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PART-V

Bills introduced in the Gujarat Legislative Assembly

(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 INSTITUTE OF INFRASTRUCTURE, TECHNOLOGY, RESEARCH AND MANAGEMENT BILL, 2012.

GUJARAT BILL NO. 1 OF 2012.

A BILL

to provide for the establishment of the University to be known as the Institute of Infrastructure, Technology, Research And Management to facilitate and promote studies, research, technology incubation, product innovation and extension work in the field of infrastructure science, technology and management education and also to achieve excellence in higher technical education and other matters connected therewith or incidental thereto.

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

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Institute of Infrastructure, Technology, Research And Management Act, 2012.

Short title and commencement.

(2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

V-Ex. 1

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

- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
- (ii) "Board" means the Board of Governors of the University constituted under section 12;
- (iii) "Chairman" means the Chairman of the University appointed under section 10;
- (iv) "Dean" means the Deans of the faculties of the University appointed under section 24;
- (v) "Director" means the Directors of the University Schools appointed under section 23;
- (vi) "Director General" means the Director General of the University appointed under section 19;
- (vii) "Finance Committee" means the Finance Committee of the University constituted under section 17;
- (viii) "prescribed" means prescribed by regulations;
- (ix) "Registrar" means Registrar of the University appointed under section 22;
- (x) "Regulations" means regulations of University made under section 36;
- (xi) "State Government" means Government of Gujarat;
- (xii) "University" means the Institute of Infrastructure, Technology, Research And Management established and incorporated under section 3;
- (xiii) "University School" means any school or centre established and maintained by the University for research, studies, etc.

CHAPTER II UNIVERSITY

Establishment and incorporation of University. 3. (1) There shall be established a University by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(2) The Chairman, the Board, the Academic Council, the Finance Committee, the Director General, 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, are hereby constitute a body corporate by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(3) The University shall be a body corporate by the name aforesaid, having perpetual succession and a 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 and be sued.

(4) The University shall function as a non-affiliating University and it shall not affiliate any other college or institute for the conferment of degree, diploma, certificate, other academic distinctions and titles to the students admitted therein.

4. The headquarters of the University shall be at Ahmedabad.

Headquarters
of University.

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

Objects of
University.

- (i) to provide a system of technical education capable of responding to the changing requirements of technical manpower;
- (ii) to bring about qualitative improvement in teaching and learning process;
- (iii) to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;
- (iv) to facilitate and promote studies leading to award of degrees, diplomas and certificates;
- (v) to organize advanced studies and promote research, with a focus on basic and applied sciences, engineering, technology and management;
- (vi) to achieve excellence in science, engineering, technology, management and allied areas and matters connected therewith or incidental thereto;
- (vii) to provide necessary help to encourage entrepreneurship amongst students;
- (viii) to maintain live contact with alumni and develop alumni sponsored programmes;
- (ix) to promote research, teaching methodology, application of scientific knowledge in the field of infrastructure;
- (x) to help foster bond between research and academic institutions and infrastructural development agencies for better planning, management, execution, maintenance and standards of infrastructure.

6. 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.

- (1) to provide for instruction and research in such branches of engineering and technology, management, sciences and arts, as the University may think fit, and for the advancement of learning and dissemination of knowledge in such branches;
- (2) to admit the students for the courses offered by the University in the prescribed manner;
- (3) to hold examinations and grant degrees, diplomas, certificates or other academic distinctions or titles subject to such conditions as the University may determine;
- (4) to confer honorary degrees or other academic distinctions in the prescribed manner;
- (5) to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons;
- (6) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (7) to sponsor and undertake research in all aspects of science, technology, management and arts in relation to the domains of infrastructure development, management and allied areas; and to offer executive developmental programmes;
- (8) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partly 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;
- (9) to develop and maintain relationships with teachers, researchers and experts in the domains of infrastructure development, technology, management and allied areas in any part of the world for achieving the objects of the University;
- (10) to fix, demand and receive fees and other charges as may be prescribed;
- (11) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the object 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, bodies or any person for receiving any grants;
- (12) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (13) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (14) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit with the prior approval of the State Government and to pay out of the funds of the University, all expenses incidental to the

raising of money, to repay and redeem any money borrowed under intimation to the State Government;

(15) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

(16) to purchase or to take on lease or accept as gift or otherwise, any land or building 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 to construct, alter and maintain any such buildings or works;

(17) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(18) to frame regulations for the functioning of its authorities, officers and for proper discharge of its powers and functions;

(19) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;

(20) to regulate and enforce discipline amongst the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;

(21) to establish, maintain and manage schools of studies, teaching departments, centres of studies and such other units for research and instruction as in the opinion of the University, necessary for the furtherance of its objects;

(22) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculty, officers and employees of the University and the guest house;

(23) to prescribe course of study and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;

(24) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order delegate all or any of his or its powers (except the power to make regulations) to any other officer or authority under his or its control; and

(25) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

7. (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, caste, class, place of birth, religious belief or political or other opinion.

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

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in

the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

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

- (i) the Board;
- (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.

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

- (i) the Chairman;
- (ii) the Director General;
- (iii) the Directors;
- (iv) the Deans;
- (v) the Registrar; and
- (vi) such other persons as may be declared by regulations to be the officers of the University.

Chairman. 10. (1) The Chairman of the University shall be appointed by the State Government, who shall,-

- (a) be an eminent educationalist or technologist or industrialist or administrator having vision for human resources development; and
- (b) be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.

(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.

(3) The other terms and conditions of the Chairman shall be such as may be determined by the regulations.

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Chairman of the University in accordance with the provision of sub-section (1).

(5) The Chairman 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.

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

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

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

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

- (i) the Chairman;
- (ii) the Director General;
- (iii) the Secretary to the Government of Gujarat, Education Department, *ex-officio* or his representative;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) the Commissioner, Technical Education, Gujarat State, *ex-officio* or his representative;
- (vi) a Vice-Chancellor or *ex Vice-Chancellor* of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the State Government;
- (vii) two expert academicians, to be nominated by the Board; and
- (viii) three experts representing other disciplines such as finance, legal, management, humanities or industries, to be nominated by the Board.

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

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions 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, Finance Committee and other committees or authorities constituted by 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 questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;

Powers and functions of Board.

- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;
- (vii) to create or abolish posts of teachers, officers and other employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it; and
- (xi) 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 all such other powers for achieving the objects of the University.

Term of office and vacancies amongst members of Board and allowances, etc.

14. (1) Save as otherwise provided in this section, the term of office of other members of the Board shall be three years from the date of his nomination; the term of office of an *ex- officio* member shall continue so long as he holds the office by virtue of which he is a member of the Board.

(2) A member shall not be eligible for re-nomination for more than two terms.

(3) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

(4) Any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled up in the same manner as provided in section 12 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(5) The members of the Board shall be entitled to such allowances, as may be provided for in the regulations.

Academic Council.

15. The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and examination within the University.

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

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;

- (iii) two Directors, by rotation, to be nominated by the Board;
- (iv) two Deans, by rotation, to be nominated by the Board;
- (v) faculties of University School not exceeding three, to be nominated by the Director General.

(3) The Registrar shall be the Secretary of the Academic Council.

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

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Academic Council and his resignation shall take effect from such date it is accepted by the Chairman of the Academic Council.

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

- (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 faculties/officers 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 of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

Powers and
functions of
Academic
Council.

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

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean, by rotation, to be nominated by the Director General;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) one expert in the field of finance, to be nominated by the Board;

Finance
Committee.

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

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

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

Powers and
functions of
Finance
Committee.

18. 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 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 for which 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, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed; and
- (ix) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Director
General.

19. (1) The Director General shall be appointed by the Board with the approval of the State Government, in the manner as may be prescribed by regulations.

(2) The Director General shall be a scholar of eminence in one of the areas of applied sciences, engineering; infrastructural science, technology or management having suitable administrative experience.

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

(4) The term of office of the Director General shall be determined by the Board for a period not exceeding five years or till he attains the age of seventy years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it can not be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to be the Director General and may, from time to time, extend the term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date it is accepted by the Chairman.

(7) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the Chairman of the University.

20. Without prejudice to the generality of the provision contained in section 19, the Director General shall –

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) 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 or by the Chairman.

Powers and functions of Director General.

21. (1) Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Director General may take such action as he may deem fit with the consent of the Chairman and shall forthwith report 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:

Emergency powers of Director General.

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General 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

However, such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General due to urgency of matter under sub-section (1).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 Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

Registrar.

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

(2) The Registrar shall,--

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) 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) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services 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) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) 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 Director General.

Directors.

23. (1) The Directors of the University School shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

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

Deans.

24. (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University.

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

25. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

Delegation of powers.

26. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed.

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

27. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons.

Withdrawal of degree or diploma and other academic distinction.

CHAPTER IV FINANCE AND ACCOUNTS

28. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of -

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

University Fund.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as the Board on the recommendation of the Finance Committee or as per the instructions of the State Government issued from time to time in this behalf.

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

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

**Accounts, audit
and annual
report.**

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

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

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

38 of 1949.

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

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

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

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

30. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such

**Pension,
provident fund
and insurance.**

manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

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

CHAPTER V MISCELLANEOUS

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

Acts and
proceeding not
to be
invalidated by
vacancies.

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

Returns and
information.

45 of 1860. 33. 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.

Officers and
employees to
be public
servants.

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 received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

34. (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.

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

(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 Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

35. The State Government shall have power to issue direction from time to time as may be required for compliance of the provisions of this Act, the regulation and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give
directions.

Power to make regulations.

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

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

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (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 members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) the procedures and criteria to be followed in establishing courses of study and admission of students;
- (viii) the procedure to be followed for enforcing discipline in the University;
- (ix) the management of the properties of the University;
- (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
- (xi) the conduct of examinations including the term of office and appointment of examiners;
- (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;

- (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
- (xv) the terms and conditions for association of the University with other institutions;
- (xvi) the preparation of budget estimates and maintenance of accounts;
- (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
- (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and other employees of the University;
- (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
- (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
- (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxiii) the authentication of the orders and the decisions of the Board;
- (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxv) all matters which, by this Act, are to be or may be prescribed.

37. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder. Indemnity.

38. (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: Powers to remove 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.

CHAPTER VI

TRANSITORY PROVISIONS

Appointment of first Chairman and members of the Board. 39. Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board.

Appointment of first Director General. 40. (1) Notwithstanding anything contained in section 19, the State Government shall appoint the first Director General, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Director General.

(2) The first Director General may, with the prior approval of the Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations.

Appointment of first Registrar. 41. Notwithstanding anything contained in section 22, the State Government shall appoint the first Registrar, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise the powers and discharge the functions of the Registrar.

STATEMENT OF OBJECTS AND REASONS

The demand for engineers in the area of infrastructure, technology, research and management has increased considerably in the recent years. Gujarat being the leading State in the country in the area of infrastructure development, this demand is much higher in the State in comparison to other States. It is expected that in the next few years this demand is going to increase many fold. To cater the need of this specific demand of trained manpower in the area of infrastructure and to provide a platform for the research based institute in the field of engineering, it is considered necessary to have a dedicated autonomous institute with the powers of University.

This Act will provide for the constitution of the Institute of Infrastructure, Technology, Research And Management and to incorporate it as a non-affiliating, teaching and research University at Ahmedabad to enable it to function more efficiently as a teaching and research centre in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning in the field of engineering and technology, applied sciences and management sciences in general. This will lead to the development centre of excellence in the area of infrastructure engineering and will boost technical education in the State of Gujarat. It is expected that the Institute shall accommodate approximately 2000 students in the campus, when fully functional. Out of these, 50 per cent. will be Under Graduates and remaining from Post-Graduates Doctoral and sponsored courses in the area of engineering and management.

This 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 and commencement.

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

Clauses 3 to 5.- These clauses provide for the establishment, incorporation of the University and also objects and head quarters of the University.

Clause 6.- This clause provides for the powers and functions of the University.

Clauses 8 and 9.- These clauses relate to authorities and officers University.

Clauses 10 and 11.- These clauses provide for the appointment of the Chairman of the University and his powers.

Clauses 12 to 14.- These clauses relate to the constitution of the Board of Governors and its powers and functions; the term of office and the allowances to be paid to the members of the Board.

Clauses 15 and 16.- These clauses provide for the constitution and powers and functions of the Academic Council.

Clauses 17 and 18.- These clauses provide for the constitution of the Finance Committee and its powers and functions.

Clauses 19 and 20.- These clauses provide for appointment of the Director General of the University and his powers and functions.

Clause 21.- This clause provides for emergency powers of the Director General of the University.

Clause 22.- This clause provides for appointment of the Registrar of the University and his powers and functions.

Clause 23.- This clause provides for the appointment of the Directors of the University and their powers and functions.

Clause 24.- This clause provides for the appointment of the Deans of the University and their powers and functions.

Clause 25.- This clause provides for the delegation of powers by any officer or authority of the University to any other officer or authority under his or its control.

Clauses 26 and 27.- These clauses provide for the power of the University for conferment of degrees and diplomas and grant of certificates and for the withdrawal of degrees and diplomas or other academic distinction.

Clause 28.- This clause provides for the fund of the University.

Clause 29.- This clause provides for the preparation and maintenance of accounts and other relevant records, annual statement of accounts, proper system of internal checks and balances and control over financial and accounting matters, concurrent audit, internal audit, regular audit of accounts, and preparation of annual report.

Clause 30.- This clause provides for pension, provident fund and insurance of officers, teachers and other employees of the University.

Clause 31.- This clause provides that no act or proceeding of the Board or any authority or any Committee of the University shall be invalidated merely by the existence of any vacancy in or defect of, in the constitution of such Board, authority or Committee of the University.

Clause 32.- This clause provides for furnishing of the returns and information to the State Government, University Grants Commission and other statutory authorities.

Clause 33. - This clause provides that the officers, teachers and employees of the University shall be deemed to be the public servants.

Clause 34. - This clause provides for dismissal, removal, reduction and termination of service of staff of the University.

Clause 35.-This clause provides for the power of the State Government to give directions to the University as may be required from time to time.

Clause 36.- This clause empowers the Board to make regulations to provide for the academic matters, administration and management of the affairs of the University.

Clause 37.-This clause provides for usual indemnity for action taken by the University or any bodies, authorities, officers or other employees in good faith.

Clause 38.-This clause provides for the power of the State Government to remove difficulties arising within three years from the date of commencement of the Act.

Clauses 39 to 41.— These clauses provide for the appointment of the first Chairman, first Director General and first Registrar of the University, by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 28 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would involve an estimated annual expenditure for the financial year 2011-12 of rupees 18 crores and for the financial year 2012-13 of rupees 67 crores from the Consolidated Fund of the State, out of which rupees 47 crores would be of capital expenditure and rupees 10 crores would be of recurring nature and rupees 10 crores would be of non-recurring nature.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for 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 remaining provisions of the Act shall come into force.

Clause 6.- (i) Sub-Clause (2) of this clause empowers the Board to prescribe by regulations, the manner in which the students shall be admitted to for courses offered by the University;

(ii) Sub-clause (4) empowers the Board to prescribe by Regulations, the manner in which the University may confer honorary degrees or other academic distinctions;

(iii) sub-clause (10) empowers the Board to prescribe by regulations, the fees and other charges to be fixed, demanded, received or recovered by the University.;

(iv) Sub-clause (20) empowers the Board to prescribe by Regulations, the manner in which the discipline shall be enforced and regulated amongst the officers and employees of the University;

(v) sub-clause (23) of this clause empowers the Board to prescribe the course of study and curricula.

Clause 8.— Sub-clause (iv) of this clause empowers the Board to declare by Regulations, such other authorities to be the authorities of the University.

Clause 9.— Sub-clause (vi) of this clause empowers the Board to declare by Regulations, such other persons to be the officers of the University.

Clause 10.— Sub-clause (3) of this clause empowers the Board to determine by Regulations, the other terms and conditions on which the Chairman of the University shall be appointed.

Clause 11.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Chairman.

Clause 13.- (i) para (iv) of sub-clause (2) of this clause empowers the Board to make regulations for carrying out the purposes of the Act; (ii) para (xi) of sub-clause (2) of this clause empowers the Board to prescribe by Regulations, the other powers which may be exercised and the other duties which may be performed by the Board to achieve the objects of the University.

Clause 15.- Sub-clause (1) of this clause empowers to prescribe by regulations, the manner in which the Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed upon it.

Clause 18.- Sub-clause (viii) of this clause empowers the Board to prescribe by regulations, the manner in which the Finance Committee shall exercise such other powers and perform such other duties as may be conferred or imposed upon it

Clause 19.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which the Director General shall be appointed by the Board;

(ii) sub-clause (7) of this clause empowers the Board to prescribe by regulations, the other terms and conditions of services of the Director General.

Clause 20.- Sub-clause (vi) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Director General.

Clause 22.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the 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, such other powers to be exercised and such other duties to be performed by the Registrar.

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

(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the Directors of University School shall exercise such other powers and perform such other functions.

Clause 24.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, the manner in which the Deans of the respective faculties shall exercise such other powers and perform such other functions.

Clause 25.- This clause empowers any officer or authority of the University subject to the provisions of the Act or any regulations to delegate by order, his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

Clause 26.- This clause empowers the Board to prescribe by regulations, the terms and conditions on which the University shall confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions and titles.

Clause 27.- This clause empowers the Board to prescribe by regulations, the good and sufficient reasons for which the University shall withdraw degrees, diplomas, certificates and other academic distinctions.

Clause 29.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which proper accounts, other relevant records, annual statement of accounts, the income and expenditure statement and balance sheet shall be maintained;

(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the University shall discharge its functions of internal checks and balances and control over financial, accounting and auditing matters;

(iii) sub-clause (6) empowers the Board to prescribe by regulations, the date on or before which annual report containing such particulars shall be submitted to the Board.

Clause 30.- Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and conditions subject to which the University shall constitute such schemes of pension, provident fund and insurance.

Clause 36.- Sub-clause (1) of this clause empowers the Board to make regulations for administration and management of affairs of the University; and sub-clause (2) empowers the Board to make regulations for all or any of the matters specified therein.

Clause 38.- This clause empowers the State Government to make by an order published in the *Official Gazette*, such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the first two years, as appear to be necessary or expedient for removing the difficulty.

Clauses 39 to 41.- These clauses empower the State Government to appoint the first Chairman, the first Director General and the first Registrar for a period not exceeding three years, on such terms and conditions, as the State Government thinks fit.

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

Dated the 14th February, 2012.

RAMANLAL VORA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 14th February, 2012.

C. J. GOTHI,

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