The Researcher has tried to analyse in detail the magnitude of the problems being faced by the arena of higher education. The study has attempted to put forth whatever seems to be easily attainable without in any way incurring any inconvenience or additional financial commitment. A University is a School of academic excellence and a seat of culture and learning. It is universally accepted fact that nations are built in the classrooms. If education is faulty then a benevolent society cherishing moral values cannot be built. And since the society is faulty, the edifice of an educational system nurturing students and making them grow as responsible members of the society cannot develop. It is thus a vicious circle.

What is the way out then? The orbit of this vicious circle has got to be broken. There is hope. There are still a group of benign, well meaning people in the country, imbued with enthusiasm and spirit of service, having vision of liberal and purposeful education, who can do this, if given the opportunity.

In the first Chapter I have traced the development of higher education. I have come to the conclusion that the development of higher education in developing countries needs proper planning for integrating education with proper planning and life of people. Unfortunately, developing countries have imitated the educational system developed in advanced countries but have not given careful thought to their own specific needs. The scene of Indian higher education has been a "merry but a furitless exercise unplanned drift". The whole fabric seems to be completely broken down and the large parts of it have collapsed. Its size has become so complex that national planners have hardly any capacity to entime it with national priorities. The rapid expansion has lowered the quality of higher education in the country. Besides the multiplicity of institutions of higher learning has further deepened crisis. There are State Universities, Central
The Researcher feels that the need of the day is to restructure the whole system and to put ban on further expansion of higher education by way of opening new Universities. Organisational set up in the existing Universities should be reformed and UGC should become strict to see that its guidelines are properly followed. In a recently published document the University Grants Commission remarked that "the system of higher education is now in a state of crisis due to uncontrolled and unplanned expansion."

The imperatives of expansion in higher education require reliable planning and more reliance by the policy makers and the planners. They also call for answers to such questions as whether expansion in higher education will be determined by the market situation or by analysing national need or combination of both and how these will be forecast and fed into the decisions made.

In the second Chapter it has been observed that the concept of University "as being our society's engagement with pure value is today almost non-existent". F.R. Levis said "the real university is a centre of consciousness and human responsibility for the civilized world; it is creative centre of civilisation." Who familiar with the affairs of universities today, can claim the existing universities to be universities in this sense? In the midst of societies where commodity value is cherished more, it is difficult to expect the universities to generate use values. But if the university system does not provide the lead, education is bound to degenerate.

We cannot say that there is paucity of sound ideas for education reform and of imaginative schemes to promote academic excellence. The most critical of the problem of the higher education appear to be: to reconcile the idea of
equality of educational opportunities, quantity and quality, redefining goals of education in a task specific time frame; introduction and enforcement of accountability without, in the process, unduly bureaucratizing the system and thereby stifling academic freedom and initiatives, restructuring the reward/recognition system; with an accent on excellence and with provision for deterrents against politics and intrigue; creation of conflict resolving mechanisms, supported by unequivocal norms and sanctions, promotion and support of simple but essential schemes such as giving special attention to the upper and lower ten per cent of the students in the form of anticipatory, preparatory, and remedial education and organisation of graded workshops and skill centres and support to a powerful movement that would equip the university system to fight interference from outside the subversion from within that defeat the purpose for which centres of higher learning are set up.

This indeed is a task of great magnitude and complexity. The imperatives of national interest and the future require a national consensus on key issues involved. Corrective action must start simultaneously both at the higher policy level and at the level of individual institutions. Delay at this stage may add more knots to an already complicated problem and make its solution infinitely more difficult.

It is therefore of immediate need that the administration and the university's teaching departments should get rid of their routine 'maintenance' and unproductive functions and (sooner the best) concentrate on the crucial problem of restructuring the university to make it once more a viable academic system and thus achieve the objects for which it was established.

The concrete beginning in this direction can be made at the level of teachers and students by providing for institutional involvement of these two sections of the academic community. The author's experience as a functionary of college and university teachers
organisations indicate that the participation of students and teachers is a formal one and highly restricted at that not only because of the conscious reluctance of some to concede participation by also because of absence of a well defined idea about the form and objective of participation. What is necessary is to realise that participation is not a 'law and order' question but a process of education by itself.

In Chapter IV it has been observed that it is not proper to isolate the problems that the students face from those of the rest of the society. The reorganisation of the educational system is therefore, intimately linked with the reorganisation of the whole social structure.

Student indiscipline is not an exhibition of youthful exuberance, nor can it be explained away as the ill-work of interested outsiders. It is a cultural, economic, sociological and educational problem that needs to be studied in an objective and scientific manner for proper remedies. "Those of us who belong to the older generation must remember that what is happening is a mark of our failure to bridge the gap between generations, combine practices with professions and treat the younger generation with understanding, respect and affection."¹

Prolonged student activism in the sense of agitations and demonstrations and off-repeated occurrence of violence involving the youth of the country saps the nations vitability it impairs the course of education, evades the fundamental values of our society and inexorably undermines the apparatus and the operations of democracy.

The political groups who are not interested in preservation of democracy, to them students unrest provides an excellent opportunity to shake the peoples faith in democracy. When student agitations increasingly take a violent turn resulting in disruption of ordered life, destruction of public property and often grievous injuries

¹ Dr. Rao
to police and to innocent students themselves, it should not be condoned. When they follow such activism they cease to be student and should be punished according to procedure laid down in law. They cannot be allowed to nurse the illusion that it is a privileged group which can defy the law with impunity. Yet the student unrest can only increase if the authorities regard it merely as a law and order problem.

The truth is that we have not succeeded in imparting a sense of burning zeal or inculcating in them an unshakable faith in the future of the country. There is doubt, suspicion and cynicism all around. There is poverty and deprivation and on interminable talk about it all the time. There is an over much politicisation of life. There is frustration and there is despair. Uncertain prospects of employment loom large on the student horizon. Standards of education are going through steep abysmal decline. The quality of instruction is generally indifferent. Serious intellectual involvement and pursuit of scholarship seems to be going out of vogue. The curriculum is outmoded, facilities are generally inadequate, student population is bursting at the campus seams, there are insufficient alternative outlets for the energies of students. All these things presents a challenge to understanding, not an occasion for panic or pessimism or far sweeping denunciation.

In practical terms, education planning and management of universities should be streamlined. Political interference with the administration of universities should be relentlessly eradicated; but equally severe treatment should be meted out to academic politicians on the campus. Intellectual involvement and the tools of study and research should be improved. Intellectual activity on the campus should be all-absorbing and altogether preoccupying. Student services should be provided in an ampler measure and there should be vastly greater guidance and counselling including vocational placement. Discipline should be fostered unsparingly but at the same time an adequate
consultative and administrative machinery should be set up to check acts of indiscipline. Better faculty-student relationship would be the core of such reconstruction, as would be the overall improvement of education.

Apart from whatever has been mentioned above following step should also be taken to check the growing student unrest in the country.

1. Education should be put in the concurrent list by bringing suitable amendment in the Constitution.

2. Reports of the various committees appointed from time to time to counter-act student indiscipline should be implemented.

3. Universities should be given absolute autonomy and there should be least interference in their affairs either by the Government or the court unless there is grave injustice. They should be left completely free in the administration of University affairs including the maintenance of discipline on campus.

4. Election in the college should be scrapped. The suggestion of Mrs. Madhuriben Shah, Chairman, University Grants Commission that Union in the colleges may be farmed on the basis of merit should be accepted.

5. There should be a whole time Dean, for students welfare activities in every University.

6. There should be one special cell in the University Grants Commission dealing with this problem exclusively.

7. The Vice-chancellor of the University should be competent and
dynamic. He must not owe his position and existence to anybody but to merit. He should cease to be sinecures of political patronage.

8. Administration in the Universities - should not be rigidly bureaucratic but deal speedily and with sympathy and imagination all genuine grievances; and care should be taken to see that there has been prior consultation before substantial changes in the educational institutions which effect the students are introduced.

9. There should be inbuilt safeguards in the system so that occasions for complaints are reduced to the minimum and grievances receive prompt attention.

10. Regarding what happens outside the educational institutions, the essence of the approach has to be that every student must carry a sense of assurance that if he is subjected to mal-treatment and harassment and justice has not been meted out to him he has available to him adequate means of redress.

11. A dialogue should be started by the educational authorities with the students about the future of higher education and democracy in the country. In every institution, whether a college or a university, there are some teachers who on account of the mobility of their character, teaching, scholarship and interest in the welfare of others enjoy a great deal of respect and confidence of the student community. In periods of agitation such men are likely to remain in the background. They should be encouraged to come forward and build bridges of understanding between the students and authorities.

12. Action committees of student should have no place in the life of University.
University education should also be reorganised so as to make it stimulating and interesting experience. It should call forth and fully engage the physical, mental and emotional energy of the students. The modern curricula should be made realistic so that it may meet the needs of the country.

From the detailed discussion under Chapter V following proposition emerges.

1. The categories of persons whose service conditions are sought to be protected by rules must be unambiguously and clearly defined else some categories of employees may remain out of its protective umbrella.

2. In-as-much as the verdict of the disciplinary proceedings seeks to specifically enforce the contract of personal services of a teacher it is illegal. However, now that the University is held to be an "industry" under section 2(j) of the Industrial Disputes Act, 1947, the teachers will get the protection and all remedies under industrial law.

3. When University's power to terminate services of a teacher is not cumulative or alternative and if it is exercised in this fashion, the action will be liable to be quashed.

4. The Court will not interfere with this "freedom" if its exercise does not create my legal right in any person.

5. The Court gave liberal interpretation to rules, it looked to intervene, if that were so. But if rules are not properly complied with, it will strike down the action. However, if rules are mandatory, the Court would literally interpret them.

6. Even if there is no express provision to act judicially, where some quasi-judicial duties are
imposed upon the university authority acting administratively, it must act judicially and follow the principles of natural justice when charges of quasi-criminal nature are to be examined.

7. In the matters of "maintenance of standards" the Court is inclined to give wider parameters to the University to control the student's academic life by allowing it to formulate reasonable tests to decide his ability to learn.

8. The High Courts are enjoined to be slow to issue ex parte interim orders in academic matters. Even if the decision of University in such matters is somewhat less reasonable, they should be slow in reversing it.

9. The Court did not insist for full fledged quasi-judicial inquiry with all its accompaniments as a sine-qua-non in mass copying situations vitiating the examinations. It did not want to hamper the functioning of autonomous bodies. It refused to lay down any hard and fast rules.

10. The Court refused to "assess" the answer-book and left this to the University and accepted its conclusion.

11. The Court was not inclined to intervene in matters that were exclusively within the powers of the University authorities.

So far as academic freedom and Universities are concerned it is felt that like any other kind of institutional freedom, it depends at once on the government of the institution and on the spirit that animates the government, i.e. the body of educators.

Education in India being a State subject under the constitution and the universities being autonomous, there is bound to be opposition to government-originated reform. But the Ministry of Education and the University Grants...
Commission can exert pressures indirectly and threaten to withhold grants if reforms are not brought about within the university.

If radical changes in the pattern of higher education and in the administrative structure of the universities are impossible, the only alternative for the Ministry of Education would seem to lie in the policy of setting up model colleges and universities in every state of the Indian Union which, in a decade, will present a glaring contrast to the older universities and compel them to set their own institutions in order. Meanwhile, the Government of India must reverse its policies of dissipating its meagre resources on universities and institutions of unquestionably low standards. If the new universities and colleges are worked on sound educational principles from the start - with the help of sound educationists from some of the world's leading universities if necessary - it may be possible to work them in response to the changing needs of Indian society and build within them the conditions of freedom essential for a democratic society.

In Chapter VI it has been observed that present set up of machinery provided for dispute settlement is not adequate. It will be better if disputes between employer and employees of a particular University or disputes between University and students in connection with admissions, expulsion, discipline etc. are decided by an Educational Tribunal. The Researcher is of the view that for each University and its affiliated colleges there should be a separate Educational Tribunal consisting of a Judge who is qualified to be appointed as a District Judge. From the judgments of this Tribunal appeal may be permitted to State level Tribunal and from State level Tribunal a provision for appeal to national level Tribunal should be made. The judgment of National level Tribunal should be treated as final. No court including High Court or Supreme Court should be permitted to interfere in matters connected with Educational Institutions. If need arise such change should be brought by making suitable amendment in the Constitution. This will also reduce the work load of the present judiciary.
In Chapter VII it has been observed that the writ jurisdiction is geared to community goods. Court can issue all the four writs against the University and its bodies. Writ of mandamus may lie against University, its bodies, its officers etc. in order to compel them to do that act which they are bound by law to do as a part of public duty. Certiorari can be issued if university acts illegally or against the principles of natural justice. Prohibition can be issued when university acts, contrary to law of the land. With the help of qua-warranto court can control exclusive action in the matters of appointment or in case person is deprived of his office which he has right to hold.

The maintenance of the discipline, the up keep of the necessary tone and standards of behaviour in a body of students in a college is primarily entrusted to the principal or other officers of the institution. The High Court will not interfere with the discretion of such an authority unless it is clearly established that the authority concerned has not honestly exercised the discretion or was actuated by some motive.

Where the authority is exercising its disciplinary power it is only in exceptional cases that the court interfere in those powers. Matters of college discipline are entirely internal affairs of the colleges concerned. It is both in the interest of the institution and the students that those who are entrusted with this authority should be left free to deal with the situation provided in doing so they do not violate justice and do not act arbitrarily and capriciously. The High Court is most reluctant to entertain petition under Article 226 of the constitution by the students against the University authorities especially as it is extremely desirable that the students should be under the full control and guidance of the university. Unless the act complained of is clearly beyond the jurisdiction or clearly against the rules of natural
justice. High Court, will not interfere in matters of examination which relate to internal working of the University. Interference with the decisions of an autonomous body like a university should be made sparingly and with due caution. No absolute rule can be laid down in this regard and each case will be decided on its own facts and circumstances. Courts, of law should not too readily interfere with the internal working of a university which is an autonomous body or to interfere with its decisions in a spirit of light-heartedness and without care and caution.

This problem which the educational institutions have to face from time to time is a serious problem and unless there is justification to do so, courts should be slow to interfere with the decision of the domestic tribunals appointed by educational bodies like the universities. In a case of enquiry against a student for using unfair means at an examination the merits of the enquiry and its result are entirely and exclusively within the jurisdiction of the appropriate university and if their decision is based on all relevant material and not motivated by any animus or mala fide that is to be treated by the High Court as final provided there has been no violation of the principles of natural justice. Matters falling within the jurisdiction of the educational authorities should normally be left to their decision, and the High Court should interfere with them when it thinks it must do so in the interest of justice. High Court will not interfere in the internal management of university authorities unless some penal action has been taken against the petitioner contrary to the principles of natural justice or the university has outstepped its statutory jurisdiction or otherwise decline to rush in to quash decisions of responsible academic bodies. Student indiscipline poses a serious problem for educational institutions and unless there is adequate justification to do so, the court should be slow to interfere with the decisions of the domestic tribunals. Educational institutions like the universities have to be left to themselves and unless a patent code of violation of principles of natural justice or contravention of some statutory provisions is made out, the court should be slow
to interfere with the orders of educational authorities regarding their punishment of students for serious defaults of the students.

With regard to the question as to whether the court can go to determine the legality of prescribing the minimum attendance in the lectures and enforce it, the Delhi High Court held that it is more a matter of policy for the university and a fact of the system of education for educationists to consider which is beyond the scope of judicial review in the writ proceedings.
Dear Sir,

The Researcher is working on the above thesis. University has been defined as republic of scholars. They are autonomous bodies and this autonomy they merit because they are experts in higher education, and who is to judge expertise adequately but experts themselves. These days courts have been playing great role to arbitrate matters affecting educational policies. Previous little attention was paid to the way in which courts have been factors in moulding colleges and universities. Now time has come when those responsible for policy in higher education must be
acquainted with what the courts are saying, and have been saying about academic community. The purpose of the thesis will be broaden the views of the personnel in higher education with significant reported and unreported decisions of the Supreme Court, working High Court of Gujarat, District Courts, Educational Tribunals etc.

The important problem is whether or not courts should interfere in the University matters? If 'YES' whether this judicial intervention will remove the problem that divide and disrupt the campuses. Whether judicial intervention will bring peace to the campuses or some alternative is to be found e.g. Campus Tribunal. The question is rather than going to the courts, can not campus problem be solved on campus with complete integrity and vastly greater expertise. Who knows better the considerations relevant to student discipline the judges or the faculty and Deans? The basis premises of the project will be that instead of going to the courts it will be better if campus problem are solved on the campus by the academicians who are experts of it.

Project will help the Government and the Universities in meeting out the problems of the students as well as teachers. It will help them in charting out future
course of action to meet the problems. It will also help the administration and academicians to understand the real meaning of the word autonomy in the present day circumstances and effect which the constant interference by the courts have made on higher education.

Researcher solicits your kind co-operation by completing the attached questionnaire. You may answer the questions of your choice and interest. I will be grateful if the questionnaire is sent back to me within one month from the date of receipt.

Thanking you,

Yours Sincerely,

(Miss Lilu K. Bhaya)

N.B.:
While returning the questionnaire kindly do sign it.
Q.1 Do you feel that academic freedom is essential for higher education in the Universities in the State?

Q.2 Is order and discipline on the College Campus necessary for the good of all. Has the unbridled expression of ideas and conduct become order of the day on the Campus today? How can the conflict between these two extremes be harmonised? Give suggestions.

Q.3 What are your views on the autonomy of the Universities? Does it exist today in Gujarat?

Q.4 Are you in favour of University autonomy in respect of admissions, graduation, selection of curriculum, disciplining student, examination, recruitments, suspension and dismissal of employees?

Q.5 Do you feel that constant interference by the courts and the Government in Educational policies of the Universities has affected the University autonomy in the State?
Q.6 Do you feel that campus problems can be solved on campus by men and women of integrity and expertise from campus staff?

Q.7 Do you favour surrender of powers exercised by the University to the courts? Whether interference by the courts will remove the problems that divide and disrupt the Campus?

Q.8 Are you in favour of Campus Arbitration for deciding Campus cases relating to admissions, attendance, indiscipline, expulsion, appointments and dismissal of teachers?

Q.9 What in your views should be the Constitution, Powers and Duties of the campus arbitration?

Q.10 What should be done to make the person dealing in the University administration and higher education acquaint with what courts are saying regarding higher education?
Q.11 Do you remember any case from your department or University referred to the court? State name and nature of the case along with the years.

Q.12 What are in your views the reason for the Campus Unrest?
1. Loose administration
2. Interference by the political parties
3. Absence of complete rules and regulations
4. Unemployment
5. Frequent changes in the courses
6. Insufficient changes
7. Student organisations

Q.13 Do you feel that there is copying in the examinations? If yes, what measure can be taken to check it?
1. Flying Squad
2. Strict invigilation by teachers
3. Open book systems
4. Change in the examination pattern
5. Quick disposal of unfair means case
6. Deterrent punishment of unfair means cases
Q.14 Can Universities alone meet the current challenges or some alternative has to be found out? If yes, what?

Q.15 Do you feel that some national policy if evolved, will meet the current challenges?

Q.16 Are you in favour of Campus Police?

Q.17 Do you favour vesting of magisterial and police powers in the Vice Chancellor as a good measure for maintaining peace and enforcing discipline on the campus?

Q.18 Do you favour bodies like student welfare committee in the University?

Q.19 Do you favour Senate elections among teacher and students?
Q. 20 Do you favour present procedure of appointment of Vice Chancellor? If not what are your suggestions?

Q. 21 Do you feel that in the interest of education of students, union elections in the colleges and universities be banned?

Q. 22 What measure would you suggest under following heads to introduce autonomy in Universities in Gujarat to make them place of education and learning for integrated development of student?

1. Legislative
2. Administrative
3. Financial
4. Any other measures
SCHEDULE - II

NAME OF EXPERTS TO WHOM QUESTIONNAIRES WERE SENT

1. Dr. M.N. Desai,  
   Vice Chancellor  
   Gujarat University  
   Navrangpura  
   Ahmedabad

2. Prof. A.T. Desai  
   Pro Vice Chancellor  
   Gujarat University  
   Ahmedabad

3. Director of Higher Education  
   Gujarat State, Block No. 12,  
   Second Floor, Gandhinagar

4. Director of Health & Medical Services and Medical Education  
   Gujarat State  
   'D' Block, New Civil Hospital  
   Asarwa, Ahmedabad 16.

5. Dr. Ketan D. Desai  
   6, Poonam Aptras.,  
   Nr. Polytechnic, Ambawadi,  
   Ahmedabad-380 015,

6. Prof. K.S. Shastri  
   12, Professor's Colony,  
   Navrangpura, Ahmedabad
7. Shri Sudhir Indravadan Nanavati
   'Archit', Nr.Old Excise Chowky,
   Ambawadi, Ahmedabad 15.

8. Shri Nomanbhai Mohmedbhai Miabhoy
   18 Kutbi Mohalla, Damdigar's pole,
   Kalupur, Ahmedabad 1.

9. Shri Umakant M. Pandit
   29, Adhyapak Mitra Mandal soc.,
   Vikram Sarabhai Road,
   Ambawadi, Ahmedabad.15.

10. Prin. Urmilaben Chimanlal Patel
    S.V.Arts College, Relief road,
    Ahmedabad-1.

11. Prof. M.C.Chhabaria
    'Dwarkesh'
    Nr.Shantinagar bus stop,
    Wadaj, Ashram road,

12. Prof. U.M.Pandit
    2,Adhyapak Mitra Mandal soc.,
    Nr.Polytechnic, Ahmedabad.15.

13. Vice Chancellor & Pro Vice Chancellor
    M.S. University of Vadodara
    Vadodara.
14. Vice Chancellor  
Saurashtra University  
Rajkot

15. Vice Chancellor  
Bhavnagar University  
Bhavnagar

16. Vice Chancellor & Pro Vice Chancellor  
North Gujarat University  
Patan

17. Vice Chancellor  
Gujarat Vidyapeeth  
Ahmedabad

18. Vice Chancellor  
Sardar Patel University  
Vallabh Vidyanagar

19. Vice Chancellor  
South Gujarat University  
Surat

20. Vice Chancellor  
Gujarat Ayurved University  
Jamnagar

21. Prof. S.K. Khanna  
Vice Charman  
University Grants Commission  
Bahadur Shah Zafar Marg,  
New Delhi 110 002
22. Director
   Indian Council of Medical Research
   Ansari Nagar, New Delhi

23. Member Secretary
   Indian Council of Social Science
   Research, Post Box No. 712
   35 Feroze Shah Road
   New Delhi 110 001

24. Secretary
   Association of Indian Universities
   AIU Guest House, 16 Kotala Marg,
   New Delhi 110 002

25. Vice Chancellor
   S.N.D.T. University
   Bombay

26. Dr. G.C. Kaliwal
    Professor of Law
    24 Sarvoday nagar
    Indore

27. Prof. C.J. Samuel
    Poona University

28. Dr. G.S. Sharma
    Rajasthan University

29. Mr. Ratanlal Jat
    Professor of Law
    Udaipur University
30. Prof. B.L. Verma
   Dean, Faculty of Law
   Rajasthan University

31. Prof. M.P. Jain
   Rajasthan University
   Jaipur

32. Dr. Bharat Bhagat

33. Mahesh Dave
   Judge
   Educational Tribunal

34. Prof. S.R. Bhansali
   Dean, Faculty of Law
   Jodhpur University

35. Justice S.A. Shah
   President, Consumer Disputes
   Redressal Commission,
   Gujarat State, Ahmedabad

36. Dr. D.N. Saraf
   C.E.R.C.
   Ahmedabad.
Schedule III

NAMES OF THE EXPERTS WHO RESPONDED TO OUR QUESTIONNAIRE:

1. Mr. S.K. Agrawal, Secretary, Association of Indian Universities, New Delhi

2. Professor S.H. Bhatt, Vice Chancellor, Bhavnagar University, Bhavnagar

3. Dr. C.G. Kaliwal, Professor of Law, 24, Sarvodaynagar, Indore.

4. Mr. Ramanlal Parikh, Vice Chancellor, Gujarat Vidyapith, Ahmedabad

5. Prof. C.J. Samuel, Poona University

6. Dr. C.S. Sharma, Rajasthan University

7. Mr. Ratanlal Jat, Professor of Law, Udaipur Uni.

8. Prof. B.L. Verma, Dean Faculty of Law, Raj, Uni.


10. Shri R.T. Trivedi, Vice Chancellor, Jamnagar Ayurved Uni. Jamnagar

11. Dr. Bharat Bhagat

12. Vice Chancellor, South Gujarat Uni.

13. Prof. S.R. Bhansali, Dean, Faculty of Law, Jodhpur Uni.

14. Justice S.A. Shah, President C.D.R.C., Ahmedabad

15. Dr. D.N. Saraf, C.E.R.C., Ahmedabad.
1. Indian Problems in Religion, Education and Politics
   by Whitehead H.

2. On the Education of the People of India
   By Trevelyon

3. Higher Education in India
   By Lethbridge

4. Indian Problems
   By Mitra (S.C.)

5. Natural Justice
   By Chakravati S.

6. Natural Justice and Social Justice
   By Chaturvedi R. G.

7. Judicial Control of Administrative Action in India
   By Fażol M.

8. Law of Education and Education Institutions
   By R. D. Agarwal

9. The Limits of Judicial Control over the exercise of Discretion
   By Ganj. G.

10. History of Indian Education
    By Rawal P. L.
11. Halsbury's Laws of England
   4th Edition Vol. 15

12. Student Unrest - Causes and Cure
   By Kabir H.

13. Supreme Court of India - The Wisdom of Judges
   By S. L. Agarwal

14. Judicial Control of Administrative Action in India.
   By Markose H. H.

   By Brabacher

16. The Courts and Higher Education
   By John S. Brabacher

17. Introduction to Philosophy of Education
   By Hinderson

18. Law, Men of Law and Education
   By H. R. Khanna

19. Landmarks in the History of Education
   By Jevman

20. Treasury of Law
   By Richard Nice

21. Problem in Higher Education
   By C. M. Ramachandran
22. Crisis in the Temples of Learning
   By Gautam G. S.

23. College Education in India
   By Manaktalas

24. The University in Translation - An Indian case Study
   By Sindha - Bombay

25. Higher Education at Cross Roads
   By Bose P. K.

26. Survival depends on Higher Education
   By Butlev

27. Contemporary Problems in Higher Education
   By Butcher H. J.

28. New Dimensions of Higher Education
   By Collier K. G.

29. Changes and Conflicts in Indian University
   By Dibona Joseph

30. Thoughts on University Education
   By Dongerkery S. R.

31. The Indian University
   By Gaudino Robert

32. Higher Education in India - Issues and Problems
   By Atma Ram

33. Higher Education - Demand and Response
   By Niblett W. R.
34. Education and Development of Nations
   By John W. Hanson.

35. Welding the Nation - Sir Tej Bahadur Sapru's Academic Addresses and Selected Writings
   By K. N. Rajan

36. A Search for Values in Indian Education
   By Srimoli K. L.

37. Sapru's Responsa - Selected Legal Opinions
   Edited By K. N. Raina

38. Commentary on University Law in India
   By D. D. Kalhatkar

39. Law, Society and Education
   By P. B. Gajendragadkar

40. Natural Justice and Social Justice before the Supreme Court - By K Agarwal.

41. The Lost tools of Learning
   By Dorothy L. Sagers

42. The Human Nature of University
   By Robert F. Goheen

43. The Indian University
   By Robert L. Gaudino

44. Elite and Mass in Higher Education - The Case of Allahabad University
   By Joseph Diabona
45. Law, Liberty and Social Justice
   By Hart.

46. Current Problems in India Education
   Vy Safaya R. N.

UNIVERSITY GRANTS COMMISSION REPORTS:

1. Annual Report from 1956-75
   - Development of Higher Education in India -
     A Policy Frame - 1978

2. University Development in India - Basic facts
   and Figures, 1970

3. University Development in India - Basic facts

4. Various Report of the review Committee on
   U.G.C. Programme

GOVERNMENT PUBLICATIONS, REPORTS:

1. The Constitution of India, Manager of Publications
   Delhi, 1972

2. Report of Indian Education Commission -

3. Report of the University Education (1948-49)
   Commission, Ministry of Education,
   Govt. of India, New Delhi, 1950


8. Radhakrishnan Comm. - Report

Schedule V

LIST OF THE ARTICLES:


   By V. G. James

2. A Note on Inter-disciplinary Research Possibilities in the field of law and education - 1972, J. L. J., 135-136

   By G. S. Sharma

3. Impact of the Courts on Higher Education

   J. S. Brabacher

   Journal of Law and Education, 1982 April


5. Student - Institution Relationship in Public Higher Education - D. A. Clowes

   1973, J. I. and Higher Education, 73

7. Civilizing University Discipline -
P. D. Carrington
Mich. L. R. 69, Jan., 1971

8. Development in the Law - Academic Freedom

9. Higher Education in India - A Dimensional Analysis
(University Administration, Usmania University)

10. Crucial Task before Educationists*
(Indian Express, June 4, 1976)

11. Equality in the Indian University
By Dhanagare
(Mineiva 22 (3-4), 1984)

By Kamal A. R.
(Economic and Political Weekly, July, 1982)

14. Relevance University Education to National Aspirations
By Ujagar Singh
(Journal of Higher Education, Delhi, 1987)

15. The Students Bodies in the University
By Virendra Singh
(Journal of Higher Education, Delhi, 1982)
16. "Education Reform perspective in India"
   By Adiseshia Maleolm S.
   (New Frontiers in Education, 1987)

17. Some Critical Issues in Planning and Management
    Higher Education
   By Hanjudappa
   (University News), 1983

18. Needed - a national policy towards Universities of
    the underdeveloped world
   By B. D. Friedmann.

19. "University Staff - Student Relation and Natural
    Justice" (1969), 32 M.L.R. 680

20. The Student and the Law - Freedom and Responsibility
    Holland D. C., 22 CLP,61

21. True Scope and Content of Article 226 of the constitution
    By Narasimhan R. L.
    A.I.R. 1966 (Journal Section) 1.

22. Judicial Control of Universities (1969),85 LQR 468
    By Wade H. R. W.

23. A note on interdisciplinary research possibilities
    in the field of law and Education
   By G. S. Sharma
   12 JLJ- 156-6.
By S. L. Sharma

25. A move for constitutional amendment to place education including Universities in concurrent list
By J. K. Mittal
1971 Law Review

26. Drift, disillusion and discontent
By S. C. Dube
1975 Sem. 20-2

27. Problems of University Reforms in India
By Phillips G. Altback
1972. U. A. 202-6

28. The Traditional System of Higher Education in India
By S. V. Rao
1972 U. A. 191-20

29. Legal Aspects of Equality of Education Opportunities in India
By M. L. Upadhyaya

30. "Judicial Control of Universities" (1969)
85 LQR. 468

31. Judicial Control Actions of Private Associations
76. HLR. 985
32. University Discipline and Natural Justice
   23 MLR S. A. De. Smith

33. The Dynamics of Change
   By Amrik Singh
   (Journal of Higher Education, 1983)

34. Higher Education is a White Elephant
   By Amrik Singh
   (Times of India, 23 April, 1989)

35. Central Tribunal for Universities
   (University News 23rd March, 1987)

36. Universities and the Government
   By Gose M. S.
   (New Quest (54), 1985)

37. The Role of University Grants Commission in framing
   the Policy in Higher Education
   By Mathew, A
   (Journal of Higher Education, Delhi, 1983)

38. "University Autonomy : An Analysis and proposal"
   By Sharma R. C.
   (Education, Planning and Administration, Bulletin)

39. Do Our University deserve autonomy ?
   By Naik J. A.
   (Illustrated Weekly of India 22nd Jan. 1978)
40. Constitution and Education  
By T. K. Ybpe

41. National Integration through Law  
By V. K.R. V. Rao

42. Higher Education and the New Context  
By S. S.  
Vol. 3 No.1, 1977, Journal of Higher Education

43. Genesis of Student Unrest: Result of Multimethod Analysis  
By Shushila Singhal  
1977, Journal H. E. Page 27

44. Pathology of Higher Education  
By Anand P. Srivastva  
1979 J. H. E. 122

45. Higher Education from Autonomy to Systems -  
By K. L. Joshi  
1979, J. H. E. 126

46. Student Unrest in an Unplanned University  
- A Case study  
By Swaraj Bandgopadhyay and Swapan K.  
1978, J. H.E. 381

By Kumaresh Chakravarty
48. Study of the Finances of the University of Rajasthan
By M. S. Nigam
1976, J. H. E. 400

49. A Study of Conflict in a University -
By Mohinder Sharma

50. Teaching and Research in Higher Education -
Some Problems
By V. Bhaskara Rao - 11.

51. Some thoughts on Higher Education
By V. K. R. V. Rao

52. Striving for Height in Higher Education
By Devadatta Dabholkar
1980-81, J. H. E. 41.

53. Crisis in Higher Education in India
D. P. Pattanayak
J.H.E. 1980-81, P. 49

54. Social Change and the Educational System
By Anne Van Haecht
Journal of H. E. 1980-81, Page 105

55. Higher Education and 'Future Educational Policy'
Ruddar Dutt
1977 H. E. J. 189
56. Higher Education in India - Some Issues
By U. U. Khan
<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Case</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ambesh Kumar V. Principal, LLRM Medical College.</td>
<td>A.I.R.1987, S.C.400</td>
</tr>
<tr>
<td>6.</td>
<td>Assam Rashtrabhasha Prachar Samiti V. Their Workman.</td>
<td>1965(2) L.L.J.269.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>11</td>
<td>Ahmedabad Kelavani Trust V. State of Gujarat.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Ahmedabad St. Xaviers' College V. State of Gujarat.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Ashalata V. Vikram University.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Akshaibar Lal V. Vice Chancellor, Braharo Samaj Education Society V. West Bengal College Employees' Association.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Ashok Kumar V. Himachal Pradesh University.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Braharo Samaj Education Society V. West Bengal College Employees' Association.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1960(1) L.L.J.472.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Bengalore Water Supply &amp; Sewerage Board V. A.Rajappa.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Bholaprasad V. U.A.Goswami.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. Pat.437.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Board of Trustees V. State of Delhi.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Bhooshan Uttam Khare V. Dean, B.J. Medical College &amp; others.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>----------</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>32.</td>
<td>Chandrashekhara Nair V. Secretary to Govt. of Kerala.</td>
<td>1961, K.L.T., 229.</td>
</tr>
<tr>
<td>33.</td>
<td>Controller of Examinations &amp; Others.</td>
<td>V. G.S. Sunder &amp; Anr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1993 Supp. (3) S.C.C.82.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Case No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>42.</td>
<td>Dr. Ishwari Prasad V. Registrar, University of Allahabad &amp; others</td>
<td>A.I.R. 1955, All. 131.</td>
</tr>
<tr>
<td>46.</td>
<td>E.V. Kumar V. University of Madras</td>
<td>(1964) 2, M.L.J. 336.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>----------</td>
</tr>
<tr>
<td>51.</td>
<td>G.F.B. College V. University of Agra.</td>
<td>A.I.R.1969, All.189</td>
</tr>
<tr>
<td>52.</td>
<td>G.V. Bangalore University (1967) 2 Mvs. L.J.592.</td>
<td></td>
</tr>
<tr>
<td>54.</td>
<td>Dr. Gyanwati Trivedi V. Dr. Sarojini Manoharn</td>
<td>1970, All L.J.1015.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>60.</td>
<td>Hoopl Behari Saxena &amp; K.L. Gavil V. Registrar &amp; Vice Chancellor, Allahabad University.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>67.</td>
<td>Jaydev Singh Siddhanti V. Pratap Singh Day &amp; others</td>
<td></td>
</tr>
<tr>
<td>70.</td>
<td>Kurnani Properties Ltd. West Bengal.</td>
<td></td>
</tr>
<tr>
<td>71.</td>
<td>Dr. K.L. Jaura V. Dr. C.S. Pathak</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. 1960, Kerala, 327.</td>
<td></td>
</tr>
<tr>
<td>73.</td>
<td>Kalyan Sundaram High School Education Society V. Director of Public Instruction.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1956, Madras W.N. (Jour.) 104.</td>
<td></td>
</tr>
<tr>
<td>74.</td>
<td>Katara Education Society V. State of Uttar Pradesh.</td>
<td></td>
</tr>
<tr>
<td>75.</td>
<td>Dr. K.K. Bhatt V. Gujarat University.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1980, XIT(2) C.L.R. 485.</td>
<td></td>
</tr>
<tr>
<td>76.</td>
<td>Kashmir University V. Mohamed Yasin.</td>
<td></td>
</tr>
<tr>
<td>77.</td>
<td>Kumari Migma Misra V. Dr. Ravinder Kaur Paintal &amp; others</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>79.</td>
<td>Lalit Hari Ayurvedic College Pharmacy V. Lalit Hari Ayurvedic College Pharmacy Workers' Union.</td>
<td>1960, (1)L.L.J.250, S.C.</td>
</tr>
<tr>
<td>81.</td>
<td>Lalit K. Sharma V. Principal S.M.S. Medical College.</td>
<td>A.I.R.1976, Raj.34.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>83.</td>
<td>Management of Safdarjung Hospital v. Kuldip Singh Sethi.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. 1965, Ker. 301.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>196, K.L.T. 146.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>155, Mass 216.</td>
<td></td>
</tr>
<tr>
<td>92.</td>
<td>Miss Sonal Shah &amp; others v. Gujarat University and Anr.</td>
<td></td>
</tr>
<tr>
<td>93.</td>
<td>Meena Y. Tarkas v. The University of Madras.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1953(1) M.L.J. 214.</td>
<td></td>
</tr>
<tr>
<td>94.</td>
<td>Mikan Mahadev Singh v. Agra University.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. 1961, All. 301.</td>
<td></td>
</tr>
<tr>
<td>95.</td>
<td>Mysore University v. Gopal Gauda.</td>
<td></td>
</tr>
<tr>
<td>96.</td>
<td>Manaka Gandhi's Case.</td>
<td></td>
</tr>
<tr>
<td>97.</td>
<td>Mchinder Singh v. Union of India.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>100</td>
<td>N.M. Rajyaguru v. Gujarat University.</td>
<td>1984(1) G.L.R.349.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>----------</td>
</tr>
<tr>
<td>118.</td>
<td>Ramchandra V. Allahabad University.</td>
<td>A.I.R.1956, All.46.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>123</td>
<td>Surendrakumar V. Central Board of Secondary Education</td>
<td>A.I.R.1957, Raj.206.</td>
</tr>
<tr>
<td>125</td>
<td>State of Bombay V. Hospital Mazdoor Sabha.</td>
<td>1960(1) L.L.J.251.</td>
</tr>
<tr>
<td>126</td>
<td>Smt. M. D. Sigamani V. Presiding Officer, Labour Court, Madras.</td>
<td>(1932) Lab.I.C.93(Mad.)</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>129</td>
<td>Swaraj Ashram, Kanpur V. Industrial Tribunal. U.P.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1979, Lab. I.C. (599) S.C.</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Superintending Agric. Officer V. Vaidya.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1936 (I), L.L.J. 13 (Bom.)</td>
<td></td>
</tr>
<tr>
<td>131</td>
<td>Suresh Koshi George V. University of Kerala.</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td>Sakharkherda Education Society V.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State of Maharashtra</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. 1963, Bom. 91.</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>State of Kerala V. Mother Provinciacl.</td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>St. Stephen's College V. State Uni. of Delhi.</td>
<td></td>
</tr>
<tr>
<td>135</td>
<td>Siddappa V. Nikantappa.</td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>Surendrakumar V. Jabalpur University.</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>Dr. S. Dutt. V. University of Delhi.</td>
<td></td>
</tr>
<tr>
<td>138</td>
<td>Shivandra Bahadur V. Nalanda College.</td>
<td></td>
</tr>
<tr>
<td>139</td>
<td>St. Xavier's College V. State of Gujarat.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>141</td>
<td>Suchasingh V. University of Rajasthan.</td>
<td>L.R. 1961(1) Rau. 763.</td>
</tr>
<tr>
<td>144</td>
<td>Tapan Kumar V. General Manager, Calcutta Telephones.</td>
<td>1980, Lab. I.C. (503) (Cal.)</td>
</tr>
<tr>
<td>146</td>
<td>Trilochansingh V. Director, Siball Industries Service Institute.</td>
<td>A.I.R. 1963, Mad. 67.</td>
</tr>
<tr>
<td>147</td>
<td>University of Madras V. Shanthabai &amp; Anr.</td>
<td>A.I.R. 1954, Madras. 67.</td>
</tr>
<tr>
<td>149</td>
<td>Umeshchandra V. V.N.Singh.</td>
<td>A.I.R. 1963, Pat. 3.</td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>University of Delhi V. Ramnath.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1960(1) 'L.L.J.523(S.C.)</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>Union of India V. Jaydev Mandal.</td>
<td></td>
</tr>
<tr>
<td>152</td>
<td>Union of India V. J.N. Sinha.</td>
<td></td>
</tr>
<tr>
<td>153</td>
<td>Dr. Umsoosingh Chaudhary V. State of M.P. and Another.</td>
<td></td>
</tr>
<tr>
<td>154</td>
<td>University of Mysore V. Gowindrac.</td>
<td></td>
</tr>
<tr>
<td>155</td>
<td>University of Mysore V. C.D.Gobinda.</td>
<td></td>
</tr>
<tr>
<td>156</td>
<td>University of Rajasthan V. Dr. Bhikhalal Jain.</td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>University of Jodhpur, V. Ramchandra Sharma.</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Vikaruddin V. Osmania University.</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>Venkataraman V. Labour Court, Eranakulam.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1982)I.L.L.J.545. (Ker.)</td>
<td></td>
</tr>
<tr>
<td>160</td>
<td>V.J. Vishwa Vidyalaya V. Rajkot.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description of Case</td>
<td>Page No.</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>161</td>
<td>Vice Chancellor, Utkal University.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>V. S.K. Ghosh.</td>
<td></td>
</tr>
<tr>
<td>162</td>
<td>Vice Chancellor, Osmania University</td>
<td></td>
</tr>
<tr>
<td></td>
<td>V. Osmania University.</td>
<td></td>
</tr>
<tr>
<td>163</td>
<td>Virendrakumar V. University of Rajasthan.</td>
<td></td>
</tr>
<tr>
<td>164</td>
<td>Virendrakapoorn V. University of Jodhpur.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A.I.R. 1964, Raj. 161 (P.B.)</td>
<td></td>
</tr>
<tr>
<td>165</td>
<td>Venkatsubbaaiya V. Govt. of Andhra Pradesh.</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE NO. 7 (I)

GOVERNMENT OF GUJARAT

LEGAL DEPARTMENT

GUJARAT ACT NO. 9 OF 1982

The Gujarat Affiliated College Services

Tribunal Act, 1982

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS, GANDHINagar.
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING PUBLICATIONS AND STATIONERY, GUJARAT STATE, AHMEDABAD.
1982
THE GUJARAT AFFILIATED COLLEGES SERVICES TRIBUNAL
ACT, 1982.

CONTENTS

PREAMBLE.

SECTIONS.

PART- I

PRELIMINARY

1. Short title, extent and commencement

2. Definitions.

PART- II

TRIBUNAL.


4. Term of office and conditions of service of person appointed to be Tribunal.

5. The Power of the State Government of terminate the appointment before the expiry of term.

6. Headquarters of Tribunal.

7. Jurisdiction of Tribunal.

8. Dispute to be decided by Tribunal.

9. Power of Tribunal to make regulations.

10. Tribunal to have powers of Court.

11. Proceedings before the Tribunal to be Judicial proceedings.

12. Finality of decision of Tribunal.

PART - III.

PROCEDURE FOR IMPOSITION OF PENALTY OF COLLEGE EMPLOYEES.

14. Dismissal, removal or reduction in rank of College employees.

15. Resignation of College employees.

PART - IV.

MISCELLANEOUS.

16. Certain contracts etc. to be null and void.

17. Power of Government to make rules.


20. Repeal and Savings.

SCHEDULE.
An Act to provide for the constitution of a Tribunal for the purpose of determining disputes relating to conditions of service of the members of the teaching, other academic and non-teaching staff of affiliated colleges in the State of Gujarat, for procedure for imposition of penalty on any such member and for matters connected therewith.

It is hereby enacted in the Thirty-third Years of the Republic of India as follows:-

PART - I

PRELIMINARY.

1. (1) This Act may be called the Gujarat Affiliated Colleges Services Tribunal Act, 1982.

(2) It extends to the whole of the State of Gujarat.

(3) It shall be deemed to have come into force on the 9th December, 1981.

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


* This Act was assented to by the president on the 22nd February, 1982.
(a) "appinted college" means a college affiliated to a university under a relevant University Act;

(b) "appointed day" means the date on which this Act is deemed to have come into force under sub-section(3) of section 1;

(c) "college" means an affiliated college;

(d) "college employee" means any member of the teaching, other academic and non-teaching staff of a college (whether confirmed or temporary or on probation) in the service of such college and for the purpose of any proceeding under this Act in relation to a dispute referred to in section 8, includes any such member who has been dismissed, or removed or declared surplus on account of the introduction of the system of higher secondary education or whose services are otherwise terminated;

(e) "manager of college" means a person or body of persons in charge or control of the management of a college and recognised as such by the University to which such college is affiliated;

(f) "notified order" means an order published in the Official Gazette;

(g) "prescribed" means prescribed by rules made under section 17;
(h) "relevant University" in relation to a college means the University to which such college is affiliated;

(i) "relevant University Act" means the Gujarat University Act, 1949. the Sardar Patel University Act, 1955, the South Gujarat University Act, Bhavnagar University Act, 1978;

(i) "Tribunal" means the Gujarat Affiliated Colleges Services Tribunal constituted under section 3.

PART - II.

TRIBUNAL.

3. (1) There shall be established by the State Government by a notified order a Tribunal to be called the Gujarat Affiliated Colleges Services Tribunal.

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

Explanation.- In this section the expression "District Judge" shall have the meaning assigned to that expression in article 286 of the Constitution.
Term of office and conditions of service of person appointed to be Tribunal

The power of the State Government to terminate the appointment before the expiry of term.

4. The term for which the person constituting the Tribunal shall hold office and his conditions of service shall be such as may be prescribed.

5. The State Government may terminate the appointment a person to be the Tribunal before the expiry of the term of his office if such person, -

(i) is adjudged in insolvent, or

(ii) engages during his term of office in any paid employment outside the duties of his office, or

(iii) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or

(iv) is convicted an offence involving moral turpitude.

6. (1) The head quarters of the Tribunal shall be at such place as the State Government may, by a notified order, determine.
(2) Notwithstanding anything contained in sub-section (1), the Tribunal may sit at such other place or places other than the place of its headquarters as the Tribunal may, with the approval of the State Government, appoint.

7. (1) The Tribunal shall have jurisdiction to entertain and decide disputes referred to in section 8, all suits and proceedings transferred to it under sub-section (2) of section 13 and appeals made under sub-section (6) of section 14.

(2) Where any order of dismissal, removal or reduction in rank or, otherwise, termination of service of a college employee is decided by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that the college employee shall be reinstated in service or, as the case may be, restored to the rank, which he held immediately before his dismissal, removal, reduction in rank or otherwise termination of service, by the manager of the college and the manager of the college shall forthwith comply with such direction.
(3) Notwithstanding anything contained in any other law for the time being in force where the Tribunal has jurisdiction to entertain and decide a dispute as aforesaid no other person, officer or authority shall have jurisdiction to entertain and decide such dispute and any such dispute pending before any person, officer or authority on the appointed day shall as soon as may be, transferred to the Tribunal for its decision.

8. Where there is any dispute between the Manager of a college and, any college employee, which is connected with the conditions of service of such college employee, the manager or, as the case may be, the college employee may make an application to the Tribunal for the decision of the dispute.

9. The Tribunal may, with the previous sanction of the State Government, make regulations consonant with the provisions of this Act and the rules made there under, for regulating its procedure, including the award of costs by the Tribunal and the right of audience before the Tribunal, and for the purpose of effective discharge of its functions and disposal of its business.
10. (1) For the purpose of exercising its jurisdiction under this Act, the Tribunal shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1980 in respect of the following matters, namely:

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

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) such other matters as may be prescribed.

36 of 1963.

(2) The Tribunal shall be deemed to be a Court for the purpose of section 5 of the Limitation Act, 1963.

11. All proceedings before the Tribunal shall be deemed to be judicial, proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

12. Every decision of the Tribunal shall be final and shall not be called in question before any Civil Court or any other authority.
13. (I) No Civil Court shall have jurisdiction 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 manager of a college and any college employee relating to disputes connected with the conditions of service of such college employee, which are pending in any civil Court on the appointed day shall be transferred to 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 appointed day and such execution, proceedings and appeals shall be decided and disposed of as if this Act has not been enacted.

PART - III.

PROCEDURE FOR IMPOSITION OF PENALTY ON COLLEGE EMPLOYEES.

14. (1) No college employee shall be dismissed or removed or reduced in rank nor shall his service be otherwise terminated by the manager of a college except after -
(a) an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges, and

(b) the action proposed against him is approved by the Vice-Chancellor of the relevant University:

Providing that nothing in this sub-section shall apply to any college employee who is appointed temporarily for a period less than a year.

(2) The Vice-Chancellor shall communicate to the manager of the college in writing, his approval or disapproval of the action proposed, within a period of forty five days from the date of the receipt by the Vice-Chancellor of such proposal.

(3) Where the Vice-Chancellor fails to communicate either approval or disapproval within the period of forty five days specified in sub-section (2) the proposed action shall be deemed to have been approved by the Vice-Chancellor.

(4) No penalty (being the penalty other than that referred to in sub-section (1)) shall be imposed on a college employee unless such employee has been given a reasonable opportunity of being heard.
(5) Where a college employee is suspended by the manager of a college pending any inquiry proposed to be held against him, the fact of such suspension together with the grounds therefore, shall be communicated by the manager of college of the Vice-Chancellor of the relevant University within a period of seven days after such suspension and such suspension shall be subject to ratification by the Vice-Chancellor within a period of forty five days from the date of receipt of the communication in this behalf by the Vice-Chancellor and if such ratification is not communicated to the manager of the college employee shall cease to have effect on the expiry of such period:

Provided that the college employee shall, during the period of suspension, be entitled to such subsistence allowance and on such terms and conditions as may be prescribed.

(6) Any person aggrieved by an order of the Vice-Chancellor under clause (b) of sub-section (1) may make an appeal to the Tribunal within a period of thirty days from the date of the decision of the Vice-Chancellor.

15. If a college employee desires to submit his resignation, he shall tender the same in person to the Registrar of the relevant University.
and a resignation by a college employee shall not be accepted by the manager of a college unless it is so tendered and forwarded to the manager by the Registrar duly endorsed. The acceptance of any resignation tendered in contravention of this section shall be ineffective.

PART - IV.

MISCELLANEOUS.

16. (a) Every contract between the manager of a college and a college employee whether made before or after the appointed day; and

(b) any term or condition of service of the college employee whether employed before or after the appointed day,

shall, to the extent that it takes away any right conferred on such college employee by or under this Act or to the extent of any inconsistency with the provisions of this Act and the rules made thereunder be null and void.

17. (1) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.
(2) Without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely:

(a) the term for which a person constituting the Tribunal shall hold office and his conditions of service under section 4;

(b) the matter to be prescribed under clause (d) of sub-section (1) of section 10;

(c) subsistence allowance to which a college employee shall be entitled during his suspension and the terms and conditions thereof under proviso to sub-section (5) of section 14;

(d) any other matter which is to be or may be prescribed by the rules.

(3) The power to make rule conferred by this section shall be subject to the conditions of the rules being made after previous publication.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.
(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

18. (1) Nothing contained in clause (b) of sub-section (1) and sub-sections (2), (3), (5) and (6) of section 14 and section 15 shall apply to any educational institution established and administered by a minority, whether based on religion or language.

(2) Nothing in this Act shall apply to employees of a college owned by Government.

19. The Gujarat University Act, 1949 shall stand amended to the extent and in the manner set forth in column (2) of the Schedule with effect on and from the date on which the Tribunal is constituted under section 3.

20. (1) The Affiliated Colleges Services Tribunal Ordinance, 1981 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, under the corresponding provisions of this Act.

**SCHEDULE**

(See Section 19)

<table>
<thead>
<tr>
<th>Title of the Act</th>
<th>Extent and manner of amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

The Gujarat University Act, (1) In section 51A, in sub-1949(Bom.50 of 1949). - Section (1), the words "an affiliated college and" shall be deleted.

(2) In Section 52A -

(1) in sub-section(1), the words "an affiliated college or" shall be deleted;

(2) in the marginal note, the words, "affiliated college or" shall be deleted.

---x---x---x---
SCHEDULE VII (2)

GUJARAT ACT NO: 1 OF 1988

(THE GUJARAT UNIVERSITIES SERVICES TRIBUNAL ACT, 1983)

(6th JANUARY, 1988)
An act to provide for the constitution of a Tribunal for the purpose of determining disputes relating to conditions of service of the members of the teaching, other academic and non-teaching staff of Universities in the State of Gujarat, for procedure for imposition of penalty on any such member and for matters connected therewith.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:

PART I
Preliminary

1. (1) This Act may be called the Gujarat Universities Services Tribunal Act, 1983.

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

(a) "appointed day" means the date on which this Act comes into force under sub-section (3) of section 1;

For Statement of Objects and Reasons, see Gujarat Government Gazette, Extraordinary, Part V, Dated the 22nd March 1982 pp 17-7 to 17-8

* This Act was assented to by the President on the 23rd December 1987.
(b) "disciplinary authority" in relation to any University means any authority or officer of the University competent to take disciplinary action against a University employee;

(c) "notified order" means an order published in the Official Gazette;

(d) "prescribed" means prescribed by rules made under section 17;

(e) "relevant University Act" means the Gujarat University Act, 1949, the Maharaja Sayajirao University of Baroda Act, 1949, the Sardar Patel University Act, 1955, the South Gujarat University Act, 1965, The Saurashtra University Act, 1965 or as the case may be, the Bhavnagar University Act, 1978;

(f) "University" means a University constituted under the relevant University Act and includes any institution of higher education in the State other than a University declared under section 3 of the University Grants Commission Act, 1956 to be deemed University for the purpose of the said Act.

(g) "University employee" means any member of the teaching, other academic and non-teaching staff of a University (whether confirmed or temporary or on probation) in the service of such University and for the purpose of any proceeding under this Act in relation to a dispute referred to in sec. 9, includes any such member who has been dismissed, or removed or whose services are otherwise terminated;

(k) "Tribunal" means the Gujarat Universities Services Tribunal constituted under section 3.
PART II
TRIBUNAL

3. (1) There shall be established by the State Government by a notified order a Tribunal to be called the Gujarat Universities Services Tribunal.

(2) 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 Court to be the Tribunal.

Explanation: In this section, the expression "District Judge" shall have the meaning assigned to that expression in article 236 of the Constitution of India.

4. The term for which the person constituting the Tribunal shall hold office and his conditions of service shall be such as may be prescribed.

5. The State Government may terminate the appointment of a person to be the Tribunal before the expiry of the term of his office if such person -

(i) adjudged an insolvent, or
(ii) engages during his term of office in any paid employment outside the duties of his office; or
(iii) is, in the opinion of the State Government unfit to continue in office by reasons of infirmity of mind or body, or
(iv) is, convicted of an offence involving moral turpitude.
6. (1) The head-quarters of the Tribunal shall be at such place as the State Government may, by a notified order, determine.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may sit at such other place or places or other than the place of its head-quarters as the Tribunal may, with the approval of the State Government, appoint.

7. (1) The Tribunal shall have jurisdiction to entertain and decide disputes referred to in section 8 all suits and proceedings transferred to it under sub-section (2) of section 13 and appeals made under sub-section (3) of section 14.

(2) Where any order of dismissal, removal or reduction in rank or otherwise termination of service of a University employee is decided by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that the University employee shall be reinstated in service or, as the case may be, restored to the rank, which he held immediately before his dismissal, removal, reduction in rank or otherwise termination of service by the University and the University shall forthwith comply with such direction.

(3) Notwithstanding anything contained in any other law for the time being in force, where the Tribunal has jurisdiction to entertain and decide a dispute as aforesaid, no other person officer or authority shall have jurisdiction to entertain and decide such dispute and any such dispute pending before any person, officer, or authority on the appointed day shall, as soon as may be, be transferred to the Tribunal for its decision.
8. Where there is any dispute between the University and any University employee, which is connected with the conditions of service of such University employee, the University or, as the case may be the university employee may make an application to the Tribunal for the decision of the dispute.

9. The Tribunal may, with the previous sanction of the State Government make regulations consistent with the provisions of this Act and the rules made thereunder for regulating its procedure, including the award of costs by the Tribunal and the right of audience before the Tribunal, and for the purpose of effective discharge of its functions and disposal of its business.

10. (1) For the purpose of exercising its jurisdiction under this Act the Tribunal shall have some powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) such other matters as may be prescribed.

(2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963.

11. All proceedings before the Tribunal shall
be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

12. Every decision of the Tribunal shall be final and shall not be called in question before any Civil Court or any other authority.

13 (1) No Civil Court shall have jurisdiction 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 and any University employee relating to disputes connected with the conditions of service of such University employee, which are pending in any Civil Court on the appointed day shall be transferred to 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 appointed day and such execution proceedings and appeals shall be decided and disposed of as if this Act has not been enacted.

PART III

Procedure for Imposition of Penalty on University Employee

14 (1) No University employee shall be removed from University service or reduced in rank nor shall his service be otherwise terminated by the University except after an
inquity in which the employee has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that nothing in this sub-section shall apply to a University employee who is appointed temporarily for a period less than a year or an employee appointed temporarily on a leave vacancy for the period of such vacancy.

(2) No penalty, other than a penalty referred to in sub-section (1) shall be imposed on a University employee unless such employee is given a reasonable opportunity of being heard.

(3) A University employee aggrieved by an order of any penalty imposed on him under sub-section (1) may make an appeal to the Tribunal within a period of thirty days from the date of the order passed by the disciplinary authority.

15. Where a University employee is suspended pending any enquiry proposed to be held against him, the employee shall, during the period of suspension, be entitled to such subsistence allowance and on such conditions as may be prescribed:

Provided that where an order of suspension is made by an officer or authority, not being the disciplinary authority, the facts of such suspension together with the grounds therefore shall be communicated by the officer, or, as the case may be, authority within seven days after such suspension to the disciplinary authority and such suspension shall be subject
to the ratification by the disciplinary authority within a period of forty-five days from the date of the receipt of the communication by the disciplinary authority and where such ratification is not communicated to the officer or authority making the order of suspension within the said period of forty-five days, the suspension of the employee shall cease to have effect on the expiry of such period.

PART IV
MISCELLANEOUS

16 (a) Every contract between the University and a University employee whether made before or after the appointed day; and

(b) any term or condition of service of the University employee whether employed before or after the appointed day shall, to the extent that it takes away any right conferred on such University employee by or under this Act or to the extent of any inconsistency with the provisions of this Act and the rules made thereunder, be null and void.

17 (1) The State Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules, may be made for all or any of the following namely:-

(a) the term for which a person constituting Tribunal shall hold office and his conditions of service under section

Certain contracts to be null and void.

Power of Government to make
(b) the matters to be prescribed under clause (d) of sub-section (1) of section 10:

(c) subsistence allowance to which the University employee shall be entitled under section 15 during suspension pending inquiry against him and the terms and conditions thereof;

(d) any other matter which is to be or may be prescribed.

(3) The power to make rules conferred by this section shall be subject to the conditions of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the official Gazette and shall thereupon take effect.

Amendment of certain provisions of Acts relating to universities in the State.

18. Each of the relevant University Acts specified in column (1) of the Schedule appended to this Act shall be amended in the manner and to the extent specified against it in column (2) thereof with effect on and from the date on which the Tribunal is constituted under section 3.
### SCHEDULE

(See section 18)

<table>
<thead>
<tr>
<th>Title of the Act</th>
<th>Extent and manner of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Gujarat University Act, 1949 (Bom 50 of 1949)</td>
<td>(1) Section 52 shall be deleted</td>
</tr>
<tr>
<td></td>
<td>(2) In section 52-A for sub-section (2) the following sub section shall be substituted, namely:</td>
</tr>
<tr>
<td></td>
<td>&quot;(2) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every request made under sub-section (1) shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940 and the provisions of that Act shall apply accordingly.&quot;</td>
</tr>
<tr>
<td>2. The Maharaja Sayajirao University of Baroda Act 1949 [Baroda Act 17 of 1949]</td>
<td>Section 55 shall be deleted.</td>
</tr>
<tr>
<td>3. The South Gujarat University Act, 1965 (Guj. 38 of 1965)</td>
<td>Section 53 shall be deleted.</td>
</tr>
<tr>
<td>4. The Saurashtra Uni. Act, 1965 (Guj. 39 of 1965)</td>
<td>Section 53 shall be deleted.</td>
</tr>
<tr>
<td>5. The Bhavnagar Uni. Act, 1978 (Guj. 26 of 1978)</td>
<td>Section 58 shall be deleted.</td>
</tr>
</tbody>
</table>
The College Is Crumbling
Chaos in the campus
A SYMBOL OF THE SYSTEM. The examinations are what this Leviathan structure called education is centered upon. These annual rituals are the reason that most colleges toe the university line.

—Michael Rodriguez
WITH THEIR BACKS TO REALITY