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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarat 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 RAKSHA SHAKTI UNIVERSITY (AMENDMENT)

BILL, 2013.

GUJARAT BILL NO. 27 OF 2013.

A. BILL

further to amend the Raksha Shakti University Act, 2009.

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

- (1) This Act may be called the Raksha Shakti University (Amendment) Act, 2013. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of Guj.
14 of 2009.

2. In the Raksha Shakti University Act, 2009 (hereinafter referred to as "the principal Act"), in section 2, after clause (ii), the following clause shall be inserted, namely:-

"(ii-a) "Chairman" means Chairman of the University appointed under section 7A;".

Amendment of
section 3 of Guj.
14 of 2009.

3. In the principal Act, in section 3, in sub-section (2), for the words "The Director General," the words "The Chairman, the Director General," shall be substituted.

4. In the principal Act, in section 5, for clause (iv), the following clause shall be substituted, namely:-

"(iv) to develop, conduct and review course curriculum, relating to security matters and other related subjects of knowledge with the objective of promoting scholarship and excellence;".

Amendment of
section 7 of Guj.
14 of 2009.

5. In the principal Act, in section 7, for clauses (ii) and (iii), the following clauses shall be substituted, namely:-

"(ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to all aspects of policing and public participation for greater benefits to society;

(iii) to prescribe and conduct courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;".

Insertion of new
section 7A in
Guj. 14 of 2009.

6. In the principal Act, after section 7, the following section shall be inserted, namely:-

Chairman. "7A. (1) (a) The Chairman of the University shall be appointed by the State Government, who shall be the person of eminence and has excelled in any field of governance, policing academics, judiciary, defence studies or internal security.

(b) The Chairman shall not have attained the age of seventy years on the date of nomination or re-nomination.

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

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

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint immediately suitable person to be the Chairman 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.

(6) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review of matters relating to estates, buildings, infrastructure and other systems maintained by the University."

7. In the principal Act, in section 8, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

"(1) (a) The Director General of the University shall be appointed by the State Government on the recommendations of the Search Committee consisting of-

- (i) an eminent educationist;
- (ii) an eminent person who is associated with and has excelled in the field of security;
- (iii) one Vice-Chancellor of any of the Universities of the State of Gujarat.

(b) The State Government shall appoint the Search Committee and nominate one of its members as the Chairman of the Search Committee.

(2) The Director General shall be appointed from amongst the persons who,-

- (i) have achieved distinction and excellence in the field of security and defence or related fields with proven record of his contribution;

Amendment
of section 8 of
Guj. 14 of
2009.

(ii) have not attained the age of sixty-five years on the date of nomination or re-nomination.”.

Amendment 8. In the principal Act, in section 9,-

- (1) sub-section (1) shall be deleted;
- (2) in sub-section (2), in clause (i), the word “Board,” shall be deleted.

Amendment 9. In the principal Act, in section 11, before clause (i), the following clause shall be inserted, namely:-

“(i-a) The Chairman.”.

Amendment 10. In the principal Act, in section 12, in sub-section (1),-

- (1) for clause (i), the following clauses shall be substituted, namely:-

“(i-a) the Chairman, who shall be the Chairman of the Board;
(i) the Director General;”;

- (2) for clause (x), the following clauses shall be substituted, namely:-

“(x) five members from amongst the persons who are associated with and have excelled in the field of defence or education or public services, to be nominated by the State Government;

(xi) one of the Deans by rotation, to be nominated by the Director General.”.

Amendment 11. In the principal Act, in section 16,-

- (1) in sub-section (1), after clause (vii), the following clause shall be added, namely:-

“(viii) three eminent academicians, to be nominated by the State Government;”;

- (2) in sub-section (3), for the words, brackets and figures “clauses (iii), (iv) and (vii)”, the words, brackets and figures “clauses (iii), (iv), (vii) and (viii)” shall be substituted.”.

12. In the principal Act, in section 20, for sub-section (1), the following sub-section shall be substituted, namely:-
- “(1) The Deputy Director General of the University shall be appointed by the State Government by transfer or deputation from amongst the serving senior officers of the State Government in the fields of security or public service or administration.”.
13. In the principal Act, section 25 shall be deleted.
14. In the principal Act, in section 26, for the words “The Government shall pay”, the words “The Government shall give” shall be substituted.
15. In the principal Act, in section 29, sub-section (2) shall be deleted.
16. In the principal Act, in section 32, for the words “such reports,”, the words “such annual reports,” shall be substituted.
17. In the principal Act, in section 39, after the words “from the University,”, the words “the Chairman,” shall be inserted.

Amendment
of section 20
of Guj. 14 of
2009.

Deletion of
section 25 of
Guj. 14 of 2009.

Amendment
of section 26
of Guj. 14 of
2009.

Amendment
of section 29
of Guj. 14 of
2009.

Amendment
of section 32
of Guj. 14 of
2009.

Amendment
of section 39
of Guj. 14 of
2009.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Raksha Shakti University Act, 2009 to establish the Raksha Shakti University to develop an institution in security science and management for bringing about excellence in all functions of security forces and such other related objects. It is considered necessary to have a post of Chairman in the University who has excelled in any field of governance, policing, academics, judiciary, defence studies or internal security and therefore the necessary amendments have been proposed in the Bill. It is also proposed to constitute a Search Committee for the appointment of Director General. Clause (i) of sub-section (2) of section 8 of the Raksha Shakti University Act, 2009 provides for the different categories of persons from which the Director General of the University can be appointed.

It is considered necessary to broadbase the constitution of the Board of Governance to provide scope for appointing persons who are associated with the field of education, defence or public service.

The Bill seeks to amend the said Act to achieve the aforesaid objects.

RAJANI PATEL,

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of a Chairman of the University. If the Bill is enacted and brought into force, it would involve expenditure from the Consolidated Fund of the State as follows:-

(1) Capital Expenditure (Non-recurring)	: Rs. 10 lakhs
(2) Recurring Expenditure	: Rs. 20 lakhs

Total Expenditure	: Rs. 30 lakhs

RAJANI PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect:-

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.

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

Gandhinagar,
Dated the 21st March, 2013.

RAJANI PATEL.

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

Gandhinagar,
Dated the 22nd March, 2013

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