

**THE GUJARAT PRIVATE UNIVERSITIES
(AMENDMENT) BILL, 2021.**

GUJARAT BILL NO. 13 OF 2021.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Sarvajanik Education Society, Surat, Vanita Vishram, Surat, Shri Krishna Educational and Charitable Trust, Vadodara, Shiv Shakti Ashish Trust, Surendranagar, Ankleshwar Rotary Education Society, Bharuch, Shri G.N.Patel Education & Charitable Trust, Rajkot and Shree Monark Education Trust, Ahmedabad have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of 2009.

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on the report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment fund as per the Letter of Intent;

AND WHEREAS the State Government is committed to improving the Ease of Doing Business in all sectors.

AND WHEREAS it is considered necessary to have transparent working and good governance in the Education sector also and for that certain provisions of the said Act are required to be amended so as to minimize the regulatory compliance burden.

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the Act, includes the institutions specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

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

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2021.

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

Amendment of section 3 of Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009 (hereinafter referred to as "the principal Act"), in section 3,-

Guj. 8 of 2009.

(1) in sub-section (5), the words "except the grant-in-aid colleges and institutions" shall be deleted;

(2) sub-section (7) shall be deleted.

3. In the principal Act, in section 4, for the existing proviso, the following proviso shall be substituted, namely:-
 “Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge in any fields after the Government issues Letter of Intent.”
- Amendment of section 4 of Guj. 8 of 2009.
4. In the principal Act, in section 5, in clause (xiii), the words “subject to the approval of the regulatory body” shall be added at the end.
- Amendment of section 5 of Guj. 8 of 2009.
5. In the principal Act, in section 10, the words “subsequent to which the University shall function independent of the Sponsoring Body with all powers vested in the Board of the Governors of the University” shall be added at the end.
- Amendment of section 10 of Guj. 8 of 2009.
6. In the principal Act, in section 14, in sub-section (1), the words “The President may be reappointed for the subsequent years.” shall be added at the end.
- Amendment of section 14 of Guj. 8 of 2009.
7. In the principal Act, section 33 shall be deleted.
- Deletion of section 33 of Guj. 8 of 2009.
8. In the principal Act, in section 34,-
 (1) the words “within five years of its establishment”, shall be deleted;
 (2) for the words “from time to time” the words “as may be required” shall be substituted.
- Amendment of section 34 of Guj. 8 of 2009.
9. In the principal Act, section 41 shall be deleted.
- Deletion of section 41 of Guj. 8 of 2009.
10. In the principal Act, in section 42,-
- Amendment of section 42 of Guj. 8 of 2009.

(1) in sub-section (1), for the words "The Sponsoring Body who intends to dissolve the University", the words "If the Board of Governors intends to dissolve/merge the University, it" shall be substituted;

(2) in sub-section (2), the words "in the sponsoring Body" shall be deleted.

**Amendment
of section 43
of Guj. 8 of
2009.**

11. In the principal Act, in section 43, in sub-section (8), for the words "in the sponsoring Body", the words "in such manner as may be prescribed" shall be substituted.

**Amendment
of Schedule to
Guj. 8 of
2009.**

12. In the principal Act, in the Schedule,-

(1) for the entry at serial No. 3, the following entry shall be substituted, namely:-

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
"33.	Silver Oak University, S.G.Highway, Gota, Ahmedabad- 382481.	Registered under the Companies Act, 2013 (18 of 2013) U80101GJ2018NPL103222.	Silver Oak Campus and Research Foundation, 352/353, 370/371, Gota Gam, Ahmedabad- 382481."

(2) after the entry at serial No. 36, the following entries shall be inserted, namely:-

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
"37.	Sarvajanik University,	Registered under the Gujarat Public Trusts	Sarvajanik Education Society,

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
	M.T.B. College Campus, Opp. Chowpati, Athwalines, Surat-395001.	Act, 1950 (Bom. XXIX of 1950) Surat-F-21. Date: 30-10-1953.	M.T.B. College Campus, Opp. Chowpati, Athwalines, Surat-395001.
38.	Vanita Vishram Women's University, Vanita Vishram Campus, Jawaharlal Nehru Marg, Athwa Gate, Surat-395001	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) Registration No. E1176, Surat Date: 09/10/1962	Vanita Vishram, Jawaharlal Nehru Marg, Athwa Gate, Surat-395001.
39.	Drs. Kiran & Pallavi Patel Global University (KPGU) Krishna Edu. Campus, Block No. 136/Paiki, Vadodara-Mubai NH#8, Varnama, Vadodara-391243.	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) Registration No. E/5737/Vadodara Date: 13 th , October, 2000.	Shri Krishna Educational & Charitable Trust, 103, Gajanan Complex, Old Padra Road, Vadodara-390020.
40.	Surendranagar University, Shree Pandit Nathulalji Vyas Campus, Nr.66KW GETCO sub-station, Wadhvan - Kothirya Road, Wadhwan-363030, Surendranagar.	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) Registration No. E/810/Surendranagar Date: 28/11/2000.	Shiv Shakti Ashish Trust, Sanskruti School of Thoughts, Jai Hind Society Corner, Jintan Road, Surendranagar-363002.
41.	UPL University of Sustainable Technology Block No.402, At & Po. Vataria, Ta. Valia, Dist. Bharuch-393135.	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) F/709/Bharuch, Date: 23/03/2000 GUJ/800/Bharuch,	Ankleshwar Rotary Education Society, At.&Po. Vataria, Ankleshwar-Valia Road, Tal. Valia, Dist. Bharuch-393135.

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
		Registered under the Society Registration Act 1860 Guj/800/Bhruch Date: 29/03/2000.	
42.	Darshan University Rajkot-Morbi highway, At. Hadala Ta.Dist.Rajkot-363650.	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) Registration No.E/8336/Rajkot, Dated: 24-04-2008.	Shri G. N. Patel Education & Charitable Trust 501, Lotas Arcade, 8-Royal Park, Nr.KKV Circle, 150 Ft. Ring Road, Rajkot-360005.
43.	Monark University At & Po. Vahelal, Naroda-Dahegam Road, Ta.Dascroi, Dist.Ahmedabad- 382330	Registered under the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) Registration No.E/13584/Ahmedabad Date:17/04/2001	Shree Monark Education Trust, Ahmedabad. At. & Post Nikol Gam, Mahadev Vas, Ta. City, Dist. Ahmedabad- 382350.”.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act.

The State Government is committed to improving the Ease of Doing Business in all sectors. It is considered necessary to have transparent working and good governance in the Education sector also and for that certain provisions of the said Act are required to be amended so as to minimize the regulatory compliance burden. Accordingly, the amendments have been proposed in the said Act for making the regulatory framework simple and effective. *e.g.* re-appointment of the Presidents of University, dissolution of the University, etc. Sustained reforms in higher education have to be a continuing process and should be carried out.

The Executive Director of Silver Oak University has requested to the State Government to change the sponsoring body of the University for Administrative ease. Hence, necessary amendment is proposed in the said Act.

Further the State Government has received the proposals from the Sarvajanic Education Society, Surat, Vanita Vishram, Surat, Shri Krishna Educational and Charitable Trust, Vadodara, Shiv Shakti Ashish Trust, Surendranagar, Ankleshwar Rotary Education Society, Bharuch, Shri G.N.Patel Education & Charitable Trust, Rajkot and Shree Monark Education Trust, Ahmedabad as the Private Universities. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposals have been considered by the Scrutiny Committee appointed under section 8 of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the sponsoring bodies have complied with the conditions

of the Letter of Intent, it is considered necessary to include the names of the Universities in the Schedule to the Act as envisaged under section 10 of the said Act.

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

BHUPENDRASINH CHUDASAMA,

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

This Bill involves delegation of legislative powers in 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 10.- Sub-section (1) of section 42 proposed to be amended by sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the Board of Governors shall give notice to the State Government for dissolution of the University; and also empowers the State Government to prescribe by rules the manner in which the State Government shall dissolve the University.

Clause 11.- Sub-section (8) of section 43 proposed to be amended by this clause empowers the State Government to prescribe by rules, the manner in which all the assets and liabilities of the University shall be vested.

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

Dated the 23rd March, 2021.

BHUPENDRASINH CHUDASAMA.

ANNEXURE**EXTRACT FROM THE GUJARAT PRIVATE UNIVERSITIES
ACT, 2009.****(Guj. 8 of 2009)**

3. (1) to (4)	XXX	XXX	XXX	Establishment and incorporation of Universities.	
<p>(5) The constituent colleges and institutions of the Sponsoring Body, except the grant-in-aid colleges and institutions, affiliated to and enjoying the privileges of any University immediately before the establishment of the University under sub-section (1); shall cease to be affiliated from that University and shall be deemed to be withdrawn from such privileges from the date of establishment of such University and shall be deemed to be admitted to the privileges of corresponding University of the respective Sponsoring Body specified in the Schedule and all such colleges and institutions shall be the constituents colleges and institutions of that University.</p>					
(6)	XXX	XXX	XXX		
<p>(7) The Universities shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government.</p>					
<p>4. The objects of the Universities shall be to create, organize, preserve and disseminate knowledge in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field for the advancement of mankind in particular and other objects of the Universities shall be as follows, namely:</p>				Objects of University.	
<p>(a) to provide for instruction, teaching and training in the University in the field of higher education and make provisions for research, advancement and dissemination of knowledge;</p>					
<p>(b) to establish, maintain and manage institutions and centres of excellence, to create, organize, preserve and disseminate knowledge in the fields of sciences, technology, humanities, social sciences, education, management,</p>					

commerce, law, pharmacy, healthcare and any other field and to provide research, higher education, professional education, distance learning and e-learning facilities of high order, as per their current status or as they may develop in future;

(c) to develop infrastructure for research, higher education, professional education, teaching, training, extension and outreach, including continuing education, distance learning and e-learning, to create capabilities for upgrading infrastructure to global standards;

(d) to offer the academic programmes of the University through distance education, online education, correspondence and any other mode matching with the environmental developments such as technology need, after obtaining appropriate approvals from the regulatory bodies;

(e) to set up off-campus centres, study centres and examination centres within the State, subject to the permission of the regulatory bodies under any law made by the Parliament and any regulation, rules, etc. made by the regulating bodies;

(f) to create higher levels of intellectual abilities;

(g) to establish state of the art facilities for education and training;

(h) to carry out teaching and research and offer continuing education programmes;

(i) to create centres of excellence for research and development and for sharing knowledge and its application;

(j) to provide consultancy to the industry and public organisations;

(k) to establish main campus or infrastructure in the State of Gujarat necessary for the furtherance of its objects;

(l) to establish examination centres;

- (m) to confer degrees, diplomas, grant certificates and other academic distinctions on the basis of examination or any other method of evaluation subject to the guidelines of the UGC;
- (n) to develop training facilities in the field of higher education;
- (o) to provide for arrangement for national and global participation in the field of higher education;
- (p) to develop educational programmes for certificates, diplomas, degrees and postgraduates courses, doctorate degrees and post-doctoral programmes and to maintain a high standard of education, to collaborate with national and global institutions, to offer programmes and to create capabilities for upgrading programmes to the global standards subject to the guidelines of the UGC;
- (q) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI and Pharmacy Council, and any other similar agency established by the Central Government for regulating the standard education;
- (r) to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication, use of various media and outreach activities at the University relevant to the needs of the University and society, at national and international level;
- (s) to pursue any other objectives as may be approved by the State Government:

Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the State Government has issued letter of intent or in the fields subsequently approved by the State Government.

Powers and functions of University.	5. (i) to (xii)	XXX	XXX	XXX
	(xiii) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;			
	(xiv) to (xxxviii)	XXX	XXX	XXX
Establishment and incorporation of University by legislation.	10. If the Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent, it may bring appropriate legislation for inclusion of the name of the University in the Schedule with such name, location and jurisdiction as specified in the Schedule.			
President.	14. (1) The President shall be appointed by the sponsoring body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the Statutes.			
	(2) to (4)	XXX	XXX	XXX
Convocation.	33. The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.			
Accreditation of University.	34. The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) within five years of its establishment and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.			
Management of University on dissolution of Sponsoring Body.	41. (1) If the sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation, it shall give at least six months prior notice to the State Government.			
	(2) The State Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University			

from the date of dissolution of the sponsoring body till the completion of syllabus by the last batch of students admitted to the University and may also cause the functioning of the University to continue by appointing an administrator in place of the sponsoring body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body as prescribed under this Act.

42. (1) The Sponsoring Body who intends to dissolve the University shall give a notice to that effect in the prescribed manner to the State Government. The State Government, after due consideration, may dissolve the University in the manner as may be prescribed:

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or, as the case may be, awards.

(2) On the dissolution of the University all the assets and liabilities of the University shall vest in the Sponsoring Body in the manner as may be prescribed.

(3) XXX XXX XXX

43. (1) to (7) XXX XXX XXX

(8) On receipt of the report under sub-section (7), the State Government shall dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest in the sponsoring body.

**Special powers
of State
Government in
certain
circumstances.**

SCHEDULE
(See section 3)

Sr. No.	Name and address of the Private University.	Details of registration and registration number.	Sponsoring Body.
1	2	3	4
33.	Silver Oak University, S.G.Highway, Gota, Ahmedabad- 382481	E/18287/Ahmedabad under the Gujarat Public Trusts Act, 1950. Date:-18/12/2007	Silver Oak Education and Research Society, Nr. Bhavik Publications, Opp. Bhagwat Vidyapith, S.G.Highway, Gota, Ahmedabad-382481.

SECRETARY GENERAL OF THE UNITED NATIONS

UNITED NATIONS BUILDING, 15 CHATELAIN

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1958

UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA
MINISTER FOR FOREIGN AFFAIRS

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UNITED NATIONS

United Nations Secretariat
General Secretariat

United Nations Secretariat, New York

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 13 OF 2021.

A BILL

*further to amend the Gujarat Private Universities
Act, 2009.*

**[SHRI BHUPENDRASINH CHUDASAMA,
MINISTER FOR EDUCATION]**

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Secretary,
Gujarat Legislative Assembly.

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