

THE RAKSHA SHAKTI UNIVERSITY BILL, 2009.

GUJARAT BILL NO. 16 OF 2009.

A BILL

to establish and incorporate a University to be known as the Raksha Shakti University in the State of Gujarat and for matters connected therewith or incidental thereto.

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

**CHAPTER I
PRELIMINARY**

**Short title and
commencement.**

- 1.** (1) This Act may be called the Raksha Shakti University Act, 2009.
- (2) 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,-
- (i) "Academic Council" means the Academic Council of the University constituted under section 16;
- (ii) "Board" means the Board of Governors of the University constituted under section 12;
- (iii) "Deans" means the Deans of the University appointed under section 24;
- (iv) "Director of Research and Development" means the Director of Research and Development of the University appointed under section 21;
- (v) "Directors" means the Directors of the Institutes of the University appointed under section 23;
- (vi) "Director General" means the Director General of the University appointed under section 8;

- (vii) "Deputy Director General" means the Deputy Director General of the University appointed under section 20.
- (viii) "Finance Committee" means the Finance Committee of the University constituted under section 18;
- (ix) "prescribed" means prescribed by the regulations;
- (x) "Registrar" means the Registrar of the University appointed under section 22;
- (xi) "Regulations" means the regulations of the University made under section 36;
- (xii) "University" means the Raksha Shakti University established and incorporated under section 3.

CHAPTER II

UNIVERSITY

**Establishment and
incorporation of
University.**

3. (1) There shall be established a University by the name of the "Raksha Shakti University".

(2) The Director General, the Deputy Director General, the Board, the Academic Council, the Directors, Director of Research and Development, 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, hereby constitute a body corporate by the name of the "Raksha Shakti 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 the 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 suits and proceedings shall be issued to, and served on, the Registrar.

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:-
- (i) to develop an institution in Security Science and Management for bringing about excellence in all functions of security forces;
 - (ii) to facilitate research in all matters of internal security;
 - (iii) to extend the benefit of knowledge and skills with regard to law enforcement agencies thereby contributing to the development of individuals and society;
 - (iv) to provide facilities to teachers and students for learning process so that individual attention is provided to the students with the objective of promoting scholarship and excellence;
 - (v) to develop and conduct teaching methodology for security forces thereby encouraging innovation in training;
 - (vi) to encourage and develop ideas and values enshrined in the Constitution of India to bring about improvement in the working of police and other security forces;
 - (vii) to develop respect for the rule of law and faith in equitable administration;
 - (viii) to institute career oriented courses through continuing education and practice;
 - (ix) to carry out research work and organize programmes for better interaction of security forces with people;
 - (x) to prepare youths of the State for becoming effective and efficient security personnel and to conduct courses and award degrees, diplomas and certificates for the said purpose;
 - (xi) such other objects, not inconsistent with the provisions of this Act which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

**Objects of
University.**

**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, caste, 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, 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 or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction, thereof.

Powers and functions of University.

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

- (i) to administer and manage the University and to establish such institutes and centres for research, education and instruction 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 police service and police science;
- (iii) to prescribe courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (iv) 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;
- (v) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vi) 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;
- (vii) to provide for printing, reproduction and publication of research and other work and to organize exhibitions, workshops, seminars, conferences, etc;

- (viii) to sponsor and undertake research in all aspects of functions, behavioural science, technology and allied areas in relation to investigation, detection and prevention of crimes and rehabilitating the victims of crimes for making police objectively result oriented;
- (ix) to collaborate or associate with any educational institution with like or similar objects;
- (x) 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;
- (xi) to develop and maintain relationships with teachers, researchers and experts in the domains of investigation and detection of crimes and furthering the cause of criminal justice system for achieving the objects of the University;
- (xii) to regulate the expenditure, and to manage the finance and to maintain accounts of the University;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purpose 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;
- (xiv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests and by transfers of movable and immovable properties for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;
- (xvi) 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;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed;

- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease 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 proper and to construct, alter and maintain any such buildings or works;
- (xx) 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;
- (xxi) 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;
- (xxii) 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 and redeem any money borrowed after taking prior permission of the State Government;
- (xxiii) 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 University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyance 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;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professors and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as Directors, Director of Research and Development, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Adjunct Professors, Registrar, or otherwise as teachers and researchers of the University;
- (xxx) 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 (except 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 power so delegated shall continue to rest in the officer or authority delegating them;
- (xxxi) 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.

**Director
General.**

- 8.** (1) The Director General of the University shall be appointed by the State Government.
- (2) The Director General shall be appointed from amongst the persons who:-
- (i) have served in any State/Central Police Department/ Organization or Military/Para Military Forces or have been connected with the training of State or Central Police Force or Military or Para Military Forces with proven record;
 - (ii) have not attained the age of sixty-five years on the date of nomination or re-nomination.
- (3) The Director General shall hold office for a period of three years and shall

be eligible for re-appointment for a further period of three years.

(4) The other terms and conditions of the Director General shall be such as may be determined by the State Government.

(5) The Director General may resign from his office by writing under his hand addressed to the State Government and such a resignation shall take effect from the date of acceptance by the State Government.

9. (1) The Director General 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 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 finance of the University.

**Powers and
duties of
Director
General.**

(2) Without prejudice to the generality of the foregoing provisions, the Director General shall -

- (i) be the chief executive and academic officer of the University. He shall preside over the meetings of the Board, Academic Council and the Finance Committee;
- (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 or by the State Government.

(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 Director General may take such action as he may deem fit 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:

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 effects 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 any thing previously done by or under the order of the Director General.

(4) Where the exercise of the power by the Director General under subsection (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 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.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

**Authorities
of
University.**

- 10.** The following shall be the authorities of the University, namely :-
- (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.

**Officers of
University.**

- 11.** The following shall be the officers of the University, namely:-
- (i) The Director General,
 - (ii) The Deputy Director General,
 - (iii) The Director of Research and Development,
 - (iv) The Directors,

- (v) The Deans,
- (vi) The Registrar, and
- (vii) such other persons in the service of the University as may be declared by regulations, to be the officers of the University.

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

- (i) the Director General, who shall be the Chairman of the Board;
- (ii) the Deputy Director General;
- (iii) the Director of Research and Development;
- (iv) one Director of the University, by rotation, to be nominated by the Director General;
- (v) one Police Officer, not below the rank of the Additional Director General of Police, to be nominated by the State Government, *ex-officio*;
- (vi) an officer of the Home Department, not below the rank of the Secretary to Government, to be nominated by the State Government, *ex-officio*;
- (vii) an officer of the Education Department, not below the rank of the Secretary to Government, to be nominated by the State Government, *ex-officio*;
- (viii) the Head of the Directorate of NCC in Gujarat, *ex-officio*;
- (ix) one of the Vice-Chancellors/Directors General of any of the Universities located in Gujarat, to be nominated by the State Government;
- (x) three members from amongst persons who have worked in the State/Central Police Department/Organization or Military/Para Military Forces or from amongst persons connected with the training of State or Central Police Force or Military or Para Military Forces, to be nominated by the State Government.

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

**Powers of
Chairman
of Board.**

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

(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.

**Powers and
function of
Board.**

14. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and the control of 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 and 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 decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treatises, 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 and officers and 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 the Directors of the University;
- (x) to delegate any of its power to the Director General, Deputy Director General, Directors, Deans, Registrar or any other officer,

employee or any 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 such other powers for achieving the objects of the University.

15. (1) Save as otherwise provided in this section, the term of a nominated member of the Board shall be three years from the date of his nomination.

Term of office and vacancies among members of Board.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is the member of the Board.

(3) Any vacancy in the Board, of a member other than *ex-officio* member occurring before the expiry of the prescribed period shall be filled 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.

(4) A member shall be eligible for re-nomination for the next term.

(5) 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.

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

Academic Council.

- (i) the Director General, who shall be the Chairman of the Academic Council;
- (ii) the Deputy Director General;
- (iii) two academicians or professionals, to be nominated by the State Government;

- (iv) two academicians or professionals connected with the service or training of police, military or paramilitary forces, to be nominated by the State Government;
- (v) the Director of Research and Development;
- (vi) the Directors;
- (vii) one professor from each discipline of the University, by rotation, to be nominated by the Director General.

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

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

Powers and functions of Academic Council.

17. Subject to the provisions of this Act and the regulations, the Academic Council of the University shall exercise the following powers and perform following 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 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 of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the regulations.

Finance Committee.

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

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) the Deputy Director General;
- (iii) the Director of Research and Development;
- (iv) two members of the Board (one of them shall be a Government nominee on the Board) to be nominated by the Board.

- (v) the Directors;
- (vi) one expert in the field of finance, to be nominated by the State Government;
- (vii) one professor, 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 (iv), (vi) and (vii) shall be three years.

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

Powers and functions of Finance Committee.

- (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 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, 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.

**Deputy
Director
General.**

20. (1) The Deputy Director General of the University shall be appointed by the State Government by deputation or by transfer from amongst serving police officers of Gujarat, not below the rank of the Inspector General of Police.

- (2) The Deputy Director General shall:
- (i) be principal coordinating officer of the University and exercise such powers and perform such duties as may be entrusted by general or special order by the Director General.
 - (ii) in absence of the Director General, or in the event of his being unable to perform the duties of his office, discharge all the functions and duties of the Director General.
 - (iii) preside over, in absence of the Director General, the meetings of Academic Council, Finance Committee and such other authorities.

**Director of
Research and
Development.**

21. (1) The Director of Research and Development shall be appointed by the Director General with the approval of the Board.

(2) He shall be a renowned researcher having out-standing published research work in reputed National or International Journals.

(3) The qualifications and other terms and conditions of service of the Director of Research and Development shall be such as may be prescribed by the regulations.

(4) He shall assist the Director General in managing the research and development related academic, administrative and other affairs of the institute.

(5) He shall exercise such powers and perform such functions as may be prescribed or entrusted to him by 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 exercise the following powers and perform the 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 Director General 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 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 Director General.

23. (1) The Directors of the institutes 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. **Directors.**

(2) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the institutes 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 Deans shall be appointed by the Director General from amongst the faculties of the University.

(2) The Deans shall assist the Director General 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 Director General and the Director.

CHAPTER IV FINANCE

**Permanent
Endowment
Fund of
University.**

25. The State Government shall place funds at the disposal of the University to be called the Permanent Endowment Fund of sum of twenty crores of rupees or such sum, required for meeting the full operational expenditure of the University, whichever is more, for a period of five years in the form of long term interest bearing securities issued or guaranteed by the Central Government or the State Government.

**Payment by
State
Government to
University.**

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

**Fund of
University.**

27. (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 the 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 transfer 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 source.

(2) All funds of the University shall be deposited in such banks or invested in

such manner as the Board may decide on the recommendation of the Finance Committee.

(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.

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

**Accounts
and audit.**

(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 by the Regulations;

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

**XXXVIII
of 1949.**

(4) The accounts of the University certified by the person or firm so appointed or any other persons authorized in this behalf together with the audit report thereon 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 accounts of the University shall be audited by an internal auditor who shall be a 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 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.

(7) 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 and it shall be laid, as soon as may be after it is received, before the State Legislature.

**Pension,
Insurance
and
Provident
Fund.**

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

(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.

19 of 1925.

**CHAPTER V
SUPPLEMENTARY PROVISIONS**

**Acts and
proceedings
not to be
invalidated
by vacancies.**

30. 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 invalidated 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.

31. 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.

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

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 1960.

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 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.

34. (1) No officers or employees or members 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 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 Director General within ninety days from the date of communication of such order and the decision of the Director General in such appeal shall be final.

35. 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, the regulation made thereunder and any other law for the time being in force and the University shall be bound to comply with such direction.

Powers of State Government to give directions.

Powers 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 powers and functions to be exercised and discharged by the Director General;
- (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, terms 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 regulation 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 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 degree, diplomas, certificates and other academic distinctions and titles and the requirements 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 or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the 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 manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and employees of the University;
- (xiii) the terms and conditions for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xvii) the terms and conditions and tenure of appointment, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director of Research and Development, Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers and employees of the University;
- (xix) the powers and duties of the Director of Research and Development, Directors and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxiii) all other matters which by this Act are to be or may be prescribed.

Appointment of First Registrar. 37. Notwithstanding anything contained in section 22, 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 provisions.

38. Notwithstanding anything contained in this Act, the Director General 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 purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any power or perform any duty 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.

Indemnity.

39. No suit, prosecution or other legal proceedings shall lie against and no damage shall be claimed from the University, 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.

Power of State Government to remove difficulties.

40. (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.

STATEMENT OF OBJECTS AND**REASONS**

Police and security Administration is vital for maintenance of law and order and ensuring peace and harmony in the society. The need of the time is to provide efficient, trained and professional manpower to meet the demand of police and other security forces. The State Government has therefore decided to establish a Raksha Shakti University for preparing youths of the State for meeting the requirement of the security forces.

It is considered necessary to provide unique opportunity to the youths of the State to build their career in police and other security forces by establishing the proposed University. At the same time the police and other security forces would also be benefited by recruiting such trained expert manpower. In addition to this, it is desirable to train and prepare manpower to tackle the up coming challenges from various types of offences such as terrorism, economic offences, cyber crime, telecommunication offences and the offences requiring expertise in Forensic science. To make available such type of expert manpower, it is considered necessary to establish the proposed Raksha Shakti University.

The proposed Raksha Shakti University will be unique of its kind in our country and Gujarat will once again take the lead in this direction. The University will conduct degree, diploma and 'in service' courses. The University will also undertake capacity building courses with the help of modern technology for managing issues related to internal security, terrorism, organized crimes, cyber crimes, economic offences and crimes related to juveniles.

The University, by way of providing efficient persons for security forces, will help the Government to enhance the security and safety of the people in the Country. At the same time the University will undertake research work in various fields of police administration and security management.

It is, therefore considered necessary to establish the Raksha Shakti University in the State by enacting a law.

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 and commencement.

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

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

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

Clauses 8 and 9 . - These clauses provide for the appointment, powers and duties of the Director General of the University.

Clauses 10 and 11. - These clauses provide for authorities and officers of the University.

Clauses 12 to 15. - These clauses provide for the constitution of Board of Governors, powers of the Chairman of Board, powers and functions of the Board and term of office of members of the Board.

Clauses 16 and 17. - These clauses provide for the constitution and powers and functions of the Academic Council.

Clauses 18 and 19. - These clauses provide for the constitution and powers and functions of the Finance Committee.

Clause 20. - This clause provides for the appointment, powers and functions of the Deputy Director General of the University.

Clause 21. - This clause provides for the appointment, powers and functions of the Director of Research and Development of the University.

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

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

Clauses 24.- This clause provides for the appointment, powers and functions of the Deans of the University.

Clauses 25 and 26. - These clauses provide for the Permanent Endowment Fund of the University and payment to the University.

Clause 27 . - This clause provides for the funds of the University.

Clause 28 . - This clause provides for accounts and audit of the University.

Clause 29 . - This clause provides for Pension, Provident Funds and Insurance of officers, teachers and other employees of the University.

Clause 31. - This clause provides for the conferment of the degrees and diplomas and grant of certificates by the University.

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

Clause 33 . - This clause provides that the officers and employees of the University shall be 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 powers of the State Government to give directions to the University.

Clauses 36 to 40. – These clauses provide for making of regulations by the Board, transitory provisions, usual indemnity and power of the State Government to remove difficulties.

AMIT SHAH,

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment and incorporation of the Raksha Shakti University.

Clauses 8, 20, 21, 22, 23 and 24 of the Bill provide for the appointment of the Director General, Deputy Director General, Registrar, Director of Research and Development, Directors, Deans and teachers and other staff of the University.

Clause 25 of the Bill provides for Permanent Endowment Fund of the University. The State Government shall place Rs. Twenty crores or such sum as

required for meeting the operational expenditure of the University.

Clause 26 of the Bill provides for payment of such sums and moneys by the State Government as may be required for the discharge of functions by the University.

The Bill, if enacted and brought into operation, would involve an estimated expenditure from the Consolidated Fund of the State, in the forthcoming **three years** under Plan (i.e. 2009-10 to 2011-12) as under:-

1.	Capital Expenditure	Rs.100 crores
2.	Recurring Expenditure	Rs. 30 crores
3.	Corpus Fund	Rs. 20 crores
	Total	Rs. 150 crores

This includes expenditure on construction of building, procurement of equipments, furniture, fixtures, vehicles, etc. as capital expenditure and recurring expenditure in the form of salary of the staff, consumables, etc.

AMIT SHAH,

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 notify the place as the headquarters of the University.

Clause 5.- Sub-clause (xi) 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 (iii) of this clause empowers the Board to prescribe by regulations, the course of study and the curricula;

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

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

(iv) sub-clause (xvii) empowers the Board to prescribe by regulations to fix the fees and such other charges;

(v) sub-clause (xxv) 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 (xxvii) empowers the Board to prescribe by regulations, the disciplinary measures to be taken against the officers and the employees of the University;

(vii) sub-clause (xxviii) empowers the Board to prescribe by regulations, the qualifications for appointment of the persons on the post of teaching, academic or research and other post of the University.

Clause 8.- Sub-clause (4) of this clause empowers the State Government to determine other terms and conditions of the Director General.

Clause 10.—Sub-clause (iv) of this clause empowers the Board to declare by regulations, such other authorities to be the authorities of the University.

Clause 11.—Sub-clause (vii) of this clause empowers the Board to declare by regulations, such other persons to be the officers of the University.

Clause 13.- 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 14.- This clause empowers the Board to make regulations for carrying out the purposes of the Act;

Clause 17.- Sub-clause (iv) of this clause empowers Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Academic Council.

Clause 19.- Sub-clause (viii) 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 Finance Committee.

Clause 21.- (i) Sub-clause (3) of this clause empowers the Board to prescribe by regulations other terms and conditions of service of the Director of Research and Development;

(ii) sub-clause (5) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other functions to be performed by the Director of Research and Development.

Clause 22.- Sub-clause (1) of this clause empowers the State Government to prescribe by rules the manner and the terms and conditions for the appointment of the Registrar.

Clause 23.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations the manner and other terms and conditions for appointment of Directors.

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

Clause 24.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other functions to be performed by the Deans.

Clause 28.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations and the manner in which, the form in which proper accounts, other relevant records, annual statement of accounts, the income and expenditure account and balance sheet shall be maintained;

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

Clause 29.- Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the conditions subject to which the University shall constitute such schemes of pension, provident fund and insurance for the officers and employees of the University.

Clause 35.- 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 and under any other law.

Clause 36.- (i) Sub-clause (1) of this clause empowers the Board to make regulations for the administration and management of the affairs of the University;

Clause 40.- 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 of commencement of this Act.

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

Gandhinagar,
Dated the 15th July, 2009.

AMIT SHAH.

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 16 OF 2009.

A BILL

to establish and incorporate a University to be known as the Raksha Shakti University in the State of Gujarat and for matters connected therewith or incidental thereto.

**[SHRI AMIT SHAH,
MINISTER FOR HOME]**

(As published in the Gujarat Government Gazette of the 15th July, 2009.)

D.M. PATEL,
Secretary,
Gujarat Legislative Assembly.