institutions or hostels;

(xxv) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Colleges, University Departments and recognised and approved institutions and to make arrangements for promoting their health and general welfare and to take disciplinary action against the students.

(xxvi) to recommend to the Court, the institution and conferment of grant of degree diplomas and certificates, in the manner prescribed by the Statutes;

(xxvii) to recommend to the Court, the conferment of Honorary Degrees, and other academic distinctions in the manner prescribed by Statutes.

(xxviii) to institute and award fellowships, travelling fellowships, scholarships, studentships medals, prizes and other awards;

(xxix) to appoint academic, administrative and other staff of the University, fix their emoluments, if any, and define their duties and the conditions, of their service and to take disciplinary action against them;

(xxx) to recognise a member of the staff of an affiliated college or recognised or approved institution as a professor, Reader, lecturer or Teacher of the University and to withdraw such recognition.

(xxxi) to appoint examiners, to fix their remuneration and to arrange for the conduct and publication of the results of University examinations and other tests.

(xxxii) to fix, demand and receive such fees and other charges as may be prescribed by Ordinances.

(xxxiii) to make, amend and cancel Ordinances.

It should be provided that powers and duties of the clauses (xix) to (xxi), (xxvi) to (xxviii) (xxx), (xxxiii) to xxxviii) and (xi) of sub-section (I) shall not be exercised by the Executive Council except upon the recommendation made by the Academic Council.

### **Academic Council :**

4.14 The Academic Council is the Principal Academic Body of the University. As observed earlier, Academic Council exist in all the Universities except in M. S. University of Baroda. As observed by the Dongerkary Commission, this is a lacuna which should be removed. We are also of the view that even in unitary and teaching University of Baroda, the absence of Academic Council creates a void in the authority structure in the University. We are told that the Heads of the Departments enjoy greater freedom and Joint Faculty Meeting serves the purpose of an Academic Council. We do not think that the Joint Faculty Meetings can be a substitute for a supreme academic body like an Academic Council. We, therefore, recommend that the Academic Council should be provided and constituted in M. S. University. Baroda also.

### **Composition of the Academic Council :**

4.15 Since the Academic Council is the supreme Academic Body of the University and is intended to co-ordinate and exercise general supervision over the academic policies of the University, its composition should be predominantly of academic members. We recommend that the Academic Council shall consist of the following persons namely:—

- (i) Vice-Chancellor-*Ex-Officio* Chairman.
- (ii) The Pre-vice-Chancellor.
- (iii) All Deans.
- (iv) Two persons nominated by the Executive Council from its members.



- (v) All Professors of the Departments.
- (vi) One representative of the Heads of recognised institutions to be nominated by the Vice-Chancellor.
- (vii) Two Readers and three Lecturers from the University Department by rotation.

We further suggest that as soon as the Academic Council is constituted as above, it may coopt as its additional members two eminent persons who are experts in any of the subjects taught in the University, whether these persons are or are not connected with the University as its members, teachers, or otherwise. We also suggest that the Academic Council may invite any Chairman of the Board of Studies not already represented, if he is required in connection with any matter to be discussed pertaining to his Board. In addition, we also recommend that the Academic Council may coopt two teachers other than the Heads of Departments and Professors, who can contribute to the deliberations of the Academic Council.

#### **Powers and Duties of the Academic Council :**

4.16 The Academic Council shall have the central and general regulation of, and be responsible for, the maintenance of standards of teaching and examinations in the University. We recommend that subject to such conditions as may be prescribed by or under the provisions of the Act, the Academic Council shall exercise the following duties, namely :—

- (i) to approve Regulations made by the Faculty concerned laying down courses of study.
- (ii) to approve Regulations made by the Faculty concerned laying down special courses of study.
- (iii) to arrange for coordination of studies and teaching in affiliated colleges and recognised and approved institutions.
- (iv) to promote research within the University.
- (v) to approve proposals for allocating subjects to the Faculties.
- (vi) to make proposals for the establishment of Departments, Institutes of Research and Specialised Studies, Libraries, Laboratories and Museums.

(vii) to recommend the institution of Professorship, Readerships, Lecturerships, and any other posts of teachers required by the University and for prescribing the duties of such posts.

(viii) to recommend proposals for the institution of fellowship, travelling fellowships, scholarships, studentships, and medals and other awards and to make Regulations for their award.

(ix) to make Regulations regarding the examinations of the University and the conditions on which students shall be admitted to them.

(x) to make and approve Regulations prescribing the equivalence of examinations;

(xi) to approve Regulations prescribing the manner of granting exemption from approved courses of study in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates.

(xii) to recommend to the Executive Council the institution and conferment of Degrees, Diplomas and certificates in the manner prescribed by the Statutes.

(xiii) to recommend to the Executive Council the conferment of Honorary Degrees and other Academic distinctions in the manner prescribed by the Statutes.

(xiv) to recommend to the Executive Council the institution of Departments and Faculties.

(xv) to recommend to the Executive Council the affiliation of colleges and recognition or approval of institutions.

(xvi) to refer any academic matters to the relevant University authority or body for consideration.

(xvii) generally to advice the University on all academic matters, and

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

## CHAPTER V

### INTERNAL LEGISLATION

#### **Internal Legislation :**

5.1. We would not go too far a field, if we discuss the Internal Legislation, in so far as it forms part of the scheme of legislation which we have broadly discussed earlier. We have made recommendations in an earlier chapter with regard to principal authorities and bodies of the University, their constitution and powers. We believe that it is desirable to have uniformity in Internal Legislation as far as possible particularly with regard to authority to sanction and the manner of coming into force of each of the subordinate legislation which go by the name of Statutes, Ordinances, Regulations and Rules. Internal Legislation in University Organisation is an integral part of the legislative scheme and continues a body of crucial set of Statutes and Rules on which the whole functioning of the University rests. We have, therefore, considered it necessary to examine in details the scope and subject matter of internal legislation and authority which would make them and accordingly we propose to make recommendations which follow in the paragraph hereafter;

#### **The Statutes :**

5.2. We have examined the Acts of various Universities in Gujarat with regard to the scope and subject matter to be covered under the Statutes. By and large, uniformity exists with minor variations in the language in the University Acts except in the Act of Sardar Patel University, where also the provisions do not depart in substance. There is unanimity that subject to such conditions as prescribed by or under the provisions of the Act, the Statutes should provide for the following matters, namely :—

- (i) Conferment of Honorary Degrees.
- (ii) Holdings of Convocation.
- (iii) The powers and duties of the officers of the University.
- (iv) Constitution powers and duties of authorities of the Universities.

- (v) Institution and maintenance of University Departments.
- (vi) Management of Trusts, Bequests, Donations and Endowments.
- (vii) Registration of Graduates.
- (viii) Admission of Students.
- (ix) Qualifications of Teachers, and
- (x) Such other matters which are to be prescribed by the Statutes under the Act.

We, however, consider it necessary that provisions should be made to cover under the Statutes several other matters which are considered essential in light of the new responsibilities to which we have already referred to at appropriate places in our report.

**Additional matters :**

5.3. We consider it necessary that provisions should be made by Statutes for planning and co-ordination, collaboration with other Universities and implementation of new concepts like autonomous colleges and to provide for establishment of Academic Planning Board, Board for University Teaching and Research, etc. We also feel that provisions should be made under Statutes for the principles governing the security of service of University employees and also for the duties and conditions of service of officers, teachers and other employees of the University. The Committee on College Finance has emphasised need for preparing a plan for development of collegiate education and it may be necessary to locate new colleges or institutions in accordance with the plan prepared by the Gujarat Collegiate Education Board. However, it may also be necessary to abolish departments or colleges and adequate provisions should be made under the Statutes in this behalf. We particularly suggest to include the following additional matter for framing the Statutes;

- (1) Abolition of Departments affiliated colleges and institutions.
- (2) Collaboration with the other Universities in the State and other authorities in such manner and for such purpose as the Executive Council may decide.
- (3) Appointment for the specific purpose, of teachers and other academic staff working in any other University or organisation for undertaking joint projects.

### **Taking over of management of colleges :**

5.4 It has been suggested to us that in the event of a closure of a college or discontinuance of teaching activities by a college under private management for several reasons, not only the students but the teachers have also to suffer in the process. The withdrawal of affiliation is not an effective remedy, as in such circumstances it mostly acts to the detriment of the interests either of the teachers or of the students or both. The withdrawal of affiliation may take place if the college has failed to observe any of the conditions of affiliation or the college is conducted in a manner prejudicial to the interest of the education. To meet special situation, we would like to suggest a provision to be made also to transfer the management or taking over in the public interest of the management of a college or institution. We are accordingly inclined to suggest the following matters also to be included in the subject matter of the Statutes, namely:—

- (1) The transfer of a management of a college.
- (2) The taking over, in the public interest of the management of a college or institution by the Government and the conditions for such taking over, including any payment to be made therefor.

### **Scope and subject matter of Statutes :**

5.5 In light of what we have discussed above, we recommend that the University Acts should be amended to provide that subject to such conditions as may be prescribed by or under the provisions of the Act, the Statutes may provide for all or any of the following matters namely:—

- (i) the conferment of honorary degrees;
- (ii) the withdrawal of degrees, diplomas, certificates or other academic distinctions;
- (iii) the holding of Convocations to confer Degrees, Diplomas, Certificates and other Academic Distinctions;
- (iv) the powers and duties of the officers of the University, except as provided in the Act;

(v) the constitution, power and duties of the authorities of the University, except as provided in the Act;

(vi) the institution and maintenance by the University of Departments, Colleges, Institutions of Research or Specialised Studies, Halls and Hostels;

(vii) the acceptance and management of Trusts, Bequests, Donations and Endowments;

(viii) the manner of election of members of the Court;

(ix) the registration of graduates and the maintenance of a register of Registered Graduates;

(x) the transfer of management of a college;

(xi) the procedure at meetings of the authorities and bodies of the University and for the transaction of their business;

(xii) the taking over, in the public interest of the management of a college or institution by the Government and the conditions for such taking over, including any payment to be made therefor;

(xiii) the collaboration with other universities in the State and other statutory authorities in such manner and for such purpose as the Executive Council may determine;

(xiv) the appointment for a specified period, of teachers and other academic staff working in any other University or organisation for undertaking joint projects;

(xv) the conditions of grant of autonomous status to a university Department, college or recognised institution;

(xvi) the term of office, duties, and conditions of service of officers and other employees of the University, the provisions of pension, insurance and provident fund and the manner of termination of their service and other disciplinary action;

- (xvii) the abolition of Departments, Halls, Colleges and Institutions;
- (xviii) the qualifications of the officers of the University and other employees (other than teachers);
- (xix) the qualifications of teachers and conditions of their employment of teachers and other academic staff of the University;
- (xx) the number, qualifications and conditions of appointment of teachers and other academic staff of the University;
- (xxi) the maximum number of students to be admitted in a college;
- (xxii) the establishment and recognition of students' unions or associations of teachers, academic staff or other employees;
- (xxiii) the delegation of powers vested in the authorities or officers of the University;
- (xxiv) all matters which by the Act are to be or may be prescribed by the Statutes.

#### **Authority to sanction Statutes :**

56 We now come to the question of authority to sanction statutes and the manner of bringing them into force. On examination of various Acts, it is observed that the Chancellor has the power under all University Acts to give assent to the Statutes except in M. S. University, Baroda. In M. S. University, Baroda, the Government has the power to cancel the Statute after giving an opportunity to the Senate (Court) to express its views. Since we have proposed that the Governor, by virtue of his office, shall be the Visitor in all Universities, we suggest that the power to give assent to the Statutes should be with the Visitor of the University. We recommend that the University Acts including Act of M. S. University, Baroda should be amended to provide that the Statute passed by the Executive Council shall have validity until assented to by the Visitor. According to the provisions contained in the University Acts at present, the Court is the authority which makes amendments, repeals or adds to the statutes *suo motu* or on a proposal received from the Executive Council. However

it is provided that the Court cannot amend a draft statute proposed by the Executive Council except in Sardar Patel University, where a different provision exists. We recommend, following the recommendation of the Committee on governance of Universities and Colleges that the first statutes of a University may be framed under the authority of the Legislature but for subsequent amendments, repeal or addition of the Statutes, the Executive Council in the University should be authorised to do so subject to the procedure which we suggest hereafter. The Executive Council, however, should not make, amend or repeal any Statute affecting the status, powers or constitution of any principal authority of the university, until such authority has been given an opportunity of expressing an opinion in writing to the changes and any opinion so expressed should be considered by the Executive Council.

#### **Procedure for making Statutes :**

5.7. We are of the definite view that the Executive Council should be the authority to pass statutes subject to assent by the Visitor. Framing of all statutes will be initiated by the Executive Council and it will also have the final authority to pass it. In view of this, the existing provision enabling the Court to take into consideration the draft of a statute either of its own motion or on a proposal by the Executive Council would require to be amended. We suggest a procedure to be followed that the Executive Council may prepare a draft of a Statute proposed to be framed and send to the court the draft of any such statute which (Executive Council) intends to pass. Such draft shall be considered by the Court at its succeeding meeting. The Court may approve such draft or return it to the Executive Council for its consideration the suggestions made by it (the Court). After any draft so returned has been further considered by the Executive Council, it shall pass the Statute, assigning reasons, if the suggestions made by the Court are not accepted. Every statute passed by the Executive Council shall be submitted to the visitor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsiderations. In order to give effect to such a procedure, we recommend that the University Acts should be amended to provide for making amendment, and repeal of the Statute as under:

(1) the first statutes shall be as these set out in the schedule of the Act;



(2) the executive council may, from time to time, make new or additional statutes or may amend or repeal the statute referred to in (1) above:

Provided that the Executive council, shall not make, amend or repeal any statute affecting the status, powers, or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council.

(3) every statute passed by the Executive Council shall be submitted to the Visitor who may give or withhold assent thereto or refer it back to the Executive Council for reconsideration.

(4) no statute passed by the Executive Council shall have validity until assented to by the Visitor;

(5) notwithstanding anything contained in the forgoing provisions Visitor may make new or additional statutes or amend or repeal the statutes referred to in (1) above during the period of three years immediately after the schedule to the Act has come into force :

Provided that the Visitor may, on the expiry of such period of three years, make within one year from the date of such expiry, such detailed statutes as he may consider necessary and such detailed statutes shall be laid before the State Legislature.

### **Ordinances :**

5.8 Ordinances constitute another realm in which Executive Council has full authority to make, repeal, or add to the ordinances of the University. In making the Ordinances pertaining to maintenance of standards teaching and examination within the University, however, we consider desirable that the draft of the Ordinance in such matters is proposed to the Academic Council. The Executive Council should not have the power to amend any draft proposed by the Academic Council but may reject or return it to the Academic Council for reconsideration, either in whole or in part together with any amendments which the Executive Council may have to suggest. All ordinances made by the Executive Council should

in our opinion take effect from such date as the Executive Council may direct. We find that there is a provision in the existing University Acts that the Senate (Court) shall have power, by a resolution, passed by majority of not less than 2/3 of the members present at such meeting, cancel or refer to reconsideration but not to amend any such ordinance. We have also observed that power is given to the Vice-Chancellor to suspend the operation of any such Ordinance until it is considered by the Senate on application of not less than prescribed number of members. We do not think that such a provision is consistent with the concept of clear cut authority and freedom that we now envisage for each authority to act within its own sphere. We, however, agree that some check might be necessary in certain cases and therefore, we, suggest that the power to suspend the operation of the decision for a period of 30 days may remain with the Vice-Chancellor within which time, he may refer back the decision for reconsideration. However, the operation will start after this period, unless the decision is reconsidered by the appropriate authority.

**Subject matter of Ordinances :**

5.9 In light of what we have discussed above, we recommend that the University Acts should be amended to provide for that subject to such conditions as may be prescribed by or under the provisions of the Act, the Executive Council may make ordinances to provide for all or any of the following matter; viz. :

(i) conditions under which students shall be admitted to courses of studies for Degrees, Diplomas and other Academic Distinctions;

(ii) fees to be charged for enrolment of the students for attending such courses in the University and colleges (including the tuition fees and hostel charges) and for examinations leading to degrees, diplomas, certificates and other academic distinction and for registration of graduates;

(iii) conditions governing the appointment and the duties of the examiners;

(iv) conduct of examinations and other tests;

(v) recognition of teachers of the University;

(vi) inspection of affiliated colleges, recognised institutions, approved institutions and hostels;

(vii) rules to be observed and enforced by colleges, recognised institutions and approved institutions in respect of transfer of students;

(viii) made of execution of contracts or agreements for or on behalf of the University;

(ix) recognition of Halls and Hostels;

(x) conditions of residence, conduct and discipline of the students of University and the action to be taken against them for breach of discipline or misconduct, including the following :

(a) use of unfair means at an examination, or in relation thereto, by himself or by any other student or abetment thereof;

(b) refusal to appear or given evidence in any authorised inquiry by an officer in charge of an examination or by any officer or authority of the University;

(c) disorderly or otherwise objectionable conduct, whether within or outside the University;

(xi) Generally, all matters for which provision is, in the opinion of the Executive Council, necessary, for the exercise of such powers conferred or the performance of the duties imposed upon the Executive Council by the Act or the Statutes.

#### **Procedure for making ordinance :**

5.10. We also recommend that the University Acts should be amended to provide for the making of Ordinances as follows :

(i) Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in (i) to (vii) in para 5.9 or any other matters connected with the main-

tenance of the standards of teaching and examinations within the University shall be made unless a draft of the same has been proposed by the Academic Council;

(ii) The Executive Council shall not have the power to amend any draft prepared by the Academic Council under (i) above, but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may have to suggest;

(iii) All Ordinances made by the Executive Council shall, except as provided by the Act, have effect from such date as it may direct but every ordinance so made shall be submitted to the Visitor within two weeks;

(iv) The Visitor shall have power to direct the Executive Council within four weeks of the receipt of the ordinance, to suspend its operation and shall inform the Executive Council of his objection to it;

(v) The Visitor may, after receiving the comments of the Executive Council, either withdraw the order suspending the ordinance or disallow the ordinance;

(vi) The decision of the Visitor shall be final.

### **Regulations :**

5.11. While discussing the powers and duties of the Academic Council, we have suggest that it should have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations within the University. Consistent with this view, we have suggested in the above paragraph that ordinance on any matters connected with maintenance of standars of teaching and examination shall be made by the Academic Council and the draft for such Ordinances should also be proposed by the Academic Council. In order to enable the Academic Council to regulate academic functions and responsibilities entrusted to it, it becomes necessary to empower it and also the faculty to make regulations consistent with the Act, the Statutes and the Ordinances, providing for all

matters which by the Act, the Statutes and the Ordinances, are to be provided for by Regulations. It should also have the power to make regulations for all matters concerning it. On examining the various University Acts, we find that provision exists that Academic Council and subject to the Academic Council, each Faculty may make regulations, consistent with the Act, the Statutes or the Ordinances except in the Sardar Patel University and M.S. University, Baroda. Under the Sardar Patel University Act, the Academic Council is empowered to make regulations subject to the approval of the Syndicate (Executive Council). We see no reason while approval of the Syndicate should be necessary in framing regulations which are within the powers of the Academic Council. We suggest, therefore, that the Sardar Patel University Act should be amended on the line of other University Acts. So far as M. S. university, Baroda is concerned, since there is no Academic Council no provision exists at present regarding regulations to be framed by the Academic Council. We have recommended earlier that there shall be an Academic Council in M. S. University, Baroda as in the case of other Universities, and power to make regulations should also go to the Academic Council. We, therefore, recommend that all the University Acts should be amended to provide as under, namely:

(i) the Academic Council, and subject to the approval of the Academic Council, each Faculty may make regulations, consistent with the Act, the Statutes and the Ordinances, providing for all matters which by the Act, the Statutes or the Ordinances are to be provided for by regulation and for all other matters solely concerning itself;

(ii) All, regulations made by the Academic Council or any faculty shall have effect from such date as the authority making them may direct.

### **Regulations and Rules :**

5.12. The University Acts contemplate authorities and bodies other than the principal authorities (the Court, the Executive Council and the Academic Council) to which we have referred to above. Such other authorities and bodies are the Boards of Studies, the Board of Post-Graduate Teaching and Research and such other Boards or Bodies of the University as may be declared by the Statutes to be the authority of the University. Such authority should have power to make rules, subject to the approval of the Executive Council and consistent with the Act, the Statute, the Ordinances and Regulations with a view to provide for all matters solely concerning such authority. All University Acts except that of the Sardar

Patel University contain provisions for the making of the rules by any authority other than principal ones and the rules are subject to approval of the Syndicate (Executive Council). In our opinion, the absence of rule making provision in the Sardar Patel University is a practical handicap and this lacuna should be removed by making an adequate provision in the Act. We also consider it necessary that each authority other than the principal authority may have the power particularly to make rules consistent with the Act, the Statutes and the Ordinances for Regulations of its meeting. We also suggest that the rules made by any authority or body (other than the principal one) shall have effect from such date as the authority making them may direct. Such rules in all cases should be subject to approval of the Executive Council and if any rule involves expenditure from the University fund, it should not be effective unless it is approved by the Executive Council. In light of these suggestions, we recommend that University Acts should be amended to provide for making of the rules as under:

(i) any authority other than the Court, the Executive Council, the Academic Council and the Faculty, subject to the approval of the Executive Council make rules consistent with the Act, the Statutes, the Ordinance and Regulations, providing for all matters solely concerning such authority;

(ii) any authority subject to what is stated in

(1) above may make rules particularly for;

(a) giving notice of the dates and hours of its meeting and of the business to be conducted there at;

(b) regulating the procedure at its meeting and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;

(iii) the Executive Council may amend or annual the rules in such manner as it thinks fit, after ascertaining the views of the authority or body making them;

(iv) no rule which involves expenditure from the University fund shall be effective until it is approved by the Executive Council.

5.13. The scheme of internal legislation which we have proposed above, will we hope, lead to functional autonomy of sub-system, each operating independently and yet in relation to each other and ultimately reinforcing the entire system.

## CHAPTER-VI

### OFFICERS OF THE UNIVERSITY

#### **Officers of the University :**

6.1. We are enjoined by one of the terms of reference to suggest qualifications and mode of appointment of the officers of the University in the best interest of the University Education, in the light of the recommendations made by previous committees and also in the light of experience of the Universities. On analysis of the existing University Acts, it is revealed that the Chancellor, the Vice-Chancellor, the Registrar and Deans of Faculties are officers of all the Universities of Gujarat. M. S. University, Baroda has a Pre-Vice-Chancellor also. The Gujarat University, the M. S. University, Baroda and the South Gujarat University each have a provision in their Acts for the appointment of a Rector if they so decide. Except in the South Gujarat University, in no other University, appointment of a Rector is made. In South Gujarat University also, there is no Rector at present. There is a provision for Controller of Examinations in both the South Gujarat and the Saurashtra Universities and the Saurashtra University has appointed a Controller of Examinations. The Baroda University Act, in addition to the above, include the Librarian and the Curater among the University Officers. It has been represented before us that in view of the increased attention which the students' problems have to receive, there should be a separate post of Dean of Students or a Director of Students Affairs in the University. It is also forcefully place before us that looking to enormous and important financial responsibilities, there should be a Finance Officer in each University as an Officer of the University, who should be directly responsible to the Vice-Chancellor. Before we proceed to suggest the qualifications and mode of appointment of officers of the University as referred to in our term of reference, we feel that we should consider in light of the various suggestions as to who should be the officer of the University under the relevant provisions of the Act or which of the other officers in the service of the University should be declared by the Statute to be an officer of the University. In this background, we shall now deal with the appointment and qualifications of various officers of the University in the following paragraphs.

### Other Officers of the University :

6.2 We have already observed that the Chancellor, Vice-Chancellor, the Registrar and the Deans of Faculties are officers of common to all Universities in Gujarat. We consider it necessary that the Librarian and the Finance Officer should also be the officers common to all Universities. The Librarian is an officer of the University under the Act of M. S. University, Baroda. The amended Act of the Gujarat University also provides for the University Librarian as an officer of the University. Library is the life blood of research and academic scholarship. The University Grants Commission has attached great importance to the role which librarians have to play in promoting academic excellence. If the library has to play an effective role, the status of the librarian has to be recognised. We have no doubt that this cannot be done in any other way than to include him as an officer of the University under the Act. We have also considered the suggestion about Finance Officer to be made an officer of the University. There is a person appointed as Accounts Officer or under such other designation in each University who looks after the accounts and financial matters. However, in view of the increased responsibilities of finance and better financial control, the Accounts Officer should be a person of sufficiently high status. We, the refore, recommend that provisions should be made in the Act for a Finance Officer who shall be a full time salaried officer of the University, directly responsible to the Vice-Chancellor. Accordingly, we recommend that the University Acts should provide that the following shall be the officers of the University, namely:—

1. The Chancellor.
2. The Vice-Chancellor.
3. The Pro-Vice-Chancellor.
4. Deans of Faculties.
5. The Registrar.
6. The Finance Officer.
7. The Librarian.

We also suggest that Act should provide that such other officers in the service of University as may be declared by the statutes to be the officers shall also be the officers of the University.



that if any question arises regarding the interpretation of any provisions of the Act or the Statute, Ordinance, Regulations or the Rule, or as to whether a person has been duly elected or appointed as, or is entitled to be a member of any authority or body of the University, the matter may on a petition of any person or body directly affected or *sue moto* be referred by the Vice-Chancellor to the Visitor and shall also be referred to the Visitor if 20 members of the Court so require. The Visitor shall after, taking such advice as he deems necessary, decide the question and his decision shall be final.

#### **State's power of inspection or inquiry :**

6.6 Inspection is an important visitorial function in so far as the University affairs are concerned and we have suggested, agreeing with the previous Committees, that this important function should vest in the Visitor of the University only. We have, however, noticed a provision in the Gujarat University Act that the State Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner prescribed and shall have for the purpose of such inspection or inquiry all the powers of the Chancellor under the said sub-section. We do not dispute the State Government's right to cause an inspection or an inquiry to be made, if occasion demands. We are, however, unable to reconcile with the view that the State Government should have power of inspection or inquiry concurrent with such power of the Visitor. Whenever the State Government deems fit to cause an inspection or inquiry to be made, it can do so by moving the Visitor to exercise such powers. We, therefore, recommend that the University Acts should be amended to empower the Visitor to exercise such powers *sue motu* or when moved by the State Government.

#### **Special authority of the Visitor :**

6.7 It has been urged before us that situation arises when affairs of the University cannot be run according to the provisions of the Act, due to failure by some authority or body to exercise its legitimate powers and duties assigned to or imposed on it under the Act. Closure of academic life on University campus is not uncommon these days and apprehensions have been shown that situation may arise when not only some authorities or bodies of the University are unable to function but affairs of the University cannot be carried on and the functioning of the University may come to a standstill. For want of any provision for meeting such an extra-ordinary situation, either there is an internal dead-lock in the affairs of the University or academic life or administrative machinery ceases to function. Suggestions have been made to us that either the State Government or the Visitor should

suspend the authority/body or authorities/bodies or suspend their activities and activities of the officers and temporarily take over the responsibility to enable day to day functioning of the University till such time as the normal situation is restored. The suggestion is very diastic. However, we are convinced that extraordinary conditions or exceptional situations cannot be ruled out in the ever-all socio-political conditions in which the Universities are functioning today. We are absolutely clear that such situations should be exceptional but we feel that for extraordinary conditions or exceptional situations. If at all they arise, some arrangement should exist under the provisions of University Acts to deal with such situations. We are equally clear in our mind that power to deal with such situations should be vested in the Visitor who has ultimate power and authority to see that the University is functioning and the affairs are carried on according to the provisions of the Act. We have also no doubt that the Visitor should act in such a situation, only if he is satisfied, on receipt of report from the Vice-Chancellor, or otherwise, that a situation has arisen in which the affairs of the University cannot be carried on in accordance with the provisions of Act. Making the Visitor an arbitrator to decide whether an exceptional situation has arisen and empowering him to take such action as may be deemed necessary or desirable under the circumstances, will, in our view, ensure resorting to this provision only in exceptional circumstances and will also provide safeguard against use of excessive authority. We accordingly recommend that provision should be made in the University Acts on the following lines:—

(1) If the Visitor, on receipt of report from the Vice-Chancellor or otherwise, is satisfied that a situation has arisen in which the affairs of the University cannot be carried on in accordance with the provisions of the Act, he may, by a notification in the Gazettee, assume to himself all or any of the functions of the University or any authority or body of the University and make such incidental provisions as may appear to him to be necessary or desirable for giving effect to the decisions connected with carrying on the affairs of the University in accordance with the provisions of the Act.

(2) The Visitor may vary or revoke the notification.

(3) The notification shall cease to operate at the end of six months from its date of publication or on earlier date, as notified.

(4) The copy of the notification shall be placed before the State legislature at the immediate next session.

### **Appointment of Chancellor :**

6.8. According to the views expressed by us, the appointment of a Chancellor as distinct from the Visitor is contemplated. The Act of the M. S. University of Baroda already contains a provision that until otherwise determined by the Statue H. H. Maharaja of Baroda shall be the Chancellor of the University. As we have envisaged Chancellor to be separate from the Visitor, the Governor of the State of Gujarat shall be the Visitor of the M.S. University also. So far as the Chancellor is concerned, there may not be need to amend the existing provision regarding the Chancellor in M. S. University, Baroda. In other Universities, we recommend that the University Acts should be amended to provide for the appointment of Chancellor by the Visitor in such manner as may be prescribed by the Statutes.

### **Privileges of the Chancellor :**

6.9 We have already defined the authority and the privileges of the Visitor. The privileges of the Chancellor shall be confined to his position as Head of the University and to preside over the Convocation of the University and the Court. We, therefore, recommend the University Acts, should be amended to provide for the privileges of the Chancellor as under:—

(1) Chancellor shall be appointed by the Visitor in such a manner as may be prescribed by the Statute;

(2) The Chancellor shall, by virtue of his office be the head of the University.

(3) The Chancellor shall, if present, preside at the Convocation and the Court of the University.

(4) The Chancellor shall have such other powers as may be conferred on him by the Act or the Statutes.

### **Appointment of the Vice-Chancellor :**

6.10 Vice-Chancellor's office is an important one as he is the principal executive and academic officer of the University, responsible for its day to day affairs. We do not want to repeat what the previous Committees have said about the importance of the office of the Vice-Chancellor and the various functions which he is supposed to perform. We have been confronted, however, with a suggestion about devising a uniform procedure for the appointment of Vice-Chancellor and also with regard to the tenure, age and conditions of the service of the Vice-Chancellor.

### **Procedure for Appointment :**

6.11 The Committee on Governance of Universities and Colleges had discussed various modes of appointment of the Vice-Chancellor. The Dongerkary Commission had recommended the mode of the appointment of the Vice-Chancellor in Chapter VII of its report. We observe from the examination of various existing university Acts that there is no uniform procedure about the mode of appointment of the Vice-Chancellor. However, there is an almost unanimity amongst those who placed their views before us that the procedure recommended by the Dongarkary Commission is by and large satisfactory. In the light of the experience of the universities and in light of various suggestions received, we recommend that the Vice-Chancellor shall be appointed by the Visitor from amongst three persons recommended by the Committee for the purpose. The Committee shall be appointed by the Visitor which will consist of the following members, namely:—

(1) two members (not connected with the University or any institution affiliated to or recognised by it) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executing Council and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellor of all other Universities established by law in the State of Gujarat.

(2) One member to be nominated by the Visitor from amongst the following persons:

(a) A Judge of the High Court in the State.

(b) Chairman of the Gujarat Public Service Commission.

- (c) Any retired Chief Justice or Judge of the High Court, or
- (d) An eminent educationist.

The Visitor's nominee shall be the Convenor of the committee.

**Vice-Chancellor a full-time Salaried Officer :**

6.12 It has been strongly urged before us by various groups and also supported by many Vice-Chancellors that looking to the arduous nature of duties and the diversity of problems which the Vice-Chancellors have to face in the present conditions, the appointment of the Vice-Chancellor should be made on a whole time basis. The Dongerkary Commission had recommended that the Vice-Chancellor should be a whole time salaried officer of the University and that all Universities Acts should be amended accordingly. In view of the whole-time nature of duties, we recommend that suitable provision may be made in the statutes for the salary etc. of the Vice-Chancellor.

**Term of Appointment :**

6.15 We have received two types of suggestions regarding the term of appointment of the Vice-Chancellor. According to one view, the term of appointment should be five years in which case he should not be eligible for reappointment in the same university. According to another view, the term of appointment of the Vice-Chancellor should be three years and that he should be eligible for appointment in the same university for one term of three years only. We have considered the views of the previous Committees and also weighed the advantages and disadvantages of both the points of view. We consider that any of the above alternatives may be adopted as found suitable according to special conditions prevailing in each University.

**Age :**

6.14 We have received varying suggestions for the age of retirement of the Vice-Chancellor or age at the time of appointment. The Dongerkary Commission had recommended that Vice-Chancellor at the time of appointment should be below 65 years. We have received suggestions on one

hand that there should not be any age limit for the appointment of the Vice-Chancellor provided he is in possession of full vigour of body and mind. On the other hand, we have also received suggestions that at the time of appointment, his age should be below 58 years. Since we are in favour of the appointment of the Vice-Chancellor as a full-time salaried officer, we feel that no person appointed as Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years, irrespective of the age at the time of his appointment we recommend that the University Act should be amended to provide accordingly.

### **Pro-Vice-Chancellor :**

6.15 We have discussed the position about Pro-Vice-Chancellor in each existing University Act in the opening paragraph of this chapter. The provision for a Pro-Vice-Chancellor or Rector is intended to give some assistance and relief to the Vice-Chancellor in the increasing onerous responsibilities. We are not in favour of two offices viz. Pro-Vice-Chancellor and also a rector. On the contrary, we strongly feel the need of a whole-time salaried Pro-Vice-Chancellor in every university although the need for making such an appointment be left to the Court. We agree with the Dongerkary Commission view that the designation "Pro-Vice-Chancellor" should be preferred to that of Rector. We also agree with the Commission's view regarding the powers and duties of the Pro-Vice-Chancellor. With a view to provide uniformity in this matter, we recommend that the University Acts may be amended on the following lines:—

(1) The Court may, on the recommendations of the Vice-Chancellor, by resolution, decide whether appointment shall or shall not be made to the office of the Pro-Vice-Chancellor.

(2) If the Court decides that appointment shall be made to the office of the Pro-Vice-Chancellor, the Pro-Vice-Chancellor shall be appointed by the Visitor on the recommendation of the Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall exercise such of the powers and duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him, with the approval of the Executive Council.

(4) The Pro-Vice-Chancellor shall preside:

(1) There shall be a Dean of each Faculty who shall be nominated by the Executive Council by rotation in accordance with the Statutes.

(2) He shall hold office for a period not exceeding three years at a time.

(3) He shall be the principal Executive authority of the Faculty and shall exercise the following duties, namely:

(i) he shall be the Chairman of the Faculty and shall preside at its meeting.

(ii) he may attend the meeting of any Board of studies in the Faculty.

(iii) he shall supervise and co-ordinate the work of different Board of Studies in the Faculty and for that purpose, he may call a joint meeting of the Board of Studies, if necessary.

(iv) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

#### **The Registrar :**

6.18. The Registrar is a whole time, salaried officer of the University. His emoluments and conditions of service are fixed by Statutes prescribed under the University Acts. His appointment in the case of all Universities is made by the Executive Council. He acts as Member-Secretary to the Court, and as Secretary to the Executive Council and also the academic council, except in M. S. University, Baroda, which has no academic council. His duties are as may be prescribed by the Statutes, Ordinance and Regulations in addition to the functions which are commonly prescribed by the Statutes viz., (a) to be the custodian of the seal, the buildings and other property of the university, (b) to act as Secretary to the such authorities bodies committees or councils for which it is prescribed that he should act as such and he shall keep minutes of the same (c) to conduct office correspondence in the name of the University, (d) to issue notices of meetings and (e) to render assistance to the Vice-Chancellor.

We have hardly any comments to make with regard to appointment, emoluments and conditions of service and functions and duties mentioned

above. However, there is one point which requires examination in light of the experience of the Universities. It is with regard to the power to take disciplinary action against the employees of the University, excluding the teachers and academic staff. For want of delegation cases of disciplinary action are delayed. We see no objections in the interest of expeditious action to empower the Registrar to take disciplinary action against such of the employees of the University excluding the teachers and the academic staff as may be specified in the orders of the Executive Council and to suspend them pending inquiry administer warning to them or impose on them the penalty of censure or withholding the increments. This will obviously be with the safeguard that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him and also that a right of appeal should be provided against the order of penalty. We definitely feel that such delegation should be made possible by an appropriate provision in the Act. We, therefore, recommend that the University Acts should be amended to provide as under :

(a) the Registrar shall have the power to take disciplinary action against such of the employees of the University, excluding the teachers and academic staff, as may be specified in the orders of the Executive Council and to suspend them pending inquiry administer warning to them or impose on them the penalty of censure or withholding of increments:

Provided that, no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) an appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified above.

(c) where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar, upon conclusion of the inquiry, make a report to the Vice-Chancellor together with his recommendations. Provided that an appeal shall lie to the Executive Council against and order of the Vice-Chancellor imposing any penalty.

#### **Finance Officer :**

6.19. We have already suggested that there should be a Finance Officer in each University who should be a whole-time and salaried officer in the



University. The emoluments and other terms of conditions of the service of the Finance Officer shall be such as may be prescribed by the Statutes. His appointment shall be made by the Executive Council on the recommendations of a selection committee constituted for the purpose. The functions of the Finance Officer may be laid down by the Statutes. However, we find that the functions and responsibilities of the Finance Officer are not adequately conceived at present. The accounting and financial functions are performed by the Accounts officers without being defined. We recommend that the Finance Officer should be directly responsible to the Vice-Chancellor and the powers which he has to exercise and the duties which he has to perform may be laid down by the Universities under the Statutes as follows:—

The Finance Officer shall:

(a) exercise general supervision over the funds of the University and shall advise the university as regards its financial policy.

(b) hold and engage the property and investments including Trust and Endowed property, for furtherance of any of the objects of the university.

(c) ensure that the limits fixed for recurring and non-recurring expenditure for a year are not exceeded, and that all moneys are accounted for;

(d) be responsible for the preparation of the annual accounts and the budget estimates of the University for the next financial year and for their presentation to the Executive Council;

(e) keep a watch on the state of the cash and bank balances and of investments;

(f) watch the progress of collection of revenue and advise on the methods of collection employed;

(g) have the accounts of the university regularly audited.

(h) ensure that the registers of buildings, land and equipment are maintained up-to-date, and that the stock checking of equipment and

other consumable material in all offices, departments, institutions, colleges, work-shops and stores is conducted regularly;

(i) call for, from any office, centre, laboratory, college or institution under the control of the university, any information and returns that may be necessary for the proper discharge of his financial responsibilities.

(j) to take steps for disposal of audit objections;

(k) to exercise such other powers and perform such other duties as may be assigned to him.

#### **University Librarian :**

6.20. We have recommended Librarian to be an officer of the University. We, therefore, recommend that the University Act should provide that the Librarian shall be whole time salaried officer appointed by the Executive Council on the recommendations of Selection Committee constituted for the purpose. He shall possess such qualifications and exercise such powers and perform such duties as may be prescribed by the Statutes.

#### **Dean of Students :**

6.21. Besides the other officers as recommended by earlier committees, the Universities may like to appoint Dean of Students as an officer of the University. We do not refer here to the various provisions in the Acts of Universities which provide for supervising and controlling the students residence conduct and discipline of students, making arrangements for their health and general welfare and to provide for the institution of Information and Employment Bureau, Board of Sports, Students' Council and various other Students' bodies in the Universities and colleges. In order to look after a wide range of problems of the students there may be a need for the appointment of a Dean of Students in each University. There may be one or more Deans of Students, or Dean for Men and Dean for Women. There may be a full-time or part-time Dean according to requirements of each University. It should be left to each University to decide the nature of appointment of the Dean of Students in each University.

#### **Other Officers :**

6.22. The University Acts generally describe the officers of the University and also provide for such officers in the service of the University as

may be declared by the Statutes to be officers of the University. The Acts also contain provision that powers and duties of such other officers shall also be prescribed by the Statutes. We recommend that the appointment of other officers in the service of the University should be made by the Executive Council on the recommendations of a Selection Committee constituted in the manner prescribed by the Statutes and their powers and duties shall be such as prescribed by the Statutes.

## CHAPTER VII

### AFFILIATION, RECOGNITION AND APPROVAL

#### **Present Position :**

7.1. University Acts provide for affiliation of colleges, recognition of institutions of research and specialised studies and approval of institutions under the guidance of qualified teachers. Such provisions exist in all the Universities Acts of Gujarat except that in M. S. University of Baroda where there is no provision for approval of an institution. A special chapter was devoted to this important activity of the University in the Dongerkary Commission Report. Since the Commission had examined the question in great details, and had made proposals after due consideration regarding the procedure for affiliation, recognition or approval, we would not have entered into the discussion of this subject again. However, we are required to examine under our terms of reference the various provisions of the Act in light of the recommendations made by the Committee on College Finances (Paul Committee). It has made recommendations regarding the establishment of Affiliated Colleges Board, which will have a special function amongst others regarding surveying the needs of new colleges and certifying the need for establishment of a college before it is granted affiliation. We have already suggested in our recommendations in Chapter III to designate this Board as "Gujarat Collegiate Education Board". The present provisions will undergo a substantial change and we are obliged to make suitable recommendations for amendments in the existing Acts in the following paragraphs. We accordingly propose to review the provisions in the University Acts regarding affiliation, recognition and approval.

#### **Existing Powers :**

7.2. Substantive part of the provisions in the University Acts relate to the power of affiliation of colleges, recognition of institutions of research of specialised study and approval of institutions for specialised studies under the guidance of the qualified teachers. The power of affiliation rests with the Government either to grant or to refuse the application or any part thereof except in the Gujarat University Act, where the decision rests with

the Executive Council of the University. The power of recognition of institutions rests with the Executive Council in all the Universities excepting that in M. S. University of Baroda where such power is vested in the Court. The power of approval of institutions where such powers exist are with the Executive Council.

#### **Existing Procedure :**

7.3. According to the affiliation procedure, common to all the universities in Gujarat, an application for affiliation is in the first instance, placed before the Executive Council which may make such further inquiry as may appear to be necessary. It records its opinion thereafter on the application after consulting the Academic Council, where there is one. The report of the Executive Council, goes to the Court in M. S. University of Baroda and Sardar Patel University before being sent to the Government. In South Gujarat University and Saurashtra University, they go to Government without reference to the Court. In case of Gujarat University, the final powers having been vested in the Executive Committee, it does not go to the Court or to the Government. We find it necessary that a uniform position obtains in all the Universities with regard to the powers to grant or to refuse application for affiliation, recognition or approval. We also consider it necessary to lay down uniform procedure as far as possible.

#### **Recommendations of the Committee on College Finance :**

7.4. So far as the power of grant of affiliation to colleges is concerned, the Dongerkary Commission recommended that such powers should be vested in the University. It is perhaps in pursuance of this recommendation that the power is vested in the Executive Council in the Gujarat University. In the case of other Universities, where the Acts have not been amended in the light of the recommendations made by the Dongerkary Commission, powers still vest in the Government. We have carefully considered the views of the Dongerkary Commission and also the views placed before us by the Vice-Chancellors and members of the Court and Executive Council in the Universities which we visited. The arguments which weighed with the Dongerkary Commission are described in the Commission's words as under :

“University finds it difficult to resist the demand for new colleges, owing to the pressure, even when adequate facilities of finances, buildings, well equipped library and laboratory and properly qualified teaching staff are not provided by the sponsors of such colleges”. The Commission has observed that on account of such pressure, there has been a progressive deterioration in the quality of teaching. The Commission has come to conclusion that the only remedy is to give greater powers to the University for laying down and enforcing conditions of affiliation. With due deference to the views of the commission, we are not in full sympathy with this view. It has been overwhelmingly stated before us that the Universities have failed to resist the pressure as well as to enforce the standards. This view is reinforced by the Committee on College Finances (Pal Committee) which has observed that “there has been inadequate control over planning the location of affiliated colleges, which are sometimes established for extraneous considerations and without taking into account such important factors as the potentiality of area or the existence of other affiliated colleges in proximity”. It has further observed, “the matter also becomes worse, because instead of planning the location of affiliated college, the responsibility of the task is vested in each individual University without creating an adequate machinery to co-ordinate the policies in this regard”. It is obvious that this leads to duplication and waste and to the continued existence and multiplication of non-viable colleges. The Paul Committee has recommended, therefore, that there should be a single authority for the State as a whole which should decide whether a new college should or should not be located in a given place. The authority proposed is the Gujarat Affiliated Colleges Board. According to the Committee’s views, no new college should be permitted except in areas where the existing facilities for higher education are inadequate and where a clear case exists for the establishment of new institutions we are wholly in agreement with the Committee’s view that (1) University should entertain an application for grant of affiliation to a college unless its need is certified by the Board, (2) the final affiliation of a college should only be done with the approval of the State Government.

#### **Need for Cutting out delay :**

7.5. Now coming to the existing procedure for affiliation, it is observed that the procedure falls into two distinct stages. In the first stage it has to be decided by the University whether the need for establishment of a new college exists. As soon as the university is satisfied about the need, it indicates the conditions on the fulfilment of which affiliation would follow. If

it is decided that there is no need of a college in the locality or that the college will not supply the need in the locality, an appeal to the State Government against such decision is provided at this stage. After the need is established, the second stage as described earlier would follow and the Executive Council in consultation with the Academic Council will take further action. We appreciate the arguments of the Dongerkary Commission in this behalf that it is desirable that a college applying for affiliation should know before it enters into any commitment with regard to the requirements of the University that the affiliation would be forthcoming on its fulfilling the conditions. There can be no better remedy to ensure this than to plan the needs of areas for higher education in advance on the basis of which the needs of the State and the location of the new colleges on a planned and rational basis shall be determined. The recommendation of the committee on College Finance (Paul Committee) is in conformity with the recommendations of the Dongerkary Commission, that the need of the college should be decided first. The only change is that the need will be determined by the State Affiliated Colleges Board which we have now designated as State Collegiate Education Board on a State wide need than each university deciding it individually. If this Board is given Statutory powers under the Act, decision of such body about the need of location will not be influenced by extraneous consideration. We, therefore, suggest that recommendations of the Committee on College Finance (Paul Committee) should be accepted with modifications suggested by us and the University Acts should be amended to give effect to this recommendation.

#### **Establishment of Gujarat Collegiate Education Board :**

7.6. We shall refer to the new grant-in-aid pattern recommended by the Committee on College Finance in our discussions on College Finance hereafter. We have no hesitation, however, to agree that the Gujarat Collegiate Education Board should be created to assist the development of collegiate education in the Gujarat as a whole and besides the specific function of surveying the need of location for a college, should also look after the educational and financial problems of the affiliated colleges as also the development of colleges in consultation with the College Development Councils as proposed by the University Grants Commission.

7.7 We are very clear that the recommendations made by the Paul Committee pertain to collegiate education only and except for preparing

a plan for higher education in the State, it shall not deal with higher education. We should refer in this connection to the suggestion made by the University Grants Commission to set up College Development Councils which will function in the University for development of colleges. It will be appropriate, therefore, for the Gujarat Collegiate Education Board to keep liaison with the College Development Council in each University while dealing with the development of colleges. We, therefore, recommend that this Board should maintain liaison with the College Development Council, established, if any, and should also be entrusted with the function of determining State share of development grant to colleges in consultation with College Development Council.

7.8 We, therefore, recommend that the following provisions should be made in the existing University Acts:—

(1) The State Government may by notification in the *Official Gazette*, set up Gujarat Collegiate Education Board with effect from such date as may be specified in the notification.

(2) That the Board shall consist of the following :—

(a) an educationalist of a status of a Vice-Chancellor-Chairman (full time)

(b) Secretary to Government Education Department-Member;

(c) Secretary to the Government Finance Department-Member;

(d) Two Vice-Chancellors to be appointed by the Government for a period not exceeding three years-Members.

(3) That the powers and duties of the Board shall be:—

(a) to prepare plan in consultation with the universities for development of collegiate education in the State;

(b) to survey the needs of new college, if any, and to determine their location:



(c) to certify the need for establishment of a college and its location in the light of the plan;

(d) to develop with one or more colleges programmes of co-ordinated and group teaching among them;

(e) to administer grant-in-aid Code for the colleges;

(f) to determine State share of developmental grant to colleges in consultation with the College Development Council;

(g) to exercise such powers and perform such duties as the State Government may in consultation with the Universities confer or impose on it.

7.9. We recommend that in the light of what we have proposed above, the existing provision for affiliation may be substituted as under :—

(1) The need for opening any new college shall be determined by the Gujarat Collegiate Education Board in accordance with such plan for development for higher education as may be prepared by it, for the location of institution or higher education in a manner ensuring an equitable distribution of facilities for higher education, having due regard, in particular, to the needs of the unserved and under-developed area in the State;

(2) No application for opening of a new college or grant of affiliation shall be entertained unless its need is certified by the Board;

(3) The Board will satisfy before certifying the need that (i) that opening of a new college will supply the need of the locality with due regard to the type of education intended to be provided by the college, the facilities existing for the same type of education in the neighbourhood and suitability of the locality in terms of the plan provided by it, (ii) that the college will be run by a society duly registered under the Societies Registration Act, 1860 as applied to the State of Gujarat, (iii) that the college will be under the management of a Governing

Body as prescribed by the University, (iv) that the college shall raise a sum of not less than Rs. 5 lakhs for the buildings and equipped and such other additional sums for science laboratory and special needs for science colleges, provided that for the college in the Tribal Area, this condition may be relaxed;

(4) That the college shall give an undertaking that it shall abide by the conditions of the grant-in-aid approved by the Government from time to time;

(5) A college applying for affiliation to the University shall supply to the Registrar within the time limit fixed by the Ordinance made in the behalf, alongwith the decision of the Board certifying the need and shall satisfy the Executive Council and the Academic Council :

(a) that the strength, qualifications and emoluments of the teaching staff and the terms and conditions of the service will be such as to make due provision for the courses of study or training to be effectively undertaken by the college;

(b) that the building in which the college is to be located is suitable and that the provision will be made, in conformity with the Ordinance, for the residence in the college or in lodging approved by the college for students not residing with the parents and guardians and for the supervision and welfare of students;

(c) that the provision has been made for a library;

(d) that when affiliation is sought in any branch of experimental science, arrangements have been made or will be made within a reasonable time in conformity with the statutes, Ordinances, and Regulations for imparting instruction in that branch of science with a properly equipped laboratory or museum;

(e) that due provision will, as far as circumstances permit, be made within a reasonable time 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 the students;

(f) that the rates of fees charged to the students are in accordance with the rates prescribed by the University from time to time;

(g) that the financial resources of the college are such as to make provision for its continued maintenance and efficient working;

(h) that the college gives undertaking that in the event of affiliation being granted, it shall not change or transfer the management of the college without previous permission of the Executive Council and shall report all changes in the teaching staff and all other changes that may result in any of the aforesaid requirement not being fulfilled or continued to be fulfilled;

(i) that the college gives an undertaking that emoluments, including allowances that are required to be paid to teachers and other employees of the college are and shall be in accordance with grades and allowances sanctioned under the Statutes from time to time and that the rules prescribing in the qualifications, security, tenure, disciplining matters and other terms and conditions of service of the teachers and other employees of the college shall be in accordance with the Statutes made by the University from time to time;

(j) that the college gives an undertaking that it shall comply with all the provisions of the Act and the Statutes, Ordinances, Regulations and Rules made thereunder.

(6) That the college, after getting affiliation shall comply with the provisions of the Act, Statutes, Ordinances, Regulations and Rules made thereunder and all such conditions of affiliation as may be laid down by the University and Board and all such requirements which the said Board may lay down in the interest of educational and financial managements of the college;

(7) The Executive Council shall scrutinise the application with regard to the above conditions and if the need is certified by the Board, shall, (a) direct a local inquiry to be made by a competent person or persons authorised by it in that behalf in regard to the matters stated

in the application, (b) make such further inquiries as may appear to be necessary and (c) consider the result of such inquiry and record its opinion after consulting the Academic Council whether the application should be granted or rejected in part or in whole.

(8) Where the application or any part thereof, is granted, the order of the State Government shall specify the courses of instructions in respect of which the college is to be affiliated, the maximum number of students to be admitted in each such course and the period for which the affiliation is granted and, where the application or any part thereof, is rejected, the grounds for such rejection shall be stated;

(9) As soon as possible after the State makes its order, the Registrar, shall submit to the Executive Council and to the Academic Council, a further report regarding the application and the action taken thereon alongwith all the proceedings relating thereto;

(10) An application made for affiliation may be withdrawn at any time before an order is made by the State Government, granting or rejecting the application for affiliation;

7.11. The Committee on College Finances (Paul Committee) has also recommended that the need for starting a new course of instructions shall also be certified by the Board. We are unable to concur in this recommendation. While we consider its desirable that for starting a new Faculty, the need should be certified by the Board, but starting a new course of instructions should be left to the University without being certified by the Board subject to satisfaction that need for starting such course of instructions exists and adequate provision is made by the University for the purpose.

7.12. While we have suggested above that the need for starting a new course of instructions should be left to the University, we are equally emphatic that Post-Graduate teaching in colleges should not normally be encouraged. However, there it becomes necessary to provide such facilities, it must be ensured that the college fulfills the norms laid down by the University Grants Commission for such courses from time to time and the College is in a position to provide for funds.

7.13. We consider it necessary that permanent affiliation should be granted only after a college has attained requisite standards. We, therefore, recommend that a provision should be made that no college shall be granted permanent affiliation unless it has fulfilled all the conditions of affiliation and has attained the academic and administrative standards prescribed by the University from time to time.

7.14. We now come to the procedure for recognition of institutions. We are in agreement with the recommendations made by the Dongerkary Commission that the power to recognise an institution should be with the Executive Council and no approval of the State Government should be necessary. We, therefore, recommend that the University Acts should be amended on the following lines :

(i) The Executive Council shall have the power after consulting the Academic Council to recognise as recognised institution, any institution of research or specialised studies other than a college,

(ii) An institution which conducts research or specialised studies shall apply to the Registrar, and shall give full information in the application regarding the following matters, namely :—

(a) the constitution and the names of the persons of the managing body;

(b) the subjects and courses of study for which recognition is sought;

(c) provision for accommodation, equipment, had been or is proposed to be made;

(d) the strength of the staff, their qualifications and emoluments and research work, if any, done by them and the fees levied or proposed to be levied and the provision made for capital expenditure on buildings, equipments and for the continued maintenance and efficient working of the institutions.

(iii) Before considering the application, the Executive Council may call for any further information which it thinks necessary.

7.15 If the Executive Council decides to consider the application, it may direct the local inquiry to be made by a competent person or persons authorised by it in that behalf. After considering the report of such local inquiry and making such further inquiry as it may think necessary, the Executive Council shall, after consulting the Academic Council, grant or reject the application in part or in whole. Where the application or any part thereof is granted, the Executive Council shall specify the subjects and the courses of instructions for which the institution is recognised, and make a report to that effect to the Academic Council and the Court at their next succeeding meeting. Where the application or any part thereof is rejected, the grounds for which rejection shall be stated in the report.

7.16 Since we have recommended to provide for recognition of institutions, we feel the need for making provision for inspection of recognised institutions as may be found necessary by the University from time to time. We, therefore, recommend that a provision should be made in the Act for inspection to be carried out by the University for recognised institutions.

7.17 We now come to very important function of inspection of colleges. It is desirable that the authority which grants affiliation should also have the power to inspect from time to time whether the conditions of affiliation are fulfilled and whether there is continued maintenance of sufficient working of institution. Provision exists in every University Act for inspection of colleges and institutions and a report of inspection to be made to the Executive Council. The Committee on College Finances (Paul Committee) has also suggested inspection supervision and guidance of affiliated colleges to be entrusted to what we have designated as Collegiate Education Board. It has further suggested that it should be made obligatory on every affiliated college to maintain forms and returns which the State Government or the Board may prescribe from time to time. We are of the opinion that so far as the question of fulfilment of conditions of affiliation is concerned and the continued maintenance of efficient working of the college or institution is concerned, the University should

have power of inspection in this behalf. Such power should not be entrusted to the Board, as it may unnecessarily conflict with the legitimate powers of the University. If, however, the Board has to carry out inspection in connection with the grant-in-aid to the colleges, it may cause such inspection to be made by or through the University only. We also feel that the report of inspection to be made should also be sent to the Academic Council which is a more appropriate body to deal with many points which may arise in the inspection report regarding the conditions of affiliation or maintenance of efficient working. In order to ensure this, we recommend that the University Acts should be amended to provide for power of inspection of colleges and for submission of reports as under:

(1) Every affiliated college or recognised institution shall furnish such report or reports and information as the State Government, the Gujarat Collegiate Education Board or the Executive Council may, after consulting the Academic Council, require for enabling them to judge the efficiency of the colleges or institutions.

(2) The Executive Council shall cause every such college or institution to be inspected at least once in every two years by a Committee of competent persons authorised by it in that behalf. A copy of the inspection report shall be submitted to the Executive Council and a copy shall also be sent to the Academic Council for its views which shall be considered by the Executive Council.

(3) The Gujarat Collegiate Education Board may, in connection with the grant-in-aid to the colleges, require the University to cause an inspection to be made.

(4) The Executive Council or the Board, as the case may be, may call upon any college or institution so inspected to take within a specified period, such action as is deemed necessary regarding any of the matters stated therein.

7.18 The power of granting affiliation, recognition or approval also carries simultaneously power to withdraw affiliation, recognition or approval. We have examined the provisions of different University Acts in this behalf. We recommend that the existing University Acts may be amended to provide for uniform procedure for withdrawal of affiliation, recognition or approval as under:

(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 the Act 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.

(2) A proposal for the withdrawal or the modification of such rights, shall be initiated in the Executive Council. The member of the Executive Council who intends to move such 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 Executive Council shall send a copy of the notice and written statement 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 Executive Council.

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

(4) On receipt of the representation or on the expiry of the specified period, the Executive Council after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorised by the Executive Council in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall by a resolution withdraw, wholly or partially, or modify, the rights conferred by affiliation:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the rights conferred by affiliation are not acceptable to the Executive Council, the Executive Council shall, before passing such resolution, refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again to the Executive Council its views in the matter.

(5) 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 resolution.



(6) Where a resolution withdrawing wholly or partially, or modifying the rights conferred by affiliation is passed, a copy of the same shall be sent to the Principal of the College concerned who may make an appeal to the State Government against such resolution and the decision of the State Government in such appeal shall be final.

(7) The Executive Council may on recommendation of the Academic Council recommend to the Board withholding or reduction of a grant to an affiliated college which on a report by an inspection committee or otherwise is found to be making persistent default in carrying out the conditions of affiliation.

7.19 (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.

(2) A motion for such withdrawal or suspension shall be initiated only in the Executive Council. The member of the Executive Council 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 Executive Council shall send a copy of the notice and written statement to the Head of the Institution concerned, together with the intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Executive Council:

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

(4) On receipt of the representation or on the expiry of the specified period, the Executive Council after considering the notice of motion statement and representation and after such inspection by any competent person or persons authorised by the Executive Council in this behalf, and after such further inquiry as may appear to it to be necessary and after consulting the Academic Council may by a resolution withdraw or suspend recognition.

7.20 (1) The rights conferred on an institution by approval may be withdrawn or suspended for any period by the Executive Council if the institution has failed to observe any conditions of its approval or the work

assigned to it is conducted in a manner which is prejudicial to the interest of education, or the teacher recognised by the University leaves the institution.

(2) Before making an order of withdrawal in respect of any approved institution, the Executive Council shall by notice in writing call upon the institution to show cause within one month from the date of the receipt of the notice, why such an order should not be made. The period so given for showing the cause may, if necessary, be extended by the Executive Council.

(3) On receipt of the explanation, if any, made by the institution in reply to the notice, and where no such reply is received on the expiry of the specific period, the Executive Council shall, after consulting the Academic Council and after such inquiry, if any, as may appear to it to be necessary, decide whether the approval should be withdrawn or, as the case may be, suspended and make an order accordingly.

7.21 We consider it very necessary that every affiliated college and recognised or approved institution shall comply with the provisions made in that behalf in the Act, the Statutes, the Ordinances and the Regulations made thereunder.

We, therefore, recommend that the University Acts may be amended to provide as under:

(1) Every affiliated college and recognised or approved institution shall, in respect of teaching, training and examination, comply with the provisions made in that behalf by the Act, the Statutes, the Ordinances and the Regulations made under it.

(2) Any dispute under (1) shall be referred to the Visitor. The Visitor shall decide the dispute and his decision shall be final.

## CHAPTER VIII

### OTHER BODIES, BOARDS AND COMMITTEES

#### **Role of other Bodies, Boards and Committees :**

8.1. The authorities of the Universities which we have discussed in Chapter IV are important wheels in a University system but the wheels cannot run smoothly unless geared well with other Bodies, Boards and Committees which serve as complementary cog-wheels. Such other bodies and committees constitute basis for intra-organisational relationship and internal functional linkages. The need for such Bodies and Committees as well as their constitution and functions should best be determined by each University according to its requirements. However, there are certain Boards, such as Board of Post-Graduate Teaching and Research, Board of Extramural Studies and certain Committees such as Selection Committees for the appointment of teachers. Examination Committees, Library Committees, etc., which have existed in all Universities and which, in the experience of the Universities, are found indispensable. The need for several other Bodies such the Board of Student's Welfare, Board of Hostel Management, have been high-lighted by the Committee on Governance of Universities and Colleges. They are also recommended by the Dongerkary Commission. An Academic Planning Board is recommended to be set up by the Dongerkary Commission. This has also been recommended by the University Grants Commission. The UGC policy-frame also indicates the need of such Bodies and Committees in light of the new responsibilities which the Universities have to face. The University is a corporate complex with many constituents, namely, administrators, academic heads, teachers and students. In such a vast complex, involvement of different interest groups at various levels in functional bodies is not only desirable but definitely lead to infuse realism, provide stimulation, democratic base and achieve decisional equilibrium. It is these considerations which have prompted us to discuss in brief the constitution and broad functions of few essential Bodies, Boards and Committees which we consider to be an essential part of the university system.

#### **Finance Committee :**

8.2. This Committee feels the need for a Finance Committee for controlling and disbursement of the finances of the University. A separate

chapter has been added to this Report discussing the finance problems of the Universities. It is felt that looking to the nature of this problem and the close coordination is required with the Government, there should be a Finance Committee to perform various functions as have been described in next chapter. In our opinion, this Committee should consist of the (i) Vice-Chancellor, (ii) the Pre-Vice-Chancellor, (iii) Three members of the Executive Committee and (iv) two members to be nominated by the Visitor. This will ensure to see that the projections and requirement of funds are properly reflected at the State Government level also.

### **Boards of Studies :**

8.3. We have discussed earlier the principal authorities of the university, namely, the Court, the Executive Council, and the Academic Council. There are Boards of Studies for every subject or groups of subjects existing in all the universities. We recommend that the Board of Studies should exist in the University for every subject or group of subjects as may be determined by the University under the Statutes and the University Acts should make provisions accordingly. We also recommend that the constitution of each Board and the term of office of its members shall be such as may be prescribed by the Statutes. We further recommend that subject to such conditions as may be prescribed by or under the provisions of the Act and Statutes, the Boards of Studies should exercise the powers and perform the duties as follows:

(1) to recommend courses of studies in the subject or subjects, with which the Board is concerned ;

(2) to recommend and prescribe, where necessary books for study in the subject ;

(3) to recommend programmes for extension service and research in the subject ;

(4) to recommend the organisation of Seminars, Refresher Courses and work-shops to the Dean of Faculty;

(5) to recommend programmes for experiments and research in the courses of study prescribed in the subject:

- (6) to recommend schemes for preparation and translation of books in the subject and suggest bibliographies of books for study ;
- (7) to propose Regulations pertaining to the courses of study and examinations in the subject ;
- (8) to review periodically the terminology current in the subject ;
- (9) to prepare panels of examiners for the subject at different examinations, including the panels of applicants who fulfil the qualifications laid down by the Academi Council for appointment as examiners, and to suggest from among the panels, persons particularly suited for any branch or any paper of a subject ;
- (10) to bring to the notice of the relevent university authority important matters connected with examinations in the subject and also to address the Faculty concerned on any matters connected with the improvement of courses i nthe subject ;
- (11) to exercise such other powers and perform such other duties as may be prescribed by Statutes.

### **Board of University Teaching and Research :**

8.4 Board of University Teaching and Research exist in all the Universities in Gujarat although it goes by different designations or has functions which are not uniformly or distinctly defined. The Board is called only "Board of University Teaching" under the Acts of Saurashtra University and South Gujarat University. It is designated as "Board of Post-Graduate Teaching and Research" under the Sardar Patel University Act. Under the M. S. University Act, it is called "Council of Post-Graduate Studies and Research". The Gujarat University Act provides for "Board of University Teaching and Research". We are not concerned so much with the name as its detailed functions. However, what we should like to emphasise is that the post-Graduate education is not merely an extension of Under-Graduate Education. Research should be an integral part of the Post Graduate teaching. Both Post-Graduate Learning and Research are in separable. The former without the latter will remain insert, unstimulating and isolated. Inter-disciplinary approach, inculcation of the value of

purposeful research, training in the modern research methodology, independence in thinking and approach and development of analytical outlook and to draw logical inferences are some of the specific functions of the Post-Graduate Education which should cover both teaching and research. These concepts have been underlined by the University Grants Commission recently in its policy-frame. The new policy emphasised by the University Grants Commission is directed to create in the University a climate of true devotion to the pursuit of learning and research. The Institution of Professorship, or establishment of a Centre of Excellence or a Centre of Advanced Learning will be no avail, if excellence in learning and quality of research are not aimed at. It is in this context that the role of such a Board is conceived to promote both Post-Graduate Learning and Research and it should be aptly called "Board of Post-Graduate Teaching and Research". We consider it necessary that the functions of the Board, namely, organisations and coordination of Post-Graduate Teaching and Research should be spelt out clearly in terms of its specific role. In our opinion, the Boards should not only be concerned with maintenance of standards of Post-Graduate Teaching and Research but should also advise the Board of Studies and the Academic Council regarding new trends in Post-Graduate syllabi, and should advise and suggest programmes in teaching and research which will keep the standards rising. It will be possible to expect this role to be performed, if the constitution of the Board is adequately designed. We suggest that Vice-Chancellor should invariably be the Chairman of the Board which may have the Deans, the Heads of the departments, the Heads of the Recognised Research Institution and the teachers imparting education in Post-Graduate courses and also connected with research. We also suggest that the Vice-Chancellor should have power to nominate two members. From outside not connected with the university, who have outstanding contribution in post-graduate teaching and research. Subject to what we have suggested above, we recommend that the constitution and the functions of the Board of Post-Graduate and Research should be prescribed by the Statutes in each University. We also recommend that such Statutes should form part of the first statutes of the University.

#### **Board of Extramural Studies :**

8.5 We now refer to the Board of Extramural Studies. The Gujarat University Act provides for the establishment of Board of Extramural Studies, while in the Acts of the Saurashtra and South Gujarat Universities,

it is left to the Universities to establish such a Board. The Sardar Patel University has a body called "Rural Development Board". The M. S. University Act provides that the university may establish Board of Extramural Studies. Contrary to the concept, although such Boards exist in one form or the other, they function largely within the walls of the University. The universities, if they have to reflect the society within which they operate, have to disseminate more widely the ways and means of learning. They have to narrow down by conscious policy and thoughtful programmes, the gap between the university and the community. Besides the academic and professional courses, they have to train people and upgrade the skills, knowledge and citizenship qualities of all sections of the community. The recent emphasis on Adult Education programme and continuing education constitute a meaningful part of the extension education programme. We have also discussed the new responsibility in the field of non-formal education, part-time evening courses and correspondence courses. We again say that we are not concerned with the name but we feel that the Board of Extramural Studies does not carry with it the full import of the meaning nor the perspective which it has to unfold. Such a Body should more appropriately be called "a Board of Extramural Studies and Extension". We suggest that the Board should be headed by the Vice-Chancellor as Chairman besides members nominated by the Court as well as by the Academic Council. We particularly suggest that at least two members of the institutions of Research and Training, Industry, Technology, Community Development, Economic Growth and Rural Development or Social and Welfare Organisations in the University area should be nominated. Subject to what we have suggested, the constitution and powers and duties of the Board of Extramural Studies and Extension should be such as prescribed by the Statutes. We recommend that this should be provided in the first Statutes of the University.

### **Academic Planning Board :**

8.6 There is no mention of Academic Planning Board as an authority of the university under any of the University Acts except in the Acts of the Gujarat University where Academic Planning Board is constituted under the first Statutes. This is in pursuance of the recommendation made by the Dongerkary Commission that there should be an Academic Planning Board in each University for preparing long term plans. We have received

unanimous support of all the Vice-Chancellors and large number of Deans and Heads of Departments, for the establishment of such a Board in each University. We need not emphasise that there is an urgent need to establish such a Board in light of the specific objectives or goals which are redefined and there is equally as urgent need to determine the measures and steps required to be taken to accomplish them. University cannot progress without a meaningful plan of its programmes which in turn determine the physical plan. It is only a well-composed body like an Academic Planning Board which can advise the University on its long term plans, to generate new ideas and programmes and suggest steps to implement them. The need for continuous evaluation of academic programmes has also been emphasised from time to time. Self-evaluation or internal evaluation of the University functioning in terms of its academic programmes can best be looked after by such a body. In view of this concept, we would like to suggest that the Board should be appropriately designated "Board of Academic Planning and Evaluation". We therefore, recommend that the University Acts should provide that there shall be an Academic Planning and Evaluation Board for preparing long term and short term plans and programmes for the future development and improvement of the University and its courses and facilities from the point of view of new knowledge and internal needs, for evaluating and reviewing the progress of all such plans and programmes periodically, for examining and evolving new methods of teaching and instructions and for all or any of these purposes, effecting consultations and exchange of information with representative organisations of Agriculture, Trade, Commerce, Industry, the Social Services and the Scientific and Technological professions (including engineering and medicines) and with other universities and research institutions. We also suggest that this Body should function in closer liaison with the proposed College Development Councils. The Vice-Chancellor should be the Chairman of the Board. It should have the Deans of Faculties and members, nominated by the Executive Council as well as the Academic Council and the Heads of Departments as members. We particularly suggest that there should be at least two members representing organisation of agriculture, trade, commerce, industry and social services, the scientific and technological professions (including engineering and medicine). Subject to what we have stated, the constitution of the Board and its functions and duties should be prescribed by the Statutes. We recommend that the constitution and functions of the Board should be prescribed under the first Statutes of the University.



### **Board of Students' Welfare :**

8.7 We have earlier emphasised the need for a Board of Students' Welfare and have recommended that there should be a Dean of Students Affairs who would be in charge of all the students' activities. The Gujarat University has a Board of Students' Welfare. The Saurashtra and South Gujarat Universities' Acts provide for the Board of Students Welfare among the authorities of the University. The Sardar Patel University has a Board of Sports and Welfare to organise and control university sports and tournaments, physical education activities and recreational programmes. The M. S. University Act has a provision for Sports Board and a Board for Students' Welfare. We need not reiterate the importance of such a Board in each University. We have received support for establishment of a strong body for students' welfare in the universities from the Vice-Chancellors, Deans and Heads of the Departments. We have also received suggestions from the students' representatives who are vitally concerned with their interests in the university. There are number of bodies for different students' activities in each university and students are given representation on such bodies but we are struck by the fact that the students lack feeling of involvement. There is a feeling, experienced by us, that the students have hardly any say in the decisions taken in matters pertaining to students' welfare and some times they are discouraged to give vent to their feeling. We have no doubt that the feeling of deprivation has to be removed. We have also observed a feeling of a lack of identity between the students' in the university departments or colleges and the affiliated colleges particularly in affiliating universities. We do not consider this sign of alienation as conducive to healthy development of the university. We have come to a conclusion that there should be a Students' Body to supervise and coordinate the activities of the students associations societies and other organisations. We also feel that such a Body should be represented by the Students of the University in a comprehensive manner. We also consider it necessary to define the functions of the Students' Council in order to make students' participation more effective, purposeful and satisfying to them. We therefore, recommend that there should be a Students' Council in each university set up under the provisions of the Act. We recommend that the Students' Council should constitute (i) the Vice-Chancellor-nominee-President, (ii) the Director of Students' Welfare-Member-Secretary (iii) one student from each college and recognised institution, elected by an electoral college consisting of representatives of each class in the college or institution as the case may be, as prescribed by the Statutes, (iv) one student from each Faculty of the University

lected as prescribed by the Students, (v) one student from each Faculty who has shown academic merit at the preceding degree examination and is engaged in full time studies in the university to be nominated by the Vice-Chancellor, (vi) eight students (two from each of the four mentioned below) who have shown outstanding performance (1) sports, (2) National Service Scheme, (3) National Cadet Corps (4) Cultural Activities and two lady students to be nominated by the Vice-Chancellor, (vii) the Director of Sports and Physical Education, if any. We suggest that the student members of the Council shall elect from amongst themselves the Chairman and Secretary of the Council. We further recommend that there shall be an Executive Committee of the Students' Council to implement the pohoy decisions taken 'by the council from time to time. According to us, the Executive Committee shall consist of (i) Chairman of the Council-*Ex-Officio* Chairman, (ii) the Secretary of the Council-*Ex-Officio* Secretary, (iii) the Director of Students' Welfare and (iv) eight other members of the Council of whom four shall represent each of the four bodies mentioned above and one shall be a lady student. In view of the importance of the Council, we would suggest the detailed functions to be prescribed as under:

(i) supervise and coordinate the activities of the different Students' Associations, Societies and other Organisations;

(ii) recommend to the Executive Council the financial allocation to be made for the activities to be undertaken under the relevant budgetary heads ;

(iii) allocate funds, for the different activites of the Students' Associations, Societies and other Organisations, as sanctioned by the Executive Council ;

(iv) submit an annual report of its work, together with a statement of its accounts to the Executive Council, within a date to be fixed by it ;

(v) make recommendations to the Executive Council regarding any matter affecting the corporate life or welfare of the students, and

(vi) make recommendations to the Executive Council regarding the facilities existing for instruction.

We recommend the University Acts should be amended to provide for the establishment of the Students' Council and also recommend that the constitution, procedure for election, term of office and the functions of the Council should be prescribed under the Statutes. We recommended in the case of other bodies earlier, we suggest that this also should be provided in the first Statutes of the University.

### **Board for Hostel Management.**

8.8 The Dongerkary Commission has recommended that there shall be a Board for Hostels in each University. It has also recommended the constitution and powers and duties of such Boards. We need not go into these details further. We would, however, like to emphasise that community life should be an important aspect of hostel life and the Board for Hostel should foster a community living among the students. We recommend that the constitution and functions of the Board for Hostels should be prescribed by the Statutes and these should also be prescribed under the first Statutes of the University.

### **Committees for Selection :**

8.9. The selection and appointment of teachers of the University other than those recognised by the university for imparting instructions has to be according to a sound and impartial system of selection. We shall be dealing with the details for selection and appointment of University Teachers, and Principals of colleges in the subsequent chapter dealing with service conditions. Since such Committees already exist in the universities, we would like to suggest at this stage that the University Act should provide for the setting up of such committees and the constitutions and functions of the committees should be laid down in the first Statutes of the University.

### **Library Committees :**

8.10. The Library Committees are set up in all the Universities. However, they are not attached the same importance as other important committees of the University. We would like to suggest that the Library Committee should also be mentioned as one of the necessary committees to be set up under the University Acts. We also recommend that the Vice-Chancellor should be the Chairman of the Committee and it should consist

of Deans, Heads of Departments, and Teachers to be nominated by the Vice-Chancellor. The constitution, and the powers and duties of the Library Committee should be prescribed under the first Statutes. We would like to emphasise that functions of the Library Committee should be defined in light of the role of University Library which should besides supply of books and magazines, render useful service of reference, cataloguing and cartography and circulation of latest information on academic and research matters.

### **Joint Consultative Council :**

8.11. We have dealt with the need for Joint Consultative Councils in the Universities in the Chapter pertaining to Service Conditions. We need not go into details at this stage. We suggest that there should be one or more Joint Consultative Councils in each University and that their constitution and functions should be prescribed under the first Statutes of the University.

### **Other Committees :**

8.12. As observed earlier, the Acts of the Universities provide that there shall be such other Bodies of the University as may be declared by the Statutes to be the authorities of the University. It is left to each University to declare by the Statutes such Bodies as authorities of the University. We recommend that provision should be made that the constitution, powers and duties of such other Bodies as may be declared by the Statutes. We also suggest that a provision should be made in the Act that every authority of the University shall have power to appoint committees for dealing with any matter within its purview and such committees may include persons other than members of the authority itself, not connected with the University, provided that the Faculties, Boards of Studies and other authorities shall not appoint persons to such committees who are not members of the authorities appointing the committee, except with the previous approval of the Vice-Chancellor.

8.13. We hope that the recommendations made in the above paragraphs will, if implemented, strengthen the University functioning and will achieve decentralisation, democratic functioning and decisional equilibrium.

## CHAPTER IX

### Finances

#### **Finances a problem of direct bearing :**

9.1. The question of University Finance and grant-in-aid to colleges have been reviewed in the past and have been a subject-matter of discussion at several seminar and committees of the University Grant Commission. Lately, the Committee on College Finances (Paul Committee) has also dealt with exclusively the question of grant-in-aid to non-Government affiliated Colleges in the State of Gujarat. The question of finances has a direct bearing on the development of the colleges and the university and yet it has always remained a vexed question. We do not wish to enter into the question of pattern of block grant or the grant-in-aid to colleges which have been gone into by the previous committees and also by the Committee on College Finance (Paul Committee). We are conscious that these are not the matters specifically covered under our terms of reference. However, the preparation of university financial estimates and machinery for determination of grants to universities are matters connected with university legislation. We shall be failing in our duty if we do not touch upon these issues in so far as they form part of the University Acts. As suggested by the Paul Committee, the proper implementation of grant-in-aid to colleges will also require amendments in the legislation relating to the Universities in Gujarat. We are also required by terms of reference to suggest appropriate changes in the Act in the light of the recommendations made by the Paul Committee. We, therefore, propose to deal in this chapter with the question of university and college finances in so far as they directly arise out of the terms of reference assigned to us.

#### **Power to finally adopt accounts and financial estimates :**

9.2. We shall first discuss the question of university finances. Each University Act has a separate chapter devoted to finances, which deals with the university funds, the annual accounts and financial estimates which constitute the financial management of university affairs. Under the existing Acts of all universities, Executive Council prepares the annual

financial estimates (Budget) and places them before the Court for consideration. In S. P. University, the Court is the final authority for sanctioning the financial estimates while in other universities, it is the Executive Council which is the final sanctioning authority, instead of the Court. The Dongerkary Commission has recommended that the power of sanctioning the budget should be vested in the Executive Council but that it should consider the suggestions made by the Court and if any of them is not accepted, it should give reasons for the same. We are in agreement with this suggestion of the Dongerkary Commission and we recommended that the S. P. University Act be amended and the language of all relevant sections in other Universities be modified on uniform lines. We recommend the following provisions to be incorporated in the Acts of all the Universities, namely :—

(i) The annual accounts and financial estimates shall be finalised by the Finance Committee and shall be considered by the Court at its annual meetings and the Court may pass resolution making suggestions, if any with reference thereto and intimate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit and shall finally adopt the accounts and the financial estimates. The Executive Council shall inform the Court at its next meeting of the action taken by it and if no action is taken, of its reasons for taking no action;

(ii) the annual accounts of the university shall be prepared under the direction of the Executive Council and shall be submitted to the State Government ;

(iii) the Executive Council shall, after the accounts are audited, report to the Court and to the State Government ;

(iv) the Executive Council shall having regard to the Government grants that are likely to be available prepare before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

#### **A budgetary Pattern :**

9.3. We also recommend that the provisions relating to powers and duties of the Executive Council in all the Acts of the Universities may be

amended to include the following, namely, "to frame the annual financial estimates of the university and place them before the Court for suggestion". We may also suggest that a common budgetary pattern may be adopted by all universities. We understand that the University Grants Commission has appointed a Committee to prepare a budget proforma which it may be useful for the Universities to adopt.

#### **Power of reappropriation :**

9.4. The Dongerkary Commission also referred to the power of reappropriation to be given to the Executive Council. Such powers exist in the Acts of all the Universities under reference except in the M. S. University, Baroda. Such a power is necessary to be vested in the Executive Council of all the Universities. We, therefore, recommend that the Act of the M. S. University of Baroda be amended and the provisions of Acts of other Universities should be modified so as to vest in the Executive Council of all the Universities the powers (a) to reduce the amount of any budget grant, (b) to sanction the transfer of any amount within the budget grant from the minor head of another or from a separate head under one minor head to a separate head of another minor head or (c) to sanction the transfer of any amount within a minor head from the separate head to another or from one permanent unit to another. We also recommend that some powers in this regard may also be delegated to the Vice-Chancellor.

#### **Block grants to the Universities :**

9.5. The question of block grants to the Universities is also a ticklish one and has been a sore point with the universities. We are not directly concerned with the question of amount of block grants. However, we consider the cardinal principle essential for bringing certainty as well as discipline, namely, that each university should at any time know its basic grant to be made available for a period of three to five years and each university should be prepared to subject itself to the scrutiny of its financial affairs from time to time. The review of the block grant as well as principles for fixing block grant every five years will be more in tune with the five year period of plans as well as for arriving at the committed level of expenditure which the State Government may have to determine for the purpose of the Finance Commission. The Committee on Governance of Universities and Colleges has recommended that "the block grant should

take into account the normal expenditure of the university, the increase resulting from periodical increases in emoluments etc. and the need to provide some cushion". We suggest that any increase in expenditure on account of revision of pay-scales or rise in dearness allowance approved by the Government should be automatically recognised as approved expenditure and additional amount on accounts of such increase should be given by the Government as separate grants. We have no doubt that these principles are not in dispute. The Government we hope will frame and implement its block grant policy keeping in view the important recommendations of the Committee stated above.

#### **Non-lapsable grant :**

9.6. Another important recommendation which is not implemented but has assumed special merit in light of the concept of the rolling plan is to impart flexibility to university finances. The block grant as recommended by the Committee on the Governance of Universities and Colleges, will impart flexibility to university finances only if the university is permitted to accumulate the unspent balance of a financial year to be spent in the subsequent year of the period for which the block grant has been fixed. In other words, grant should be treated as non-lapsable, subject to opening balance at the end of the period to be taken into account. We consider this very important for the flexibility of university finances and hope that the Government will implement this also.

#### **Mechanism for grant to Universities :**

9.7. We have noticed from the representations made to us that the rubric is not so much as to the principles for fixing the block grant as the actual operation of the block grant and its mechanism for implementation. The Committee on Governance of Universities and Colleges has recommended a mechanism to be set up under the provisions in the Act in the nature of the committee to be appointed by the Visitor (at regular intervals, say every five years) to determine the annual maintenance grant of a university. It was recommended that such a committee in respect of State Universities should be considered by the appropriate State Government and the University Grants Commission and that the decisions reached after such considerations should be given effect to. The Education Commission (1964-66) has also thought of a Committee. It felt, however, that a State Level



Committee may lead to the confusion of the responsibilities of coordination of standards of higher education. The Dongerkary Commission has expressed itself against the constitution of State University Grants Commission or a Committee being established for the Universities of Gujarat on the ground that such a body would interfere with the autonomy of the University. It recommended instead a committee for Coordination of Higher Education in the State which in its view would be in a better position to settle any question between State and the University. We concur with this view.

### **High Power Co-ordination Committee :**

9.8 We have observed that Coordination Committee has been set up in Gujarat as recommended by the Dongerkary Commission but the experience has been narrated by all the Vice-Chancellors that this Committee is not called regularly and if called, it has hardly discussed the budget proposals of the various universities for the ensuing financial year with a view to take final decision by 31st December every year as expected of it. We see no reason why the High Power Committee constituted for such an important purpose should not function effectively. The Committee on College Finance (Paul Committee) has recommended that the Gujarat Affiliated College Board should be created to look after the development of collegiate education in the State as a whole and specially to look after financial problems of affiliated colleges. It has been suggested to us that if such a Board is to be set up, it should look after the University Finances also. As clearly understood by us, the recommendations of the Paul Committee are made exclusively in so far as the college finances are concerned, the Board cannot assume the functions of University finances of the Coordination Committee as recommended by the Dongerkary Commission. The Coordination Committee should *inter-alia* coordinate the budget proposals of the various universities for the next financial year and take final decision upto 31st December every year as recommended by the Dongerkary Commission so that the likely amount of the Government grant could be communicated to the university in the first week of January to enable them to frame their budget estimates on the basis of the grant communicated. The University should be free to incur expenditure within the sanctioned budget, once the estimates are approved that there should be no questioning about individual items of expenditure if the same pertain to the expenditure authorised under the budget head or sub-head,

We strongly urge that Government should adhere to this practice. We also strongly urge that the Coordination Committee as recommended by the Jangarkary Commission and as set up by the State Government, should be called regularly in order that it can function effectively and purposefully. We may make an additional suggestion that a representative of U.G.C. may be added as a member in the Coordination Committee to facilitate discussions on University Finance in relation to development grants to the Universities by U.G.C.

#### **Contingency Fund and Specific Purpose Fund :**

9.9 Before we turn our attention to the question of college finances, we shall make a brief reference to the University "Fund" which is established under the existing Acts in Gujarat. According to the provisions of various Acts (i) any contribution or grant by the State Government, (ii) income of the university from all sources including income from fees and charges and (iii) bequests, donations, endowments and other grants, if any form part of the University Fund. The practice of crediting all receipts under consolidated general fund of the university unnecessarily creates technical difficulties. There are two expediciencies, which, in our view, need to be considered and provided for. The Universities are often called upon to meet unforeseen expenditure in view of the new responsibilities and problems which crop up in the light of new needs. The Universities shall have to maintain, through a Contingency Fund under a separate head in the university account in which shall be credited such sums as may, from time to time, be granted as contributions or grant by the State Government specially for this purpose. Another expediciency is that the university in the light of the new areas, such as research, non-formal-education programme, extension activities and such other specific activities, have to receive and spend amounts for such specific purposes. It should be possible, therefore, for the University, with the previous sanction of the State Government to debit from time to time any portion of the University Fund to a separate head in the same account. Obviously there shall be credited and debited under such special heads only such sums as shall expressly relate to the objects for which it is created. The Executive Council, as needs be, may by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts. We accordingly propose that provision should be made in the University Acts as follows;—

(i) the University shall have and maintain "Contingency Fund" under a separate head in the university accounts to which shall be credited such sum as may, from time to time, be granted as contributions or grants by the State Government specially for this purpose. Such Fund shall be used only for making advances for the purpose of meeting unforeseen expenditure.

(ii) with the previous sanction of the State Government any portion of the university fund may, from time to time, be credited by the University to a separate head in the university accounts;

Provided that, there shall be credited and debited to such special head only such sums as shall expressly relate to the objects for which such separate fund is credited.

Provided further that, the Executive Council, may by passing a special resolution, authorise transfer of any amount temporarily from one head to another into university accounts.

#### **Finance of affiliated Colleges :**

9.10. We shall now enter upon the discussions on the question of finances of affiliated colleges which is an equally important and vexed issue. The historical background of different systems of grant-in-aid prevailing in the state of Gujarat at the time of State Reorganisation has been portrayed by the Paul Committee in a special chapter. We need not go into this background again. We will refer to the important principles which the Committee has enunciated as useful in the task of devising a system of grant-in-aid. These are as follows:

(i) to secure economy by ensuring that the total expenditure of affiliated colleges is reduced to the minimum, consistent with the maintenance of proper standard through consideration of viability and rationalisation,

(ii) to expand and improve the facilities for higher education which is an instrument of national development and to make them accessible equally to all sections of society and,

(iii) to raise the needed resources by distributing the over-all burden equally among the Government, students and management.

#### **Recommendations of Committee on College Finances :**

9.11. Realising its task in this direction, the Committee has suggested

(1) norms for the viability of existing colleges and measures for preventing establishment and growth of weak and unviable colleges; and,

(ii) coordination of facilities, staff, equipment, etc. for avoiding duplication and affecting economy in expenditure in colleges. The Committee therefore recommended that there should be a single authority for the State as a whole which should decide whether the new college should or should not be located at a given place and has also recommended a new and radical different system of grant-in-aid for affiliated colleges to be brought in to force from 1977-78. The new pattern of grant-in-aid is implemented by the State Government as recommended by the Committee and we hope, that it will be given a fair trial.

#### **Power to operate grant-in-aid to Colleges :**

9.12. We may refer here to the pertinent observation of the Committee that the proper implementation of grant-in-aid will need amendment in the Legislation regarding the Universities. We have received wide agreement about the recommendations made by the Paul Committee regarding grant-in-aid to affiliated colleges and the system of grant-in-aid to be operated by the GACB. The formation of the GACB will provide a satisfactory basis of grant-in-aid and will also provide for various matters pertaining to the development of collegiate education including planning and location of affiliated colleges. We have already suggested earlier about the establishment and functions of the GACB which we have called the Gujarat collegiate Education Board. The Committee suggested that there is a lacuna in the Acts of the Gujarat Universities as they do not provide for coordination between universities and the State Government. The conditions which the universities prescribe for grant of affiliation to colleges as well as the procedure for grant of affiliation are not satisfactory. We have, therefore, suggested also suitable provisions to be incorporated in the University Acts on this behalf. With a view to remove the lacuna and to provide for legislative sanction to those various functions particularly the function of giving grant-in-aid to affiliated colleges, amendment in the university Acts providing establishment of GACB and various functions to be performed by it will help in removing this lacuna. One of the functions which we have proposed for the Board is about administering the grant-in-aid. We hope that the proposed amendment will provide statutory support to the grant-in-aid to the affiliated colleges and will also provide a satisfactory machinery.

## CHAPTER—X

### SERVICE CONDITIONS

#### **Service Conditions :**

10.1. University is an academic community organised for the pursuit of knowledge and search for new knowledge and extension of knowledge to be applied. In this Pursuit, are involved the teachers, the students and the administrators. Highly trained scholars come in the university to work with skill, persistence and devotion. Students come in the university to quench their thirst for knowledge. The administration serves as a conscientious guardian of integrity and autonomy of the university. This is the great image of a university. The noble foundations are, however, fast eroding and the universities are on the verge of being swept off their feet. It is in this turmoil that the conceptual relationship is subverted. There is a search for a new nexus of employer-employee relationship. The crisis of human relationship in the university, as elsewhere, has given rise to the problems of security, better deal, welfare and right to form association. It is in this context that we propose to deal with several problems posed before us by the teachers as well as members of the non-teaching staff in the universities and in the colleges the problems which we consider will fall within the wide spectrum of service conditions.

#### **Recommendations of Sen Commission and Desai Pay Commission :**

10.2. So far as security and better deal are concerned, the implementation of the Sen Commission recommendations for teachers and Desai Commission recommendations for non-teaching staff both in the universities and in the colleges have by and large brought a sense of satisfaction among them. All the gain will, however, be lost if this is not followed up with emphasis on teacher improvement and improvement of efficiency of non-teaching staff and better working conditions for them. We are told that Government has appointed a Committee sequel to the Desai Commission to lay down qualifications, streamline recruitment procedures and to think about rationalisation with a view to achieve efficiency and economy. We hope that the recommendations made by the Committee, when implemented

will further raise the morale and efficiency of the non-teaching staff. We have welcomed the suggestions coming from the teacher community that a uniform system of selection and appointment of teachers should be devised. Suggestions have been made both with regard to the constitution of the Selection Committee and the procedure to be followed and powers to be exercised for selection and appointment of teachers. We have examined provision of University Acts with reference to all these matters and we make recommendations thereon in the paragraphs hereafter.

### **Provisions in the existing University Acts :**

10.3 On examination of the provisions regarding the service conditions of the members of the teaching, other academic and non-teaching staff of the Universities as well as of affiliated colleges, recognised institutions or approved institutions, we find wide variations regarding the scope as well as the authority to lay down service conditions. In none of the Universities, except the Gujarat University, there is a provision regarding the powers of the University to lay down and regulate such conditions. In the Gujarat University Act, the powers of the University include the following namely, (1) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff in the university, and (2) to lay down and regulate the salary scales, allowances and other conditions of the members of the teaching, other academic and non-teaching staff in the affiliated colleges and recognised and approved institutions. Similar powers are also conferred on the Executive Council. In the South Gujarat and Saurashtra Universities, no such powers specifically exist either in the provisions pertaining to the powers of the University or the powers of the Executive Council. The powers of the Executive Council however, generally provide for the inspection of affiliated colleges, recognised institutions, etc. and to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members and other staff and in case of disregard of such instructions, to modify the conditions of their affiliation or recommend to take such other steps, as it may deem proper. In the Sardar Patel University, the Court (Senate) is empowered to lay down scales of salaries and conditions of employment of members of the staff in constituent colleges and constituent recognised institutions and to ensure observance of the same through the Executive Council (Syndicate). Under the Act of the M. S. University, Baroda the Syndicate has the power to determine salaries, allowances and emoluments of the teachers and other employees of the University, the conditions of their service, and

the qualifications for employment as teachers. The service conditions of teachers, other academic and non-teaching staff of Universities have become a matter of great concern amongst the employees and for want of detailed regulations for conditions of service, dispute arises between the universities and their employees as well as between the affiliated colleges and recognised or approved institutions and their employees. It has become increasingly necessary to provide for detailed and clear out conditions of service for members of the teaching staff as well as other academic and non-teaching staff of the University as also of the affiliated colleges and recognised and approved institutions. We, therefore, recommend that the University Acts should be amended so as to empower executive council to lay down and regulate the service conditions of all categories of employees.

**Recommendations regarding laying down of service conditions :**

10.4 We accordingly recommend that among the powers of the universities, the following power should be provided namely, "to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff of the Universities, affiliated colleges and recognised and approved institutions. We also recommend that specific powers should be given to the Executive Council, namely, to lay down and regulate salary scales, allowances and conditions of service of the members of the teaching, other academic and non-teaching staff of the universities and of affiliated colleges and recognised or approved institutions.

**Section 29(1) (XXIX) of Gujarat University Act :**

10.5 Our attention was drawn particularly to the provision contained in section 29(1) (XXIX) read with section (20) (e) of the Gujarat University Act which lays down that the power to appoint academic, administrative and other staff of the University, fix their emoluments and define their duties and conditions of service and to take disciplinary action against them shall not be exercised by the Executive Council except upon the recommendations made by the Academic Council. This seems to be an unusual provision. Except for defining the qualifications of teachers, we are unable to understand why the powers which are obviously to be exercised by the Executive Council should be subject to recommendations from Academic Council. We consider this as a serious flaw particularly with regard to the proposals for non-teaching staff which have also to be

recommended by the Academic Council. We recommend, therefore, that the position may be remedied forthwith by deleting sub-clause (XXIX) in clause III of section 20 of the Gujarat University Act.

**Procedure for removal or dismissal :**

10.6 We are of the view that a definite procedure should exist for dismissal, removal, and termination of services of the teaching, other academic and non-academic staff of Universities or affiliated colleges and recognised or approved institutions. Similarly definite procedure should also exist for reduction in rank of employees wherever applicable. Keeping in view the constitutional safe-guards and also the principles of natural justice, we recommend that the University Acts should be amended to provide as under (1) no member of the teaching, other academic and non-teaching staff of the university or of an affiliated college and recognised approved institution shall be dismissed, removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges and until he has been given a reasonable opportunity of making representation on any such penalty proposed to be inflicted on him is approved by the Vice-Chancellor or any other officer of the university authorised by the Vice-Chancellor in this behalf. (2) no termination of service of such member not amounting to his dismissal or removal as above, shall be valid unless (a) he has been given a reasonable opportunity of showing cause against the proposed termination. (b) such termination is approved by the Vice-Chancellor or any officer of the University authorised by the Vice-Chancellor in this behalf. Such procedure would not be necessary in respect of a person who is appointed for a temporary period or on probation only.

**Other conditions of service :**

10.7 We suggest that detailed conditions of service should be prescribed under the Statutes. We, therefore, recommend that without prejudice to any power to make Statutes, the Statutes should provide for the following matters in respect of the teachers and other academic and non-teaching staff of the universities and affiliated colleges or recognised or approved institutions, namely, (a) the qualifications required for the different posts, (b) reasonable period of probation and confirmation in respect



of permanent posts, (c) the duties to be performed and the work load to be assigned to each category of posts, (d) security of service, (e) all disciplinary matters including the procedure to be followed for holding inquiries except where an employee is convicted of a criminal charge involving moral turpitude, (f) the pay, allowances and other benefits including pre-retirement benefits and (g) other conditions of service.

### **Selection and appointments of University teachers :**

10.8 Having discussed the need for laying down detailed conditions of service, we now discuss the procedure and power for selection and appointment of teachers. We have no doubt that for attainment of goals of the university, we need teachers who are committed to the goal of academic excellence and who have qualifications and competence to foster it. We need not quote with greater emphasis than what the Education Commission (1964-66) has stated "that of all different factors which influence the quality of education, and its contribution to national development, the quality, competence and character of teachers are undoubtedly the most significant". We also strongly feel that utmost importance should be attached and greatest care be taken by the universities in the selection and appointment of teachers. The Dongerkary Commission had examined this question and recommended uniformity in the Statutes providing for selection committee for the appointment of full-time university teachers. It also recommended that the Selection Committee for the categories of Professors and Readers and Lecturers should have experts from outside the University. The Commission also made detailed recommendations about procedure for selection and final appointment to be made. We find great divergence in the constitution of committees and to some extent even in procedure for selection in different universities. The Gujarat University Act has been amended following the recommendations by the Dongerkary Commission and the Act provides that there should be committees for selection of different classes of full-time teachers of the university including Tutors and Demonstrators and the constitutions of such Committees, the term of office of members and the procedure to be followed by the Committee have been left to be prescribed by the Statutes. We have examined the Statutes of the Gujarat University and the procedure which is followed and we find significant departure from the recommendations of the Commission which specifically insisted presence of out-side experts. The significant omission has shaken the confidence of the teachers in the selection

committees to some extent. It is not only necessary that fair play is observed but it should appear to the teacher community that there has been fair play and therefore we attach great importance to the presence of outside experts in the selection committees. We also believe that in such an important matter, not only a provision for the selection committee should be made in the Act, but the constitution of the committee, the procedure to be followed by the committee and the power to be exercised for the final appointment should be provided in the Act or in the first Statutes and not left to be prescribed by the Statutes as has been done in the Act of the Gujarat University. We, therefore, recommend that provision should be made in all the University Acts for committees for selection and appointment of teachers on the following lines:—

(1) The Selection and Appointment of teachers of the University other than those recognised by the University, for imparting instructions on its behalf, shall be in accordance with the provision made in the relevant section.

(2)(a) There shall be Selection Committees for making recommendations to the Executive Council for the appointment of such teachers of the University,

(b) every Selection Committee shall consist of:

- |                                                                                       |                               |
|---------------------------------------------------------------------------------------|-------------------------------|
| (i) Vice-Chancellor or<br>Pro-Vice-Chancellor                                         | <i>Ex-Officio</i><br>Chairman |
| (ii) Visitor's Nominee                                                                | Member                        |
| (iii) The Head of the<br>University Department<br>concerned, if he is a<br>Professor. | "                             |

(iv) Three persons in the case of Professor and two persons in the case of Readers and Lectures nominated by the Executive Council out of a panel of not less than six names of persons recommended by the Academic Council being persons not connected with University who have special knowledge of the subject for which the teacher is to be selected.

Provided that in the case of selection for the post of Lecturer, the Vice-Chancellor may designate the Pro-Vice-Chancellor as the Chairman of the Committee.

(3) Registrar shall act as a Secretary of the Committee.

(4)(a) Every post of a teacher of the University to be filled by selection, shall be duly advertised, together with particulars of the minimum and other additional qualifications required, if any, the emoluments and the number of posts to be filled and reasonable time shall be allowed within which the applicant may in response to the advertisement submit their applications.

(b) The date of the meeting of every Selection Committee shall be so fixed as to allow a notice thereof being given of not less than fifteen days to each member and to the candidates and the particulars of each candidate shall be sent to each member at least seven days before the date of the meeting.

(c) The quorum to constitute a meeting of every selection committee shall be four members, of whom at least one shall be an outside expert.

(d) The Selection Committee shall interview, adjudge the merits of each individual in accordance with the qualifications advertised and report to the Executive Council the names arranged in order of merit of the person or persons, if any, whom it recommends for appointment to the posts advertised:

Provided that for the post of Professor, a Selection Committee, may, in preference to the candidates, who have applied and appeared before it, recommend for appointment the names of any other persons, who may not have applied or appeared before it and who are duly qualified.

(e) The Executive Council shall appoint from amongst the persons so recommended the number of persons required to fill the post advertised:

Provided that, where the Executive Council proposes to make the appointment other than in accordance with the order of merit arranged by Selection Committee, it should record its reasons in writing:

Provided further that where the selection committee recommends to the Executive Council the name of one person only and that person is not acceptable to the Executive Council, the Executive Council shall record its reasons in writing for not accepting the recommendations and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendations and in so doing, communicate to every member of the Selection Committee the reasons as above.

#### **Appointment of Temporary Teachers :**

10.9 Since we have recommended that the appointment of teachers in the University other than those recognised by the University shall be made by selection only, we also consider it necessary to provide for a suitable procedure for appointments to be made to a temporary vacancy. Such powers should be given to the Vice-Chancellor but the appointment should be made only of persons duly qualified and should be for a period not exceeding one year. We accordingly recommend the following provision to be made in the Acts of the University.

(1) Where the appointment is to be made to a temporary vacancy of a teacher of the university, the appointment shall be made, if the vacancy is for a period of one year or more, on the recommendations of the Selection Committee in accordance with the provisions in that behalf:

Provided that, if the Vice-Chancellor is satisfied that, in the interest of teaching, it is necessary to fill the vacancy immediately, he may make the appointment of a person duly qualified, for a period not exceeding six months, on the recommendations of the Dean and Head of Department and shall inform the Executive Council of such appointment:

Provided further that, before the expiry of six months the Vice-Chancellor shall take steps to convene a meeting of the Selection Committee for appointment in accordance with the provisions made in this behalf.

(2) If the vacancy is for less than a year, the Vice-Chancellor, in consultation with Dean/Head of Department, appoint a person duly qualified.

### **Recognition of University Teachers :**

10.10 No specific provision exists at present in the Acts of the Universities or the Statutes thereunder for recognition of teachers of the University. The recognition of the University Teachers is also a matter of great sanctity. With a view to achieve uniformity in the procedure, we recommend that the following provision should be made in the University Act, namely:—

No person shall be recognised as a teacher of the University except on the recommendations of a Committee constituted for the purpose. We recommend that the same Committee as constituted for the selection and appointment of Professors should work as the Committee to recommend recognition of University Teachers.

### **Selection of Principals of Colleges :**

10.11 The Selection of Principals and teachers in the affiliated colleges is also an equally important matter. We do not find adequate provision made by the Universities at present in this behalf. The Gujarat University Act empowers the Executive Council to lay down and to regulate the salary scales, allowances and conditions of service of the members of teaching, other academic and non teaching staff of affiliated colleges or approved institutions. We have been told that no detailed Statutes are framed in exercise of this power. We strongly feel that no person shall be appointed as Principal of a college or institution maintained by the University except on the recommendations of a Selection Committee constituted for the purpose. We recommend that the following provision should be made in the University Acts to achieve this purpose:

(1) The selection or appointment of a Principal of a college or institution maintained by the University shall be in accordance with the provisions made in the relevant section.

(2) The Committee shall consist of; (i) the Vice-Chancellor-*Ex-Officio* Chairman, (ii) three persons having special knowledge of the subject:

in which institution is being provided by the college or institution, of whom two shall be nominated by the Executive Council and one by the Academic Council being persons not in the service of the University, and (iii) Director of Higher Education.

### **Joint Consultative Council :**

10.12 It will be useful for us to refer in this connection to the recommendations made by the Dongerkary Commission regarding setting up of Joint Consultative Committees. We have no doubt that such committees will promote harmonious relations between the employers and employees in the University to secure the greatest measure of cooperation between them. We would like to suggest that the scope of such committees should be very clear. The Joint Consultative Committees should deal with all matters relating to conditions of service and work, welfare of the employees and improvement of efficiency and standards of work, provided that in regard to the recruitment, promotions and disciplines, consultation will be limited to matters of general principles only and that individual cases will not be considered. We therefore recommend that the University Acts may be amended to provide for the Joint Consultative Committees on the following lines:—

(1) There shall be formed as many Joint Consultative Committees for the purpose of promoting welfare of members of the non-teaching staff of the university, affiliated colleges and recognised institutions as may be deemed necessary by the university.

(2) The constitution of such committees, the term of office of their members and the powers of such committees shall be such as may be prescribed by the Statutes.

### **Registration of Associations of Employees under Industrial Disputes Act :**

10.13 It is strongly contended before us that the teachers and the non-teaching staff should have liberty to form their unions and register them under the Industrial Disputes Act, 1947, with a view to ventilate their grievances and to getting their disputes settled through collective bargaining and through industrial courts. We have given serious thought to the question of formation of unions under the Industrial Disputes Act. Our confirmed view would be not to encourage registration of unions

under the Industrial Dispute Act but we believe at the same time that this may be possible or justifiable only if an alternative suitable mechanism for settling disputes is evolved. The relationship in the university may not compare on all fours with the employer-employee relation as in the industries. They are of a unique character. The question whether education is a mission and vocation rather than a profession or trade or business has been debated in several judgements of High Courts and the Supreme Court. We need not enter into the discussion on this issue. It is apparent that section (2)(F) of the Industrial Dispute Act defines industry to mean any business, trade, undertaking, manufacturing or calling of employees and includes any calling, service, employment, handicraft or industrial occupation or vocation of workmen. On the question as to what falls within and falls outside the concept of "Industry", it has been held by the Supreme Court in a recent case that "as regards educational institution, if triple tests of systematic activity cooperation between employees and employer and production of goods and services were to be applied, a university, a college, a research institution, or a teaching institute will be "industry". We are not competent to comment on this decision of the Supreme Court. We, however, refer to the pertinent observation in the same judgement in the following terms:

"In view of the difficulties experienced by all of us in defining the true import of the term "industry" and diversion of opinion in regard thereto as has been the case with this Bench also—we think, it is high time that the Legislature steps in with a comprehensive bill to clear the fog and to remove the doubt and set at rest once for all the controversy which crops up from time to time in relation to the meaning of the aforesaid term, rendering it necessary for larger benches of the Court to be constituted which are the necessity of evolving working formula to cover particular cases". We are given to understand that a comprehensive Industrial Dispute Bill is under consideration of the Government of India. We hope that in light of the difficulties pointed out by the Supreme Court, opportunity will be taken by the Government of India in the proposed bill to exclude educational institutions from the definition of industry.

#### **Provision for registration of Associations of Employees :**

10.14. Nonetheless, we do not dispute the right of the teachers or non-teaching staff to form their association. The question of registering

their association under the Industrial Disputes Act would not arise in our view, if the Associations are recognised by the Universities under their Statutes and adequate provision is provided for settling the dispute. The Gujarat Agricultural University has a provision for formation of Association of Teachers and non-teaching employees with a model constitution by laws to be adopted by them. We reproduce the relevant Statute below :

“There may exist within, but not as an official authority of the university, association of the university employees or association of distinct classes of university employees to be known as a Gujarat Agricultural University Employees of distinct classes to be designated as such. Members, may, in accordance with the model constitution and in manner prescribed under the rules to be framed by the Vice Chancellor with the approval of the Board, adopt a constitution, by-laws and apply to the Registrar for recognition”.

We see no reason why all the Universities in Gujarat should not adopt a statute on similar lines. Such association within the university discipline along with machinery for a Joint Consultative Committee and a Tribunal (to which we shall refer a little later) will go a great way in providing a forum within the university for satisfactory solution and for settling disputes between the University/Colleges and other employees.

### **Tribunal :**

10.15 Both the teachers and the non-teaching staff in the university and the colleges have presented a demand before us for a Judicial Tribunal. Our attention was drawn to Section 52(a) of the Gujarat University Act which provides that any dispute between the Governing Body and any member of the teaching and non teaching staff of an affiliated college or recognised institution or approved institution which is connected with the conditions of service of such member shall on a request of the Governing Body or of the member concerned be referred to Tribunal of Arbitration. This section pertains to the dispute of member of the teaching, non-teaching staff of an affiliated college or a recognised or approved institution. It is based on the analogy of Section 52. It is apparent that Section 52 pertains to a dispute arising out of contract between the university and any officer or of the teacher of the university where appointment is made under a written



contract, as provided in the Act. In the case of non-teaching staff of the University as well as in the affiliated colleges or recognised institutions or approved institutions, the appointment of such employee is not made by the university under a contract. In view of this position, the provision for a Tribunal of Arbitration, it is contended before us, would not be adequate. We have also been told by officers, teachers and members of the non-teaching staff, who have appeared before us that the provision contained in Section 52 or 52(a) of the Gujarat University Act and similar provisions in other Acts have hardly been availed of. Since we have already recommended to provide for detailed conditions of service, it is necessary to provide also for a proper forum for determination of any dispute arising out of such conditions of service and accordingly we are in favour of setting up a Tribunal. Where there is a dispute or difference between the university or a college that any person in service of such university or college is a member of teaching, other academic and non-academic staff which is connected with the conditions of service of such persons, a provision should be made that the University or the Governing Body of the College, as the case may be, may make an application to the Tribunal for the decision of the dispute. We recommend that the University Acts should be amended to provide for Tribunal as under :

(1) There shall be constituted by the State Government by an order published in the *Official Gazette* one or more Tribunals for the purpose of this Act.

(2) The Tribunal shall have jurisdiction over the whole of the State or over such area as may be prescribed by the Notification.

(3) The State Government shall appoint a District Judge or a person who has been or is qualified to be a Judge of High Court or a District Judge to be the Tribunal.

(4) It shall be the duty of the Tribunal to entertain and decide disputes of the nature referred to it.

(5) The Tribunal shall follow such procedure as the State Government by general order direct.

(6) The Tribunal shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath,

(b) compelling the production of documents and material objects;

(c) issuing commissions for the examination of witnesses;

(d) providing for cost ;

(e) such other matters as may be prescribed and every inquiry or investigation by the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 223 of the Indian Penal Code.

(7) The Tribunal shall be deemed to be Court for the purpose of section 5 of the Limitation Act, 1965 and for the purpose of Contempt of Courts Act.

(8) The decisions of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matters decided by it.

(9) Where any order of dismissal, removal, reduction in rank or simple termination of any member of the teaching, other academic and non-teaching staff of the University or of any university college, affiliated college autonomous college or constituent college of recognised or approved institution is held by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that such a member shall be reinstated in service, or as the case may be, restored to the rank which he held immediately before his reduction in rank and the university, or as the case may be, the Governing Body, shall forthwith comply with such direction.

(10) The directions of the Tribunal shall be executed as if it is a decree of a Civil Court to which the decree is transferred by the Tribunal.

#### **Bar of Civil Court's Jurisdiction :**

10.16 No Civil Court shall have jurisdiction—

(1) to settle, decide or deal with any question which is by or under this Act required to be settled, decided, or dealt with by the Tribunal.

(2) All suits and proceedings between the University or Governing Body of an affiliated, autonomous or constituent college or recognised or approved institution and any person in service of the University or such college or institution relating to disputes connected with the conditions of service of such person, which are pending in any Civil Court on the date on which this Act comes into operation shall be transferred and continued before the Tribunal:

Provided that nothing in this sub-section shall apply to execution proceedings and appeals arising out of decrees or orders passed by any such Court before the coming into force of this Act and such execution proceedings and appeals shall be decided and disposed of as if this Act had not been passed.

#### **Public Servants :**

10.17 The members of the non-teaching staff have made suggestions to us that they should be deemed as public servants. Those who made the demand were not clear whether this afforded to them any privilege protection. However, we have examined the suggestion carefully "Public Servants" as defined in section 21 of the Indian Penal Code includes every person in the service or pay of a local authority, the corporation established by or under a Central Provincial or State Government as defined in section 617 of the Indian Companies Act, 1956. Persons falling under any of the above descriptions are to be servants whether appointed by the Government or not. In view of the nature of tasks and responsibilities entrusted to the officers and employees of the University, we consider it desirable that every employee of the University may be deemed to be a public servant within the meaning of Section 21 of the IPC for the purpose of criminal law for the time being in force. We, therefore, propose that all the university Acts should be amended to provide as under:

"All salaried employees of the University, including those appointed by the University for specified periods or for specified work, or who receive any remuneration such as allowances, fees or other payments from the University fund, shall be deemed to be public servants for the purpose of all criminal laws for the time being in force".

## CHAPTER XI

### SUMMARY OF RECOMMENDATIONS

**Our conclusions and recommendations are summarised below :**

(1) A more commotative preamble should be inserted to the present University Acts.

(3.2)

(2) University Acts should be amended to define uniformly the "Head Master", "High School" "High School Teacher" and "Registered Graduates".

(3.3.1) (3.3.2) 3.3.3).

(3) Gujarat Collegiate Education Board should be established.

(3.3.4)

(4) University Acts should be amended to provide for the definite on of "autonomous college.

(3.3.5)

(5) The character of the Baroda University should be maintained as Unitary and Teaching University and the university area should be confined only to its campus.

(3.3.6)

(6) Any educational institution in the State of Gujarat or in other territory, may, subject to such conditions and restrictions as the University and the State Government may think fit to impose, be admitted to the privileges of the University.

(3.4)

(7) Benefit of correspondence courses or external degrees may be extended by the University to students outside the University area also.

(3.5)

(8) To impart flexibility in regard to the changes in the university area, it should be possible to effect such changes by Notification in the *Official Gazette*.

(3.6)

(9) A provision to define the objects of the University should be inserted in the University Acts.

(3.7)

(10) Court, Executive Council and the Academic Council under the University Acts shall be conceived to be Bodies with co-ordinate authority each enjoying freedom to take decisions within the scope of its powers.

(4.2)

(11) The size of the Court should not exceed 100 in case of an affiliating university and should be between 75 and 80 in the case of unitary teaching university.

(4.4)

(12) External element should have a place in the Court and the proportion of such element should be approximately 40% and the composition should be fairly representative of all the interest.

(4.5) (4.6) (4.7)

(13) In giving representation to internal members, element of election should be minimum.

(4.8)

(14) Term of office of the elected member and members nominated by the Visitor shall be three years.

(4.9)

(15) The Court shall be a deliberative body with clear cut demarcation of functions and responsibilities.

(4.10)

(16) The Executive Council shall be the principal Executive Body of the University.

(4.11).

(17) The composition of the Executive Council shall be broad based to reflect all interest.

(4.12).

(18) The Executive Council shall have the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University.

(4.13).

(19) Academic Council is the principal Academic Body of the University and should be provided and constituted in the M. S. University, Baroda also.

(4.14)

(20) The composition of the Academic Council should be predominantly of academic members with provision of co-option of experts.

(4.15).

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

(4.16).

(22) The coverage of Statutes should be enlarged to include several other matters considered essential in the light of the new responsibilities, such as planning and co-ordination, security and conditions of service of University teachers and other employees.

(5.2) (5.3).

(23) There should be a provision to transfer the management or taking over, in the public interest, of the management of a college or institution in the event of its closure or discontinuance of teaching activities.

(5.4).

(24) No Statute passed by the Executive Council shall have validity until assented to by the Visitor.

(5.6).

(25) The Executive Council shall be the authority to pass Statutes subject to the assent by the Visitor.

(5.7).

(26) Subject to such conditions as may be prescribed by or under the provisions of the Act, the Executive Council may make ordinances to provide for specified matters.

(5.9).

(27) There should be a scheme of internal legislation to provide for function autonomy of sub-system, each operating independently and in relation of each other and ultimately reinforcing the entire system.

(5.13).

(28) University Acts should define the officers of the University.

(6.2).

(29) The Governor of the State shall be the Visitor of the University by virtue of his office and exercise supervisory powers and powers to decide disputes.

(6.3) (6.4) (6.5).

(30) State Government should not have power of inspection or inquiry concurrent with such power of the Visitor.

(6.6).

(31) Visitor should have special powers, in extra-ordinary circumstances.

(6.7).

(32) The need for the appointment of Chancellor with specific provision as distinct from the Visitor is contemplated and the appointment of the Chancellor by the Visitor should be in such manner as may be prescribed by the Statutes.

(6.8) 6.9).

(33) The Vice-Chancellor shall be a full-time salaried officer and shall be appointed by the Visitor from amongst three names recommended by the Committee for the purpose.

(6.11) (6.12).

(34) The term of the office of the Vice-Chancellor could be five years without eligibility for reappointment or for three years with eligibility for reappointment for another term.

(6.13).

(35) No Vice-Chancellor shall continue to hold office after attaining the age of 65 years.

(6.14).

(36) The need is strongly felt for the fulltime salaried Pro-Vice-Chancellor in every University.

(6.15).

(37) The Dean shall be nominated by the Executive Council by rotation with the term of three years.

(6.17).

(38) The Registrar should be delegated with sufficient powers to take disciplinary action against the employee of the University excluding teaching and academic staff. Such powers shall, however, be appealable to the Vice-Chancellor,

(6.18).

(39) There should be a Finance Officer in each University who should be a full-time salaried officer.

(6.19).

(40) Librarian is recommended to be declared as an Officer of the University.

(6.20).

(41) To look after a wide range of the problems of the students, there is a need for the appointment of a Dean of Students in each University.

(6.21).



(42) Provision should be made in the existing University Acts for setting up of Gujarat Collegiate Education Board with specific composition and powers and duties.

(7.8) (7.9).

(43) The provision for affiliation should be more detailed to substitute the existing provisions with the ultimate affiliation powers remaining with the State Government.

(7.9) (7.10).

(44) There should be specific provision for the recognition of the institutions.

(7.14).

(45) There should be provision for inspection of recognised institutions.

(7.16).

(46) The University Acts should be amended for power of inspection of colleges and for submission of reports.

(7.17).

(47) There should be uniform procedure for withdrawal of affiliation, recognition or approval.

(7.18) (7.19) (7.20)

(48) The committee felt the need for the Finance Committee for controlling and disbursement of the finances of the University.

(8.2).

(49) Boards of studies should exist in the University for every subject or group of subjects as may be determined under the statutes.

(8.3)

(50) There should be a Board of post-Graduate Teaching and research to promote post-graduate teaching and research with clearly spelt out role.

(8.4).

(51) Every University should also set up Body called Board of Extra-mural Studies and Extension headed by the Vice-Chancellor.

(8.5).

(52) There is an urgent need to set up Academic Planning Board and Evaluation.

(8.6).

(53) There should be Students' Council in each University set up under the provisions of the Act.

(8.7).

(54) Community life should be an important factor of Hostel life. There should be a Board of Hostel Management to foster community life among the students.

(8.8).

(55) University Acts should provide for setting up of Selection Committee for selection and appointment of teachers and the constitution and functions of the Committee should be laid down in the first Statutes of the University Act.

(10.8) (10.9) (8.9).

(56) Library Committee should be one of the necessary Committees and should be set up under the University Acts with the Vice-Chancellor as its Chairman.

(8.10),

(57) There should be one or more Joint Consultative Council in each University with constitution and functions prescribed under the first Statutes of the University.

(8.11),

(58) The Executive Council shall be the final sanctioning authority for financial estimates.

(9.2).

(59) A common budgetary pattern should be adopted for all the Universities.

(9.3).

(60) Executive Committee should be vested with the powers of reappropriation.

(9.4).

(61) Any increase in expenditure on account of revision of pay-scales or rise in dearness allowance as approved by the Government should be automatically recognised as approved expenditure and additional amount on account of such increase should be given as separate grant.

(9.5).

(62) Each University should know its basis grant to be made available for the period 3-5 years.

(9.5).

(63) Grant should be treated as non-lapsable.

(9.6).

(64) The High Power Coordination Committee may function effectively and a representative of the UGC should also be added to this Committee.

(9.8).

(65) A provision should be made for the maintenance of contingency Fund and Specific purpose Fund.

(9.9).

(66) With a view to remove the lacuna and to provide for legislative sanction to the various functions particularly the functioning of giving grant-in-aid, there should be a specific provision for the establishment of Gujarat Collegeate Education Board.

(9.12).

(67) University Acts should be amended to empower the Executive Council to lay down and regulate the service conditions of all categories of employees.

(10.3).

(68) Registration of Unions of Teachers and non-teaching staff should not be encouraged under the Industrial Dispute Act. However, an alternative suitable machinery for settling disputes should be evolved with the provision for formation of Associations of Teachers and non-teaching employees.

(10.13) (10.14).

(69) There should be a provision for a Tribunal which will work as a proper forum for determination of any disputes arising out of conditions of service with the Civil Courts being barred jurisdiction to settle any question being dealt with by the Tribunal.

(10.15) (10.16).

(70) Every employees of the University should be deemed to be Public Servant.

(10.17).

F. H. PALEJWALA.  
Chairman.

R. K. CHHABRA.  
Member.

V. R. MEHTA,  
Member.

K. RAMAMOORTHY,  
Member-Secretary.

## APPENDIX—I

*University Acts of the Gujarat State  
Amendments of the—  
Appointment of a Committee to go  
into the question of—*

### GOVERNMENT OF GUJARAT

#### EDUCATION DEPARTMENT

Resolution No. USG-4277-KH (I)

Sachivalaya, Gandhinagar, dated the 22nd September, 1977.

A Commission to examine the difficulties experienced in the functioning of Universities and to make suggestions for modernisation of the University Acts was appointed by the Government on 16th February, 1970 under the Chairmanship of Shri S. R. Dongerkary, former Vice-Chancellor, Marathawada University. The Commission submitted their report to Government on 31st March 1971. After considering the recommendations of the commission, steps were taken to amend the university acts in the light of the recommendations of the commission and the Gujarat University Act 1949 was amended by the Gujarat University (Amendment) Act, 1972. Amendment Bills to amend the rest of the University Acts however, could not be undertaken for various reasons.

A Committee appointed by the University Grants Commission called "Committee on Governance of Universities and Colleges" also examined the matter and submitted the report. The State Government has since decided to implement the 10+2+3 pattern of Higher Secondary Education. Further the recommendations of the Committee on College Finances (Pau Committee) appointed by the Government to examine the financial structure of non-government colleges receiving grant-in-aid from Government and allied matters have also been accepted by the Government. These recommendations also may require amendment of certain provisions of the University Acts. In view of this, Government considers it necessary to

constitute a Committee to examine the question of amendment of University Acts other than the Gujarat Ayurvedic University Act and the Gujarat Agriculture University Act in all its aspects.

*RESOLUTION*

Government is accordingly pleased to appoint a committee consisting of the following member:

- |                                                                                                                         |                       |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1. Shri Fateh Ali Palejwala,<br>Former Speaker, Gujarat Legislative<br>Assembly and Former Chairman,<br>GPSC, Vadodara. | Chairman              |
| 2. Dr. Gauribhai P. Bhatt,<br>Former Pro-Vice Chancellor,<br>Saurashtra University, Bhavnagar.                          | Member                |
| 3. Shri R. K. Chhabra,<br>Secretary, University Grants<br>Commission, Delhi.                                            | Member.               |
| 4. Director of Education,<br>Gujarat State, Ahmedabad.                                                                  | Member-<br>Secretary. |

3. The terms of reference of the Committee will be as under:

(i) To examine the existing University Acts and to report how far these Acts need to be amended in the light of the recommendations contained in the "Report of the Committee on Governance of Universities and Colleges" appointed by the University Grants Commission and the report of the Paul Committee appointed by the State Government, having regard to the local requirements.

(ii) To suggest changes in the constitutions of the various authorities of the University, including the reduction in their member having regard to the experience of the Universities and having regard to the introduction of 10+2+3 pattern of Higher Secondary Education in the State.

(iii) To suggest qualifications and mode of appointment of the officers of the Universities in the best interest of University Education.

## APPENDIX—III

### PRESSNOTE

Government of Gujarat has appointed a committee to examine the question of amendment of University Acts. The terms of reference of the committee are under:

(i) To examine the existing university acts and to report how far these acts need to be amended in the light of the recommendation contained in the "Report of the committee on Governance of university and colleges" appointed by the University Grants Commission and the report of the Paul Committee appointed by the State Government having regard to local requirement.

(ii) To suggest changes in the constitutions of the various authorities of the university, including the reduction in their members, having regard to the experience of universities and having regard to the introduction of 10 plus 2 plus 3 pattern of Higher Secondary Education in the State.

(iii) To suggest qualification and mode of appointment of the officers of the universities in the best interest of university education.

(iv) To suggest, if necessary, changes in the powers of the universities and re-adjustments of the powers and duties of the various authorities, bodies and officers of the universities with a view to improve the efficiency in the working of the universities having regard to the resources and education policy of the State Government.

(v) To make such other recommendations as are germane to the subject.

Any individual or organisation intending to present his/their views is requested to send memoranda containing his/their views addressed to the Member-Secretary, University Acts Amendment Committee and Director of Education, New Mental Hospital Asarwa, Ahmedabad--16 as to reach latest by 15th February, 1978.

To enable the interested persons/organisation to have a look at the reports referred to in the terms of reference, copies of the reports will be made available for reference and perusal at the District Education office and the concerned university office.

## APPENDIX-IV

### Alphabetical list of persons interviewed at each place of visit

Sr. No.	Name	Designation
<b>At Baroda on 7th &amp; 8th April, 1978.</b>		
1	Shri Amin K. A.	Registrar, M. S. University, Baroda.
2	Shri Bedaker V. H.	Reader and Head, Deptt. of Museology.
3	Shri Bandukwala.	President, Student Union, M. S. Uni.
4	Dr. V. P. Bhatt.	Dean, Faculty of Medicine, M. S. Uni.
5	Dr. Chari P. S.	Syndicate Member, M. S. University.
6	Dr. Charan Singh Chawla.	Syn-dicate Member, M.S. University.
7	Dr. Chokashi H. P.	Dean, Faculty of Medicine & Medical Collage, Baroda.
8	Dr. Chokashi H. P.	Syndicate Member, M. S. University.
9	Damle S. K.	Prof./Head, Deptt. of Applied Mechanics and structural Engg.
10	Dr. Dholakia H. C.	Dean, Faculty of Law, M.S. University.
11	Dr. Gupta C. M.	Representative from Deptt. M.S. Uni.
12	Dr. Jain A. N.	Prof./Head, Deptt. of Sanskrit, M.S.
13	Dr. Joshi S. H.	Head, Deptt. of Gujarati, M.S. Uni.
14	Dr. Joshi R. V.	Prof./Head, Deptt. of Applied Physics.
15	Dr. Jha P. N.	Gen. Sec. Baroda University Teachers Association.
16	Dr. Kothari, V. N.	Prof./Head, Deptt. of English.



Sr. No.	Name	Designation
17	Dr. Lalkaka R. F.	Vice-President, Student Union, M.S.Uni.
18	Dr. Lohar J. M.	President, Baroda Uni. Teachers Asso.
19	Dr. Mehra S. S.	Dean, Faculty of Science, M.S.Uni.
20	Dr. Mehta K. C.	Prof./Head, Deptt. of Accounts, M. S. University.
21	Dr. Munshi C. P.	Syndicate Member M. S. Uni. Baroda.
22	Smt. Ogale Nalini	Reader/Head, Deptt. of Home Management.
23	Dr. Parinoo Ratan	Dean/Faculty of fine Arts, Baroda.
24	Dr. Patel A. S.	Dean, Faculty of Education & Psychology M. S. University, Baroda.
25	Dr. Patel D. K.	Syndicate Member, M.S.University.
26	Shri Patel C. S.	Ex. Vice Chancellor, M. S. University.
27	Shri Patel Anuprasad.	Secretary, Baroda Uni. Teacher Ass..
28	Smt. Patel Indira	Prof./Head, Depptt. of Social Work.
29	Shri Patel Jayprabha	Prof./Head, Deptt. of Applied Arts Vice President.
30	Shri Patel K. M.	Vadodara Uni. Staff Association.
31	Shri Patel M. M.	Prof./Head, Deptt. of Physics.
32	Dr. Patel U. K.	Syndicate Member, M.S.University.
33	Dr. Patel T. V.	Syndicate Member of M.S.University.
34	Shri Pandya L. M.	Librarian, Smt, Hansa Mehta Library, Vadodara.

Sr. No.	Name	Designation.
35	Shri Pandya M. D.	Reader/Head Deptt. of Sculpture.
36	Shri Pandya N. M.	Syndicate Member, M.S. University.
37	Shri Panthar Thomas.	Representative from Deptt. M.S.Uni
38	Shri Pathak M. C.	Vice President Baroda Uni. Staff Asso.
39	Shri Sen S. M.	Dean, Faculty of Technology & Engineering, Baroda.
40	Shri Parikh N. A.	President, Valodara Uni. Staff Asso.
41	Kum. Justina A.	Prof./Head Dept. of Clothing & Textile.
42	Shri Shetha J. M.	Gen. Secretary, Baroda Uni. Teachers Association.
43	Shri Shah N. M.	Gen. Secretary, VUSA.
44	Shri S. K.	Syndicate Member, M. S. University.
45	Shri Shethna S. M.	Prof./Vice Chancellor, M.S.Uni.
46	Shri Trivedi N. N.	Prof./Head, Dept. of Chemistry.
47	Shri Verma Amita	Prof./Head, Dept. of Child Development.
48	Shri Vardi S. R.	Dean Faculty of Social Work Baroda.
49	Shri Vyas I. P.	Reader & Head, Deptt. of Commerce Business.
50	Shri Zaveri P. B.	Syndicate Member, M. S. Uni.

*Additional* - Other eleven persons.

At (V. V. Nagar) on 21st April, 1978.

51 Shri Amin K. A. Registrar, S.P. University, V. V. Nagar.

Sr. No.	Name	Designation.
52	Shri Acharya J. H.	Head of the Uni, Dept. of Economics.
53	Shri Desai C. D.	Syndicate Member, S.P.Uni. V.V.Nagar.
54	Shri Dave R. A.	Head of the Uni. Dept. of English.
55	Shri Dave R. A.	Dean, Faculty of Arts.
56	Shri Dave R. M.	Dean, Faculty of Engg. & Tech. B. V. Mahavidyalaya.
57	Shri Harish Parab	Sec. S.P. Uni. Affiliated Collages non-teaching staff asso.
58	Shri Inamdar C. J.	Member of the Syndicate S.P.U. V.V. Nagar.
59	Shri Joshi M.S.	Head of the Dept. of Physics, S.P.U.
60	Shri Mishra S. J.	Head of the Uni. Dept. of Hindi, S.P.U.
61	Shri Kapadia B. H.	Head of the Uni. Dept. of Hindi, S.P.U.
62	Shri Nagar Dr. S. K.	President, ASASPU, V. V. Nagar.
63	Shri Patel A. C.	Member of the Syndicate, S.P. Uni.
64	Shri Patel B. I.	Dean, Faculty of Law, V.V.Nagar.
65	Shri Patel J. M.	Head of the Uni. Dept. of Gujarati.
66	Shri Patel G. S.	Member of the Syndicate, SPU.
67	Shri Patel I. A.	Prin./Dean. Faculty of Science, SPU.
68	Shri Patel K. B.	Member of the Syndicate, S.P.U.
69	Shri Patel M. D.	Prin./Dean, Faculty of Commerce and Collage of Commerce.

Sr. No.	Name	Designation.
70	Shri Patel M. J.	Member of the Syndicate S.P.U.
71	Shri Patel N. M.	Sec. S. P. U. Non-teaching Staff Asso.
72	Shri Patel M. M.	Member of the Syndicate S.P.U.
73	Shri Patel Pranjivan	President, S.P.U. Affiliated Collages Non-teaching Staff. Asso.
74	Shri Patel Suresh B.	President, S.P.U. Non-Teaching Staff Association.
75	Shri Patel R. M.	Vice Chancellor S. P. U.
76	Shri Patel R. B.	Sec. S.P.U. ATA.
77	Shri Patel S. R.	Head of the Uni. Dept. of Chemistry, S.P.U. V. V. Nagar.
78	Shri Parmar R. J.	President, SPUATA.
79	Shri Shah B. C.	Head of the Uni. Dept. of Political Science, S.P.U.
80	Shri Shah B. V.	Head of the Uni. Dept. of Political Science, S.P.U.
81	Shri Shah B. V.	Head of the Uni. Dept. of Sociology.
82	Shri Shah Dr. J. J.	Member of the Syndicate, S.P.U.
83	Shri J. J.	Head of the Uni. Dept. of Bio. Science.
84	Shri Shah S. M.	Head of the Dept. of Statistics, SPU.
85	Shri Talati B. C.	Member of Syndicate, S.P.U.
86	Shri Trivedi B. S.	Dean of the Uni. Dept. of History.

Sr. No.	Name	Designation
87	Shri Trivedi A. R. G.	Head of the Uni. Dept. of History.
88	Shri Oza M. P.	Member of the Syndicate.
<b>Ahmedabad on 22nd April, 1978, Guj. Ahmedabad.</b>		
89	Shri Desai D. D.	Dean, Faculty of Law, Guj. Uni.
90	Shri Desai A. T.	Dean, Faculty of Arts including Education, Guj. Uni.
91	Shri Desai M. N.	Dean, Faculty of Science and Member of the Ex-Executive Council, Guj. Uni.
92	Shri A. V. Gajjara	Joint Secretary, Guj. Uni. Teachers Asso.
93	Shri Joshi K. R.	Sec. Guj. Uni. Supervisory Asso.
94	Shri Dr. Jhala C. I.	Dean, Faculty of Medicine Guj, Uni.
95	Shri Khatri C. G.	Head, Dept. of Statistics, Guj. Uni.
96	Shri Prof. Madan P. J.	V. C. M. S. University, Baroda.
97	Shri Nadi D.T.S.	Sec. Guj. Uni. Teachers, Asso.
98	Shri Pathak D. N.	Head, Dept. of Poly. Science and Member of the Executive Guj. Uni.
99	Shri Patel Sharad	Member of the Executive Council, G.U.
100	Parikh N. M.	Member of the Executive Council, G.U.
101	Shri Patel B. M.	President Guj. Uni. Supervisory Staff. Asso.
102	Dr. Shah A. R.	Guj. Uni. Teachers Ass.o.
103	Shri Shastri K. L.	President, Guj. Uni. Supervisory Staff Asso.

Sr. No.	Name	Designation.
104	Shri Shah K. A.	Sec. —
105	Pri. Shah K. N.	Member of the Executive Council.
106	ShriShah M. C.	Member of the Executive Council.
107	Shri Shah V. C.	Member of the Executive Council.
108	Shri Shahstri K. S.	Member of the Executive Council.
109	Shri Shastri S. V.	Sec. Uni. Guj. Supervisory Staff Asso.
110	Shri Shah C. K.	Head Dept. Guj. University.
111	Shri Shah V. C.	Head Dept. of Gujarati Guj. University.
112	Shri Vimal P. Shah	Head, Dept. of Sociology Guj. Uni.
113	Shri Shukla B. M.	Representative Uni, School of
114	Shri H. K. Trivedi	Representative Uni. School of Comm.
115	Shri Varma S. D.	Head of the Dept. of Space Science, Guj. University.
<b>At Rajkot on 29th April, 1978 Sau. Uni.</b>		
116	Shri Buch D. M.	President, Collage Management Asso.
117	Shri Brambhatt R. D.	President Teacher Asso. Govt. College.
118	Shri Chothani V. S.	Student Representavtive at Shri Dharamendra Collage, Rajkot.
119	Shri Dedkiya Jaman	Student Represent. R. V. Patel Comm. Collage.
120	Shri Dave I. R.	Head of the Uni. Dept. of Guj. Sau. Uni.
121	Shri Ganatra Shajlesh	Gen. Sec. Student Representative Smt. J. J. Kundalia Arts & Com. Collage.

Sr. No.	Name.	Designation.
122	Shri Mehta Yogeshbhai	Syndicate Member, Sau. Uni.
123	Shri Patel Jyotindra	Gen. Sec. Student Representative.
124	Shri Pandya H. B.	President Sau. Uni. Management Employees Union.
125	Shri Mehta Y. S.	Deans, Faculty of Law, Sau. Uni.
126	Shri Sanghvi H. S.	Vice Chancellor, Sau. Uni. Rajkot.
127	Shri Shah B. F.	Incharge Registrar, Sau. Uni.
128	Shri Solanki Savitaben	Syndicate Member, Sau. Uni.
129	Shri Sanghvi C. M.	Sec. Collage Management Asso.
130	Shri Vahora D. N.	Syndicate Member and Se. Teache Asso. Govt. Collage Gujarat State.
131	Shri Vasavada Y. V.	Sec. Sau. Uni. Management Employer Uni.
132	Shri Zala M. B.	Student Representative D. M. Collage, Rajkot.
<b>At Surat on 7th May 1978 South Guj. Uni!</b>		
133	Shri Choksi A. C.	Secretary, S h Gujarat, Uni. Collage. Association, urat.
134	Shri Desai A. R.	V.C. South Guj. Uni, Surat.
135	Shri Dave Pankaj	Student Council Committee.
136	Shri Desai Maishddh	Member, Student Action Committee.
137	Shri Desai H. D.	President, South Guj. Uni. Non-Teaching Staff Association.

Sr. No.	Name	Designation
138	Shri Desai M. B.	President South Guj. Uni. Non-Teaching Staff Association.
139	Shri Desai V. M.	Sec. South Guj. Uni.
140	Shri Desai S.	Sec. South Guj. Uni. Collage non-teaching Staff Asso.
141	Shri Gupta O. S.	Head of the Dept. Business and Industrial Management, S.G.Uni.
142	Smt. Mehta Y. B.	Member of the Syndicate, S. G. UNni.
143	Shri Manji Abdulsutan	Dean, Faculty of Law.
144	Shri Naik Baimabhai	President, South Guj. Uni. College College Non-teaching Staff Asso.
145	Shri Patel Bakul	Member, Student Council Committee.
146	Shri Pathak K. C.	Principal, Asso. South Guj. Uni.
147	Shri Rao Yarnamsetty Narsuinha	Dean, Faculty of Tech. including Engg.
148	Shri Shah Suryakant	President, South Guj. Uni. College, Teachers Association.
149	Shri Shah H. S.	Prof. of Physics S. V. R. College, of Engg.
150	Shri Shastry (Dr.) T. P.	Prof. of Chemistry S. V. R. College of Eng.
151	Shri Didya (Dr. B. S.	Head of Dept. of bio-Science.
152	Shri Varma A. P.	Prof. of Maths S. V. R. College of Engg.
153	Shri Vasva D. C.	South Guj. Uni. & College Teachers Asso.



Sr. No.	Name	Designation
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90	Shri Desai A. T.	Dean, Faculty of Arts including Education, Guj. Uni.
91	Shri Desai M. N.	Dean, Faculty of Science and Member of the Ex-Executive Council, Guj. Uni.
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93	Shri Joshi K. R.	Sec. Guj. Uni. Supervisory Asso.
94	Shri Dr. Jhala C. I.	Dean, Faculty of Medicine Guj, Uni.
95	Shri Khatri C. G.	Head, Dept. of Statistics, Guj. Uni.
96	Shri Prof. Madan P. J.	V. C. M. S. University, Baroda.
97	Shri Nadi D.T.S.	Sec. Guj. Uni. Teachers, Asso.
98	Shri Pathak D. N.	Head, Dept. of Poly. Science and Member of the Executive Guj. Uni.
99	Shri Patel Sharad	Member of the Executive Council G.U.
100	Parikh N. M.	Member of the Executive Council G.U.
101	Shri Patel B. M.	President Guj. Uni. Supervisory Staff. Asso.
102	Dr. Shah A. R.	Guj. Uni. Teachers Ass.o.
103	Shri Shastri K. L.	President, Guj. Uni. Supervisory Staff Asso.

Sr. No.	Name	Designation.
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105	Pri. Shah K. N.	Member of the Executive Council.
106	ShriShah M. C.	Member of the Executive Council.
107	Shri Shah V. C.	Member of the Executive Council.
108	Shri Shahstri K. S.	Member of the Executive Council.
109	Shri Shastri S. V.	Sec. Uni. Guj. Supervisory Staff Asso.
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111	Shri Shah V. C.	Head Dept. of Gujarati Guj. University.
112	Shri Vimal P. Shah	Head, Dept. of Sociology Guj. Uni.
113	Shri Shukla B. M.	Representative Uni, School of
114	Shri H. K. Trivedi	Representative Uni. School of Comm.
115	Shri Varma S. D.	Head of the Dept. of Space Science, Guj. University.
<b>At Rajkot on 29th April, 1978 Sau. Uni.</b>		
116	Shri Buch D. M.	President, Collage Management Asso.
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118	Shri Chothani V. S.	Student Representavtive at Shri Dharamendra Collage, Rajkot.
119	Shri Dedkiya Jaman	Student Represent. R. V. Patel Comm. Collage.
120	Shri Dave I. R.	Head of the Uni. Dept. of Guj. Sau. Uni.
121	Shri Ganatra Shailesh	Gen. Sec. Student Representative Smt. J. J. Kundalia Arts & Com. Collage.

Sr. No.	Name	Designation
154	Shri Vashi D. G.	Member of the Syndicate South Gujarat University.
155	Shri Vyas Jayantilal	Member of the Syndicate South Gujarat U.
156	Shri Kuwala G. K.	Sec. Uni. & College Teacher Assoco.
<b>At Bhavnagar on 13th May 1978 Sau. Uni. Bhavnagar.</b>		
157	Shri Bhatt R. I.	President, Uni. Non-Teaching Staff Assoco. Sau. Uni. Bhavnagar.
158	Shri Bhatt Bhanubhai	Sec. College management Assoco.
159	Shri Desai (Dr.) H. G.	Reader in Education Sau. Uni.
160	Shri Gandhi Manibhai	Syndicate Member, Sau Uni. Bhavnagar
161	Shri Kureshi Amin	Sec. Uni. Non-teaching Staff Assoco.
162	Shri Mehta D. J.	Director Central Salt Research Institute Bhavnagar.
163	Shri Kotak D. R.	Syndicate Member, Sau. Uni. Bhavnagar
164	Shri Mehta (Dr) R. S.	Head of Uni. Dept. of Economics. s.
165	Shri Ranpura H. C.	Sec. Uni. Management Employee Union.
166	Shri Resania D. M.	Uni. Collage Non-Teaching Staff Assoco.
167	Shri Trivedi Haribhai	Ex. V. C. Sau. University.
168	Shri Vasavada Dularbhai	Pro. Vice Chancellor, Bhavnagar, ar.

Sr. No.	Name	Designation
<b>At Ahmedabad on 21st May, 1978 Guj. Uni. Ahmedabad.</b>		
169	Shri Bhatt S. R.	Prin. B.D. Arts Collage Ahmedabad.
170	Shri Desai A. K.	Management Association.
171	Shri Desai K. G.	Director School of Psysology & Educa- tion Guj. Uni.
172	Shri Gandhi R. S.	Director of the School of Guj. Uni.
173	Shr Joshi Umashankar	Ex. V.C. Guj. University.
174	Shri Kokar M. P.	Director, Business Managemnet. Guj. Uni.
175	Shri Majmudar B. K.	President Managemnet Association.
176	Shri Nagar A. S.	Director School of Languages Guj. Uni.
177	Shri Pathak D.N.	Director, School of Social Science Guj. Uni.
178	Shri Shukal Yashvantbhai	Ex. V.C. Sau. University.
179	Shri Shah M. C.	Sec. Mangement Association.
180	Shi Shah Batukbhai	Sec. Management Association.
181	Shri Shukla B. M.	Director, School of Guj. Law. Uni.
182	Shri Shah V. C.	Director, Science Guj. University.
183	Shri Trivedi Maheshbhai	Management Association.

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Date.....25/7/89.....