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PART V

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE SWARNIM GUJARAT SPORTS UNIVERSITY BILL, 2011.

GUJARAT BILL NO. 14 OF 2011.

A BILL

to establish and incorporate a teaching and affiliating University to be known as the Swarnim Gujarat Sports University in the State of Gujarat and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Swarnim Gujarat Sports University Act, 2011. Short title, extent and commencement.

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

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

- (1) "Academic Council" means the Academic Council of the University constituted under section 19;
- (2) "affiliated college" means a college or institution affiliated to the University under section 27;
- (3) "Board" means the Board of Governors of the University constituted under section 16;
- (4) "Chairman" means the Chairman of the Board appointed under section 11;
- (5) "college" means a college or an institution teaching any of the courses leading to a diploma or a degree;
- (6) "Deans" means the Deans of the University appointed under section 25;
- (7) "Directors" means the Directors of the University appointed under section 24;
- (8) "Finance Committee" means the Finance Committee of the University constituted under section 21;
- (9) "Head Coach" means the Head Coach of the University appointed under section 26;
- (10) "prescribed" means prescribed by the regulations;
- (11) "Registrar" means the Registrar of the University appointed under section 23;
- (12) "regulations" means the regulations of the University made under section 45;
- (13) "teacher" means a person appointed or recognised as such by the University for the purpose of imparting instructions;
- (14) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 9;
- (15) "University" means the Swarnim Gujarat Sports University established and incorporated under section 3;
- (16) "University College" means a college which the University may establish or run under this Act or a college transferred to and run by the University;

(17) "University Department" means any department established and maintained by the University for diploma, degree or post-graduate studies and research.

CHAPTER II

UNIVERSITY

3. (1) There shall be established a University by the name of the "Swarnim Gujarat Sports University". Establishment and incorporation of University.

(2) The Vice-Chancellor, the Chairman, the Board, the Academic Council, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Swarnim Gujarat Sports University".

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

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such proceedings shall be issued to, and served on the Registrar.

(5) The University shall function as an affiliating University and it shall affiliate any other college or institution for the conferment of degrees, diplomas or grant certificates to the students admitted therein.

4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. Headquarters of University.

5. The objects of the University shall be as follows, namely:- Objects of University.

- (i) to develop the knowledge of physical education and sports sciences, providing specially designed academic training programmes in various areas of physical education and sports sciences and also advance technologies of sports training which includes theoretical inputs and practical training to generate expertise and strengthening physical education and sports training programme to promote sports performances;
- (ii) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
- (iii) to generate capabilities for the development of knowledge, skills and competences at various levels in the field of physical education and sports sciences, sports technology and high performance training for all sports and games;

- (iv) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to physical education and sports sciences, sports technology and high performance training for all sports and games;
- (v) to prepare highly qualified leaders in the field of physical education and sports sciences, sports technology and high performance training for all sports and games;
- (vi) to serve as a Centre of Excellence for the elite sportsmen of all sports and games and innovation in physical education and to carry out, endorse and propagate research;
- (vii) to function as a leading resource centre for knowledge and development in the area of physical education and sports sciences, sports technology and high performance training for all sports and games;
- (viii) to provide international collaboration in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
- (ix) to establish close linkage with schools, colleges, sports and recreation clubs, sports associations and international federations for the purpose of teaching, training and research in physical education and sports sciences, sports technology and high performance training for all sports and games;
- (x) such other objects, not inconsistent with the provisions of this Act which the State Government may, on an application by the University, by notification in the *Official Gazette*, specify in this behalf.

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

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, cast, class, place of birth, religious belief or political or other opinion.
- (2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, cast, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely :-

Powers and
functions of
University.

- (i) to administer and manage the University and the University colleges and to establish such institutes and centre for research, education and instructions as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to the physical education and sports sciences, sports technology and high performance training for all sports and games;
- (iii) to conduct innovative experiments in new methods and technologies in the field of sports sciences, technology and management in order to achieve scientific sports training system for all sports and games and international standards of such physical education, sports training and research in sports sciences;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery of methodologies including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas, or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates or other academic distinctions or titles in the manner as may be prescribed;
- (vi) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vii) to establish such special centres, specialized study centres or other units for research and development as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other work and to organise exhibitions, workshops, seminars, symposia, conferences, competitions, etc;
- (ix) to sponsor and undertake research in all aspects of physical education and sports sciences, sports technology, allied areas and high performance training for all sports and games;
- (x) to collaborate or associate with any educational institution with like or similar objects;

- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, coaches, researchers and experts in any part of the world for achieving the objects of the University;
- (xiii) to regulate the expenditure, manage the finance and to maintain accounts of the University;
- (xiv) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the University and consistent with the objects for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
- (xv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests by transfer of movable and immovable properties for the purposes and objects of the University;
- (xvi) to establish, maintain and manage sports infrastructure halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University;
- (xvii) to supervise and control the residence and to regulate the discipline among the students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xviii) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xix) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xx) to purchase or to take on lease any land or building or sports complex or sports infrastructure and scientific sports research equipments or indoor stadium or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;
- (xxi) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or

immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University, after taking prior permission of the State Government;

- (xxii) to draw and accept, to make and endorse, to discount and negotiate Government promissory notes and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxiii) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay money borrowed, after taking prior permission of the State Government;
- (xxiv) to invest the funds of the University in accordance with the provisions of the Act;
- (xxv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University, after taking prior permission of the State Government;
- (xxvi) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvii) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxviii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxix) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professorships, of different sports and games and any other teaching, academic or research posts for sports sciences and to prescribe qualifications for them;
- (xxx) to appoint persons as Directors, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Head Coaches, Coaches, Trainers, Adjunct Professors, Registrar, or otherwise as teachers and researchers of the University;

- (xxxii) subject to the provisions of this Act and the regulations, any officer or authority of the University may, by order, delegate his or its powers (expect the power to make regulations) to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to rest in the officer or authority delegating them;
- (xxxiii) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Jurisdiction of 8. (1) The jurisdiction of the University shall extend to the University, whole of the State of Gujarat.

(2) Notwithstanding anything contained in any other State laws for the time being in force, the colleges or institutions as may be specified by the State Government, by notification in the *Official Gazette*, imparting physical education and sport sciences subjects and affiliated to any other University established by law of the State Legislature shall cease to be affiliated from the University to which such colleges or institutions have been affiliated and such colleges or institutions shall be deemed to be affiliated to the University from such date as specified in the said notification.

Vice-Chancellor. 9. (1) The Vice-Chancellor of the University shall be appointed by the State Government from amongst three persons recommended under sub-section (4) by a Committee appointed for the purpose under sub-section (3).

(2) The person to be appointed as the Vice-Chancellor shall,-

- (i) be a renowned physical educationist and sports person; or
- (ii) be a researcher having out-standing published research work in reputed National or International Journals and have obtained the doctorate degree in the field of Physical Education, or
- (iii) be eminent educationalist or a person with vast experience in administration; and
- (iv) not have attained the age of sixty-five years on the date of nomination.

(3) (a) The State Government, for the purpose of sub-section (1) shall appoint a Committee which shall consist of three members, one of which shall be a renowned sports personality and another shall be a senior Government Officer, either retired or in service or a Vice-Chancellor, acting or retired;

(b) The State Government shall appoint one of the members of the Committee as its Chairperson.

(4) The Committee so appointed under sub-section (3) shall within such time and in such manner as directed by the State Government, select three persons who possess the qualifications mentioned in sub-section (2) whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government, the names of the persons so selected together with such other particulars as it may deem necessary.

(5) The Vice-Chancellor shall hold office for the period of three years and shall be eligible for re-appointment for a further period of three years :

Provided that a person shall not hold office of the Vice-Chancellor after he attains the age of sixty-five years.

(6) The emoluments and other terms and conditions of the service of the Vice-Chancellor shall be such as may be determined by the State Government.

(7) The Vice-Chancellor may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

(8) Whenever a temporary vacancy occurs in the office of Vice-Chancellor and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1), the State Government may direct any of the officers of the University to carry on the current duties of the office of the Vice-Chancellor.

(9) A person shall be disqualified for being appointed, or for being a Vice-Chancellor -

- (i) if he is a member of the Parliament, or of any State Legislature or of any local authority, or
- (ii) if he is a member of a political party, or
- (iii) if he is or any time has been adjudged an insolvent or he has suspended payment of his debts or has compounded with his creditors, or
- (iv) if he is of unsound mind or stands so declared by the competent court, or
- (v) if he is or has been convicted of an offence, which in the opinion of the State Government, involves moral turpitude.

10. (1) The Vice-Chancellor shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the

Powers and
duties of Vice-
Chancellor.

examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

(2) Without prejudice to the generality of the foregoing provisions, the Vice-Chancellor shall –

- (i) be the chief executive and academic officer of the University. He shall preside over the meetings of the Academic Council;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instructions and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board.

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

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Vice-Chancellor, it may refer the matter to the Board which may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effect or, as the case may be, shall take effect in such modified form so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor.

(4) Where the exercise of the powers by the Vice-Chancellor under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Vice-Chancellor, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Vice-Chancellor.

Chairman. 11. (1) There shall be a Chairman of the Board who shall be appointed by the State Government.

(2) The qualifications for appointment and the terms and conditions of the Chairman shall be such as may be determined by the State Government.

12. (1) The Chairman shall preside at the meetings of the Board.

Powers of
Chairman of
Board.

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

13. (1) The State Government shall have the power to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, libraries, laboratories, museum, workshop, and equipments of any college, institution or centre maintained, or affiliated to the University, and also of the teaching, and other work conducted by the University and of the conduct of examination held by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

Inspection and
Inquiry.

(2) The State Government shall in every case give notice to the University of its intention to cause an inspection or an inquiry to be made and the University shall be entitled to be represented thereat.

(3) The State Government shall communicate to the University its views with reference to results of such inspection or inquiry and advise the University for the action to be taken in the matter.

(4) Where the University does not, within the reasonable time, take action to the satisfaction of the State Government, the State Government may issue such directions to the University as it thinks fit and the University shall comply with such directions.

CHAPTER III AUTHORITIES AND OFFICERS OF UNIVERSITY

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

Authorities of
University.

- (i) the Board of Governors;
- (ii) the Academic Council;
- (iii) the Finance Committee; and
- (iv) such other authorities as may be declared by regulations to be the authorities of the University.

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

Officers of
University.

- (i) the Chairman;
- (ii) the Vice-Chancellor;
- (iii) the Directors;
- (iv) the Deans;
- (v) the Registrar; and

- (vi) such other persons in the service of the University as may be declared by regulations, to be the officers of the University.

Board of 16. (1) The Board of Governors of the University shall consist of the Governors. following members, namely:-

- (i) the Chairman;
- (ii) the Vice-Chancellor;
- (iii) one Director of the University, by rotation, to be nominated by the Vice-Chancellor;
- (iv) one Head Coach by rotation, to be nominated by the Vice-Chancellor;
- (v) four persons to be nominated by the State Government.

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

Powers and functions of Board. 17. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, the Finance Committee and other committees or authorities of the University.

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

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

under this Act or the regulations, and such other powers for achieving the objects of the University.

18. (1) Save as otherwise provided in this section, the term of a member of the Board nominated under clauses (iii), (iv) and (v) of sub-section (1) of section 16 shall be three years from the date of his nomination.

Term of office of members of Board.

(2) A member nominated under clauses (iii), (iv) and (v) of sub-section (1) of section 16 may resign from his office by writing under his hand address to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

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

Academic Council.

- (i) the Vice-Chancellor, who shall be the Chairman of the Academic Council;
- (ii) two academicians or professionals, to be nominated by the Board;
- (iii) two academicians or professionals in the field of physical education and sports sciences, to be nominated by the Board;
- (iv) the Directors of the University;
- (v) one Dean of the University, by rotation, to be nominated by the Vice-Chancellor;
- (vi) one Head Coach, by rotation, to be nominated by the Vice-Chancellor; and
- (vii) one professor from each faculty or University department, by rotation, to be nominated by the Vice-Chancellor.

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

(3) The term of office of the members nominated under clauses (ii), (iii), (v), (vi) and (vii) of sub-section (1) shall be three years.

20. Subject to the provisions of this Act and the regulations, the Academic Council shall exercise the following powers and perform the following functions, namely:-

Powers and functions of Academic Council.

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculty of the University or the Board and to take appropriate action thereon;

- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline among students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Finance Committee. 21. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Chairman of the Board, who shall be the Chairman of the Committee;
- (ii) the Vice-Chancellor;
- (iii) two members of the Board (one of them shall be a Government nominee of the Board), to be nominated by the Board;
- (iv) the Director (Finance);
- (v) one expert in the field of finance, to be nominated by the Board;
- (vi) one professor, by rotation, to be nominated by the Board;
- (vii) one Head Coach, by rotation, to be nominated by the Board.

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

(3) The term of office of the members nominated under clauses (iii), (v), (vi) and (vii) shall be three years.

Powers and functions of Finance Committee. 22. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or which involves expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, upgradation of the scales and those items which are not included in the budget prior to placing before the Board; and

(viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

23. (1) The Registrar shall be appointed by the Board in such manner and on such terms and conditions as may be prescribed. **Registrar.**

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

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) he shall be responsible to the Vice-Chancellor for the proper discharge of his functions;
- (iv) he shall be responsible for the administration of the University and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all documents on behalf of the University;
- (vi) he shall verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) he shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Vice-Chancellor.

24. (1) The Directors of the University shall be appointed by the Vice-Chancellor with the approval of the Board in such manner and on **Directors.** such terms and conditions as may be prescribed.

(2) The Directors shall assist the Vice-Chancellor in managing the academic, administrative, financial and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Vice-Chancellor.

25. (1) The Deans shall be appointed by the Vice-Chancellor **Deans.** from amongst the faculties of the University.

(2) The Deans shall assist the Vice-Chancellor and respective Directors of the institutes or centres in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Vice-Chancellor and the Director.

Head Coaches. 26. (1) The Head Coaches shall be appointed by the Vice-Chancellor from amongst the coaching faculties of the University.

(2) The Head Coaches shall assist the Vice-Chancellor and respective Directors of the institutes or centres in managing the academic and other training affairs of the University centre for high performance training and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Vice-Chancellor and the Director.

CHAPTER IV AFFILIATION

Affiliation. 27. (1) A college or institution applying for affiliation to the University shall submit an application to the Registrar, six months prior to the proposed date of starting the college:

Provided that on the recommendation of the Vice-Chancellor, the Board may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain an application for affiliation not submitted to the Registrar within aforesaid period.

(2) Any college or institution applying for affiliation shall apply in such form along with such fees and in such manner and shall fulfil such norms and criteria as may be prescribed.

(3) On receipt of the application made under sub-section (1), the Board shall, in consultation with the Academic Council and after giving to the college or the institution an opportunity of stating its case, determine whether the college will meet a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood and the suitability of the locality where the college is to be established and comply with the provisions of the Act and the regulations, record its opinion as to whether the affiliation should be granted or refused either in whole or in part and communicate the decision to the college or institution.

(4) Where an application for affiliation or any part thereof is granted, the order of the Board shall specify the courses of the instruction in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded and shall be communicated to the college or institution.

(5) Any college or institution not satisfied with the decision of the Board under sub-section (4), may prefer an appeal to the State Government within sixty days from the date of communication of such decision or order and the decision of the State Government on such appeal shall be final.

28. Where an affiliated college desires to add the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 27 shall be followed. Extension of affiliation.

29. (1) Every affiliated college shall furnish such reports, returns and other information as the Board after consulting the Academic Council may require in order to judge the efficiency of such college. Inspection of colleges and report.

(2) The Board shall cause every such college to be inspected from time to time by the inspection committee consisting of the Vice-Chancellor who shall be the Chairman and such other members, as may be appointed by the Board in accordance with the regulations.

(3) It shall be the duty of the inspection committee on the direction of the Board in this behalf, to inspect an affiliated college, and make a report to the Board.

(4) The Board may call upon the college so inspected to take, within a specified period, such actions as may appear to it to be necessary.

30. (1) The rights conferred on a college by affiliation granted under section 27, may be withdrawn in whole or in part or modified if the college fails to carry out any of the provisions of this Act or the regulations or fails to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education. Withdrawal of affiliation.

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

(3) Before taking such motion into consideration the Board shall send a copy of the notice to the principal of the college concerned, together with intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Board:

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

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board after considering the notice of motion, statement and the representation, and after such inspection by any competent person or persons authorised by the Board 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 on the grounds stated therein, withdraw in whole or in part, or modify, the rights conferred by the affiliation and shall communicate to the concerned college:

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 Board, it 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 its views in the matter to the Board.

Appeal against withdrawal of affiliation. 31. Any college aggrieved by the resolution withdrawing wholly or partly or modifying the rights conferred by affiliation passed under sub-section (4) of section 30, may make an appeal to the State Government within sixty days from the date of communication of the resolution and the decision of the State Government on such appeal shall be final.

Withholding or reduction of grant to an affiliated college. 32. The Board may, on recommendation of the Academic Council, recommend to the State Government withholding or reduction of grant to an affiliated college which on a report by inspection committee or otherwise, is found to be making persistent default in carrying out the conditions of affiliation.

Post-graduate teaching. 33. All the post-graduate instructions, teaching and training shall be conducted by the University or by the affiliated college in such subjects as may be prescribed and recognised by the University.

CHAPTER V

FINANCE

Permanent Endowment Fund of University. 34. There shall be a "Permanent Endowment Fund" to which the State Government shall make an initial contribution of rupees five crore. The method of raising Endowment Fund and the investment of the surplus shall be as prescribed.

Payment by State Government to University. 35. The Government shall pay to the University from time to time such sum of money and in such manner as may be considered necessary for the exercise of powers and discharge of its functions by the University under this Act.

Fund of University. 36. (1) The University shall establish a fund to be called the 'University Fund' consisting of –

- (i) any contribution or grants or loans by the State Government and Central Government;
- (ii) the income of the University from all sources including income from fees and charges;
- (iii) the moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests or endowments and other grants, if any;
- (iv) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

(v) the moneys received by the University in any other manner or from any other sources.

(2) The surplus fund of the University shall be deposited in Nationalised Banks or invested in such manner by the Board on the recommendation of the Finance Committee or as per instructions of the State Government from time to time in that behalf.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

37. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed. Accounts, audit and annual report.

(2) The University shall adopt a proper system of internal checks and balances and control in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The audit of the accounts of the University shall be carried out by the Examiner, Local Fund Audit under the provisions of the Gujarat Local Fund Audit Act, 1963. Guj. XLIX of 1963.

(4) The audit report of accounts referred under sub-section (3) shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The University shall prepare for each year an annual report of its activities of the previous year containing such particulars as the Board may specify and submit the same in the form of annual report to the Board on or before such date as may be prescribed, for review and approval.

(6) The copy of the annual report and annual audit report along with the resolution of the Board thereon shall be submitted to the State Government.

38. All officers, teachers and other employees who are in the nature of **Pension**. permanent employment of the University shall be members of the New Pension Scheme of the State Government.

CHAPTER VI SUPPLEMENTARY PROVISIONS

39. No act or proceedings of the Board or any authority of the University or any committee constituted under this Act or by regulations Acts and proceedings not to be invalidate by vacancies.

shall be invalid merely on the ground of the existence of any vacancy in or defect of, in the constitution of such Board, authority or committee of the University.

Conferment of degrees, diplomas and grant of certificates by University.

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

Returns and information.

41. The University shall furnish to the State Government, University Grants Commission and other statutory authorities, such reports, returns, statements and other information as may be required by them from time to time.

Officers and employees to be public servant.

42. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation :-- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or who receives any remuneration by way of allowances or fees for any work done from the University fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

Dismissal, removal, reduction or termination of services of staff of University.

43. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the Vice-Chancellor within ninety days from the date of communication of such order and the decision of the Vice-Chancellor in such appeal shall be final.

Power of State Government to give directions.

44. The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Act and the regulations made thereunder and any other law for the time being in force and the University shall be bound to comply with such directions.

Power to make regulations.

45. (1) Subject to the provisions of this Act, the Board shall have in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the forgoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board and the quorum and conduct of business at such meetings;
- (ii) such other powers and functions of the Vice-Chancellor;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of member thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or other body constituted by or under this Act or by the regulations in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and curricula, and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates, and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirement thereof;
- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Head Coaches, Coaches, trainers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including requisite qualifications thereof;
- (xi) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the terms and conditions for association of the University with other institutions;
- (xiii) the preparation of budget estimates and maintenance of accounts;
- (xiv) the mode of execution of contract or agreements by or on behalf of the University;
- (xv) the classification and procedure for appointment of officers, employees and other staff of the University;

- (xvi) the terms and conditions and the tenure of appointment, salaries and allowances, contractual services, rule of discipline and other conditions of service of the Directors, Head Coaches, other officers, teachers and employees of the University;
- (xvii) the terms and conditions governing deputation of teachers, officers and employees of the University;
- (xviii) the powers and duties of the Directors, Head Coaches, other officers, teachers and employees of the University;
- (xix) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xx) the authentication of the orders and the decisions of the Board;
- (xxi) the matter relating to hostel for students and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxii) all matters which by this Act are to be or may be prescribed.

CHAPTER VII TRANSITORY PROVISIONS

Completion of courses of students in colleges affiliated to other Universities. 46. Notwithstanding anything contained in this Act or the regulations, any student of a college or institution affiliated to other University, who immediately before the date of affiliation to the University, was studying or was eligible for any examination of the other Universities shall be permitted to complete his course in preparation therefore and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students in accordance with the course of studies of the other University.

Appointment of First Vice-Chancellor. 47. Notwithstanding anything contained in section 9, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after coming into force of this Act for a period not exceeding one year on such terms and conditions as it may think fit.

Appointment of first Registrar. 48. Notwithstanding anything contained in section 23, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of the Act, for a period not exceeding three years and on such conditions as the State Government thinks fit.

Transitory powers of Vice-Chancellor. 49. Notwithstanding anything contained in this Act, the Vice-Chancellor may, with the prior approval of the Board and subject to availability of the funds, discharge all or any of the functions of the University for the purposes of carrying out the provisions of this Act and the regulations and for the purpose, may exercise any power or perform any duty which by or under this Act and regulations is to be exercised or

performed by any authority of the University until such authority comes in to existence in accordance with the provisions of this Act and the regulations.

50. No suit, prosecution or other legal proceedings shall lie against **Indemnity**. and no damage shall be claimed from the University, the Vice-Chancellor, the Chairman, the Directors, the authorities or officers or employees of the University or any other person in respect of any thing which is done in good faith or purporting to be done in pursuance of provisions of this Act or any regulations made there under.

51. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

Power of State Government to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

The State Government gives top priority to the sports. To achieve excellence in sports and improve the performance at various competitions, the State Government intends to undertake to organize various sports competitions at the various levels through "*Khel Maha Kumbh*". In 2010, the Golden Jubilee Year of the formation of the State, "*Khel Maha Kumbh*" was organised which had record participants reaching the figure of 13.30 lakhs. Encouraged by this, the State Government had declared its intention to establish a Sports University in the State, so as to cultivate the sports culture among the people of the State as also to develop centres, institutions which can provide appropriate training and professional independence to improve the performance of the sports persons of the State. It is pertinent to have institutions either established or run by various educational foundations/institutions/trusts so as to bring them under one umbrella. This University will be basically mandated to promote sports facilities in the State to support with all resources and manpower at its disposal so as to encourage the young generation of the State to become successful at the highest level including national and inter-national in different sports.

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.-This clause provides for short title, extent and commencement.

Clause 2.-This clause defines certain terms used in the Bill.

Clause 3.- This clause provides for establishment and incorporation of University.

Clauses 4 and 5.-These clauses provide for headquarters and objects of the University.

Clause 6. -This clause provides that the University shall open to all for membership in any authority, body, etc. and also for admission of students irrespective of sex, religion, class, creed or opinion.

Clause 7.-This clause provides for the powers and functions of the University.

Clause 8.- This clause provides for the jurisdiction of the University. It also provides that the colleges or institutions imparting education and training in physical education and sport sciences shall cease to be affiliated to other Universities and shall be deemed to be affiliated to the proposed University on the issue of notification by the State Government in this behalf.

Clauses 9 and 10.-These clauses provide for the qualifications as well as the method of appointment of a person for appointment as the Vice-Chancellor of the University and his powers and duties.

Clauses 11 and 12.-These clauses provide for the appointment of the Chairman of the Board and his powers and functions.

Clause 13.-This clause provides for inspection and inquiry of the buildings, libraries, laboratories, museum, workshop, and equipments of any college, institution or centre of the University, and also the matter connected with the administration, academic affairs and finances of the University by the State Government.

Clauses 14 and 15.-These clauses provide for the Authorities and officers of the University.

Clauses 16 and 18.- These clauses provide for the constitution of Board of Governors, powers and functions of the Board and term of office of the members of the Board.

Clauses 19 and 20.-These clauses provide for the constitution, powers and functions of the Academic Council; and term of office of the members of the Academic Council.

Clauses 21 and 22.-These clauses provide for the constitution, powers and functions of the Finance Committee; and term of office of the members of the Finance Committee.

Clause 23.-This clause provides for the appointment, powers and functions of the Registrar of the University.

Clauses 24 to 26.-These clauses provide for the appointment, powers and functions of the Directors, the Deans and the Head Coaches of the University.

Clauses 27 to 33.-These clauses provide for affiliation, extension of affiliation, inspection of colleges and report, withdrawal of affiliation, appeal against withdrawal of affiliation, withholding or reduction of grant to an affiliated college and post-graduate teaching of the University.

Clause 34.-This clause provides for the Permanent Endowment Fund to which the State Government shall make an initial contribution of rupees five crore, the method of raising Endowment Fund and investment of the surplus fund.

Clause 35.- This clause provides for payment by the State Government to the University such sum of money for exercise of powers and discharge of function by the University.

Clause 36.-This clause provides for the establishment of University Fund and investment of surplus funds.

Clause 37.-This clause provides for the maintenance of proper accounts by the University and audit of accounts by the Examiner of Local Fund Accounts. It also provides that for preparation of annual report submission of the same to the State Government.

Clause 38.-This clause provides for pension of teachers and other employees of the University.

Clause 40.-This clause provides that University shall have power to confer degrees and diplomas and grant of certificates, honorary degrees, other academic distinctions and titles.

Clause 41.-This clause provides that the University shall furnish the such reports, returns and other information, etc., to the State Government, University Grants Commission and other statutory authorities as may be required by them.

Clause 42.-This clause provides that the officers and employees of the University shall be public servants.

Clause 43.-This clause provides that no officer, employee or member of the teaching or non-teaching staff of the University shall be dismissed, removed, reduced in rank or his services shall be terminated except an inquiry and given a reasonable opportunity of being heard.

Clause 44.-This clause provides that the State Government shall have power to give directions to the University for compliance of the provisions of the Act and regulations and other laws.

Clauses 45 to 51.-These clauses provide for making of regulations by the Board, provisions for completion of courses of students in colleges affiliated to other Universities, appointment of first Vice-Chancellor, appointment of first Registrar, transitory powers of Vice-Chancellor, usual indemnity and power of the State Government to remove difficulties.

FAKIRBHAI WAGHELA,

FINANCIAL MEMORANDUM

Clause 34 provides for payment by the State Government a sum of rupees five crore for initial contribution to Permanent Endowment Fund of the University.

Clause 35 provides for payment of such sum of money by the State Government to the University for meeting with the expenditure of the University in exercise of powers and performance of its functions.

Clause 36 provides for payment of grants by the State Government to the University.

It is not feasible to estimate the expenditure at present for making the University fully functional. During the financial year 2011-12 an amount of rupees ten crore has been provided.

FAKIRBHAI WAGHELA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.- This clause empowers the State Government to specify by notification in the *Official Gazette*, the place of headquarter of the University.

Clause 5.- Sub-clause (x) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such other objects of the University.

Clause 7.- (i) Sub-clause (iv) of this clause empowers the Board to prescribe by regulations, the course of study and the curricula;

(ii) sub-clause (v) of this clause empowers the University to determine by regulations, the conditions subject to which it may confer degrees and diplomas and to grant certificates and other academic distinctions of titles and also empowers the Board to prescribe by regulations the manner in which the University may withdraw or cancel any such degree, diploma or certificate;

(iii) sub-clause (vi) empowers the Board to prescribe by regulations, the manner in which the University may confer honorary degrees or other distinctions;

(iv) sub-clause (xviii) empowers the Board to prescribe by regulations, to fix, demand and receive or recover fees and such other charges;

(v) sub-clause (xxvi) empowers the Board to prescribe by regulations, the manner in which the students shall be admitted to the courses offered by the University;

(vi) sub-clause (xxviii) empowers the Board to prescribe by regulations, to provide for the disciplinary measures to be taken against the officers and the employees of the University;

(vii) sub-clause (xxix) empowers the Board to prescribe by regulations, the qualifications for appointment of the persons on the post of professors, associate professors, assistant professors, readers, lecturer, endowed professors, honorary professors, adjunct professors, emeritus professors, head coaches, coaches, trainers of different sports and games and any other teaching, academic or research and other posts of the University.

Clause 8.- Sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, that the colleges and educational institutions imparting physical education and education in sport sciences subjects in the State, shall cease to be affiliated to any other University and shall be deemed to be affiliated to the University from such date as specified in the said notification.

Clause 10.- Para (v) of sub-clause (2) of this clause empowers the University to prescribe by regulations, such other powers and duties of the Vice-Chancellor.

Clause 11.- Sub-clause (2) of this clause empowers the State Government to determine the qualifications and terms and conditions for appointment of the Chairman.

Clause 12.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers and functions of the Chairman.

Clause 14.—Sub-clause (iv) of this clause empowers the Board to declare by regulations, such other authorities to be the authorities of the University.

Clause 15.—Sub-clause (vi) of this clause empowers the Board to declare by regulations, such other persons to be the officers of the University.

Clause 17.—(i) Para (iii) of sub-clause (2) of this clause empowers the Board to make regulations for carrying out the purposes of the Act;

(ii) Para (x) of sub-clause (2) of this clause empowers the Board to prescribe by regulations, other powers and duties of the Board which may be conferred or imposed upon for achieving the objects of the University.

Clause 20.—Sub-clause (iv) of this clause empowers Board to prescribe by regulations, other powers and functions of the Academic Council.

Clause 22.— Sub-clause (viii) of this clause empowers the University to prescribe by regulations, other powers and functions of the Finance Committee.

Clause 23.— (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and such terms and conditions on which the Registrar shall be appointed;

(ii) Para (vii) of sub-clause (2) of this clause empowers the Board to prescribe by regulations, other powers and functions of the Registrar.

Clause 24.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and such terms and conditions on which the Directors shall be appointed;

(ii) sub-clause (2) of this clause empowers the Board to prescribe by regulations, other powers and functions of the Directors.

Clause 25.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, other powers and functions of the Deans.

Clause 26.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, other powers and functions of the Head Coaches.

Clause 27.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, the form of application, fees, norms and criteria and the manner for making an application by a college for affiliation.

Clause 33.- This clause empowers the Board to prescribe by regulations, the subjects in which all the post-graduate instructions, teaching and training shall be conducted.

Clause 37.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, form for maintenance of proper accounts and other relevant records, annual statement of accounts, income and expenditure account and balance sheet and the manner in which they shall be maintained and prepared;

(ii) sub-clause (2) empowers the Board to prescribe by regulations, manner for maintenance of proper systems of internal checks and balances in discharge of financial, accounting and auditing functions of the University;

(iii) sub-clause (5) of this clause empowers the Board to specify by regulations, the particulars of activities of the University of previous year to be contained in the annual report and the date by which annual report shall be submitted to the Board.

Clause 44.- This clause empowers the State Government to issue directions to the University, as may be required for compliance of the provisions of the Act, the regulations made thereunder and any other law.

Clause 45.- Sub-clause (1) of this clause empowers the Board to make regulations for the administration and management of the affairs of the University;

Clause 46.- This clause empowers the University to prescribe by regulations, the period within which and the manner in which students of other colleges affiliated to the University shall complete the instruction, teaching, training and examination in accordance with the course of studies of that University.

Clause 51.- This clause empowers the State Government to make the provisions, by order published in the *Official Gazette*, to remove any difficulty, arising within two years from the commencement of the Act, in giving effect to the provisions of this Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 8th March, 2011.

FAKIRBHAI WAGHELA.

Gandhinagar,
Dated the 9th March, 2010.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.