

i

GUJARAT BILL NO. 27 OF 2016.

THE GUJARAT STATE HIGHER EDUCATION COUNCIL BILL, 2016.

Clauses	Content	Page No.
	CHAPTER I PRELIMINARY	
1	Short title, extent and commencement.	2
2	Definitions.	2
	CHAPTER II ESTABLISHMENT AND INCORPORATION OF COUNCIL	
3	Constitution, incorporation and headquarters of Council.	3
4	Composition of Governing Council.	4
5	Disqualifications.	5
6	Removal of membership.	6
7	Objects of Council.	6
8	Functions of Council.	8
9	Constitution of Executive Committee.	12
10	Chairperson of Executive Committee.	12
11	Composition of Executive Committee.	13
12	Powers and Functions of Executive Committee.	14
13	Meetings of Council.	16
14	Proceedings of Council not to be invalidated by infirmities.	16
15	Power of State Government to give directions.	16
16	Filling up of casual vacancies.	17
17	Temporary association of persons with Council.	17
	CHAPTER III FINANCE	
18	Fund of Council.	17
19	Annual budget.	18
20	Annual accounts and audit.	18

CHAPTER IV MISCELLANEOUS PROVISIONS		
21	Annual report.	19
22	Inspection and inquiry.	19
23	Revision.	20
24	Protection of acts done in good faith.	20
25	Staff of Council.	20
26	Members and staff of Council to be public servants.	21
27	Power to make rules.	21
28	Power to make regulations.	22
29	Power to remove difficulties.	22

**THE GUJARAT STATE HIGHER EDUCATION COUNCIL
BILL, 2016.**

GUJARAT BILL NO. 27 OF 2016.

A BILL

to establish and incorporate a Council to be known as the Gujarat State Higher Education Council and for the matters connected therewith or incidental thereto.

WHEREAS the University Grants Commission and Rashtriya Uchhatar Shiksha Abhiyan, 2013 have recommended that State level planning and co-ordination of higher education shall be done through the State Council for Higher Education;

AND WHEREAS, it is expedient to establish a State Higher Education Council which would be a supreme body for higher education and shall be responsible for planned and co-ordinated development of higher education in the State and for advising the State Government in the matters relating to higher education and to oversee its development with perspective planning and monitoring.

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

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Gujarat State Higher Education Council Act, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification, in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (a) "Chairperson" means the Chairperson of the Executive Committee appointed under section 10;
 - (b) "college" means any college or any institution maintained or approved by, or affiliated to, any University and providing courses of study for admission to the examination of the University;
 - (c) "Council" means the Gujarat State Higher Education Council constituted under section 3;
 - (d) "Executive Committee" means the Executive Committee of the Council constituted under section 9;
 - (e) "Fund" means the Gujarat State Higher Education Council Fund established under section 18;
 - (f) "higher education" means an education, whether professional, technical or otherwise, and includes research studies, leading to the award of a degree or diploma or certificate by a University or an institution approved by the University or the State Government;
 - (g) "institution" means an academic institution of higher education and research, not being a college, associated with and admitted to privileges of a University or maintained by a University;
 - (h) "institution of higher education" means an institution conducting any course of study in higher education, approved as such by the State Government;

- 102 of 1956. (i) "Medical Council of India" means the Medical Council constituted under the Indian Medical Council Act, 1956;
- (j) "member" means a member of the Governing Council or, the Executive Committee, as the case may be;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "President" means the President of the Governing Council;
- Guj. 8 of 2009. (m) "Private University" means a University established under the Gujarat Private Universities Act, 2009;
- (n) "regulations" means the regulations of the Council made under section 28;
- (o) "rules" means the rules made under section 27;
- (p) "University" means any University in the State established or incorporated by an Act of the Gujarat State Legislature;
- 3 of 1956. (q) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF COUNCIL

3. (1) The State Government may, by notification in the *Official Gazette*, with effect on and from such date as may be specified, constitute a Council for the purposes of this Act to be called "the Gujarat State Higher Education Council".

(2) The Council shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act and shall by its name sue and be sued.

(3) The headquarters of the Council shall be at Ahmedabad or at such other place as the State Government may notify in this behalf.

**Constitution,
incorporation
and headquarters
of Council.**

Composition of
Governing
Council.

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

A. Ex-officio Members:

- (i) the Chief Minister : President;
- (ii) the Minister (Education) : Vice-President;
- (iii) the Minister of State (Education) : Co-Vice-President;
- (iv) the Chairperson of the Executive Committee;
- (v) the Secretary to the Government of Gujarat, Education Department ;
- (vi) the Secretary to the Government of Gujarat, Finance Department;
- (vii) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department;
- (viii) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
- (ix) the Secretary to the Government of Gujarat, Industries and Mines Department;
- (x) the Secretary to the Government of Gujarat, Labour and Employment Department;
- (xi) the Secretary to the Government of Gujarat, Sports, Youth and Cultural Activities Department;
- (xii) the Commissioner, Higher Education, Gujarat State;
- (xiii) the Commissioner, Technical Education, Gujarat State;
- (xiv) the Commissioner, Medical Education and Research, Gujarat State;
- (xv) the Chairman, University Grants Commission, New Delhi or his nominee not below the rank of Joint Secretary;

B. Other Members:

- (i) not more than five Vice-Chancellors of the Universities, to be nominated by the State Government in

- consultation with the Joint Board of Vice-Chancellors (JBVC);
- (ii) one Provost of the Private Universities, to be nominated by the State Government in consultation with the Private University Forum;
 - (iii) not more than two eminent scholars, to be nominated by the State Government from the institutes of national importance situated in the State of Gujarat ;
 - (iv) not more than five eminent persons, to be nominated by the State Government from the fields of Arts, Science, Commerce, Law, Engineering, Management, Medical, Journalism, Films and Television, Theatres, Sports, Public Administration, Finance, etc.;
 - (v) three eminent academicians, to be nominated by the State Government from the Universities or affiliated colleges, who have completed more than 15 years of service;
 - (vi) the Member-Secretary appointed by the State Government.

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

(3) If it is not possible for an *ex-officio* member to attend the meeting of the Council, he may nominate an officer not below the rank of the Deputy Secretary, or the Deputy Director, as the case may be.

5. (1) A person shall be disqualified for being appointed or nominated or continued to be a member of the Council, if he,-

Disqualifications.

- (a) is of unsound mind and has been so declared by a competent court;
- (b) has been adjudged by a competent court to be of unsound mind;
- (c) has been adjudicated as an un-discharged insolvent;

- (d) has been convicted by a court of law for any offence involving moral turpitude, which in the opinion of the State Government renders him unfit to be a member of the Council;
- (e) directly, or indirectly, by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Council.

(2) In case of any dispute or doubt as to whether a person is disqualified under sub-section (1), the decision of the State Government shall be final.

Removal of membership.

6. (1) If, at any time, it appears to the State Government that a member has proved himself to be unfit to hold office or has been guilty of misconduct or neglect which in the opinion of the State Government renders his removal from the membership of the Council as expedient, the State Government may, after giving such member a reasonable opportunity of showing cause as to why he should not be removed as a member of the Council, remove him as such and on such removal, such member shall cease to be a member of the Council.

(2) The Chairperson or any other officer shall not be removed except by an order of the State Government passed on the ground of wilful omission or refusal to carry out the provisions of this Act or rules or regulations made thereunder, or for abuse of the powers vested in him, after consideration of the report of an inquiry ordered by the State Government in this behalf. Before termination of the appointment of the delinquent officer, he shall be provided an opportunity of being heard.

Objects of Council.

7. The objects of the Council shall be as under, namely:-

- (1) to develop a comprehensive, long term and inclusive educational plan;

- (2) to develop co-ordinative methods for planning and co-ordination of higher education in the State and other regulatory bodies, etc.;
- (3) to carry out effective monitoring of the academic/administrative/financial performance of the Universities and affiliated colleges and to recommend remedial measures for better performance;
- (4) to make recommendations for the planned and co-ordinated development of higher education in the State;
- (5) to maintain a databank on higher education and conduct research and evaluation studies;
- (6) to fulfil the needs of the future developments; to control unplanned and emplaned expansion and channelize higher education in desirable direction, on the basis of the socio-economic need and academic requirement;
- (7) to foster sharing of resources amongst the Universities, benefits from synergy across institution, lead academic and governance reforms at the institutions, maintain a data bank on higher education and conduct research and evaluation studies;
- (8) to decide criteria and make recommendations to the State Government for necessary funding to the Universities;
- (9) to decide criteria and make recommendations to the State Government for scholarship, free-ships as well as aid to economically distressed students and scholars to establish equity among different backward social groups;
- (10) to decide and suggest measures and recommendations to the State Government for reforms in higher education keeping in view expected changes in distant future with clear vision of education;
- (11) to make recommendations for planned and co-ordinate development of curriculum and courses, to prepare global level experts in various disciplines in higher

- education in consultation with the Universities;
- (12) to make recommendations for development of innovations, skills, development, media experts, software and other modern knowhow in education, technology leading to higher education to global competition including export of educational services like software, films, etc.;
- (13) to prepare blueprint for institutional development like film, media inculcators' science park, centre of excellence or institutions in higher education to face global competition with excellence;
- (14) to bring to the notice of the State Government, the educational activities carried out in the State by any agency in the form of franchise, coaching centre, counselling centre, students guidance centre or under any name whatsoever, if such agency carries such activities in an unauthorised and illegal manner without approval of the concerned regulatory bodies and also in case such agencies or institutions provide the fake degrees, diplomas or certificates which have not been authorised by the UGC or the concerned regulatory body;
- (15) to suggest the measures so that the Universities in the State can achieve the world level bench mark in excellence.

Functions of Council.

8. (1) It shall be the general duty of the Council to co-ordinate and determine standards in institutions for higher education or research and scientific and technical institutions in accordance with the guidelines issued by the University Grants Commission or the State Government, from time to time.

(2) The functions of the Council shall be as follows, namely:-

I. Planning and Co-ordination functions:

- (i) to prepare consolidated programmes in the sphere of higher education in the State in accordance with the guidelines that may be issued by the University Grants Commission from time to time, and to assist in their implementation, keeping in view the overall priorities and perspectives of higher education in the State;
- (ii) to assist the University Grants Commission in respect of determination and maintenance of standards of higher education and suggest remedial action wherever necessary;
- (iii) to evolve perspective plans for development of higher education and future vision in the State;
- (iv) to forward the development programmes of the Universities and colleges to the State Government and the University Grants Commission alongwith its comments and recommendations;
- (v) to monitor the progress of implementation of such developmental programmes;
- (vi) to promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for interaction with industry and other stake holders;
- (vii) to formulate the principles in accordance with the guidelines of the State Government for approval and sanction of new educational institutions;
- (viii) to suggest ways and means of augmenting additional resources for higher education in the State.

II. Academic functions:

- (i) to encourage and promote innovations in curriculum

- development, restructuring and updating of syllabi with skill development, innovations in Universities, colleges and institutions of higher education;
- (ii) to promote and co-ordinate programmes of Universities and colleges and set up a monitoring system and its implementation;
 - (iii) to devise methods and steps to improve the standard of examinations conducted by the Universities and affiliated colleges and suggest necessary reforms;
 - (iv) to develop programmes for effective academic co-operation and interaction between the faculties in the Universities and colleges and also facilitate mobility of teachers and students in and outside the State;
 - (v) to encourage sports, games, physical education and cultural activities in the Universities and colleges;
 - (vi) to encourage extension activities and promote interaction between Universities and industries through effective consultancy in special areas relevant to the Universities and regional planning and skill development;
 - (vii) to prepare an overview report on the working of the Universities and colleges in the State and furnish a copy of the report to the University Grants Commission;
 - (viii) to identify centres of excellence in the Universities and provide national and international linkage for the growth of science and technology;
 - (ix) to administer and release research funds, if any, received from the national and international funding agencies;
 - (x) to work in liaison with the All India Council for Technical Education (AICTE) in relation to technical

education;

- (xi) to advise the State Government or any University, college or institution of higher education on any other matter relating to higher education and research which they may refer to the Council.

III. Advisory functions:

The Council shall advise,-

- (i) in determining the block maintenance grants to the Universities and institutions of higher education, by evolving suitable guidelines for such grants and monitoring its utilization;
- (ii) on setting up a State Centre for Scientific Research and to co-ordinate the research activities amongst the Universities;
- (iii) on the statutes, ordinances and regulations of the Universities and suggest modifications to maintain uniformity in the administration without prejudice to the autonomy for the academic pursuits;
- (iv) regarding necessary amendments in the laws relating to Universities including the laws relating to the establishment of new Universities;
- (v) for instituting prestigious awards to outstanding scientists, academicians and technologists for their contributions;
- (vi) to identify and administer innovative programmes for sustainable growth through self-generating funds from services such as consultancy to industries, institutions and national and international organisations and to create and help intellectual property rights;
- (vii) on perform such other functions necessary for promoting excellence in higher education and scientific research;

- (viii) to develop programmes, academic seminars, training programmes, capacity building, national and international conferences, as well as to hold group discussion of scientists and scholars towards framing higher education policy of State Government;
- (ix) to suggest criteria or rules for recruitment of teachers, officers, principals and other employees;
- (x) to suggest criteria, rules regarding various promotions, for college teachers, principals, university teachers in accordance with the regulations and guidelines of the UGC, or the State Government policy.

Constitution of
Executive
Committee.

9. There shall be constituted an Executive Committee for the Council.

Chairperson of
Executive
Committee.

10. (1) There shall be a Chairperson of the Executive Committee who shall be appointed by the State Government from amongst three persons recommended under sub-section (4) by a committee appointed for the purpose under sub-section(2).
- (2) For the purposes of sub-section (1), the State Government shall appoint a committee consisting of three eminent academicians with proven record and integrity.
- (3) The State Government shall appoint one of the three members of the committee as its Chairman.
- (4) The committee so appointed shall within a period of one month from its appointment select three persons whom it considers fit for being appointed as the Chairperson and shall recommend to the State Government the names of the persons so selected together with such other particulars as it deems fit.
- (5) The Chairperson shall be appointed, from amongst the

persons so recommended, who are eminent educationalists and have achieved distinction and excellence in the field of higher education with proven record of their contribution.

(6) The Chairperson shall be the chief administrative and academic head and overall in-charge of the affairs of the Council. He shall have the authority to superintend, monitor and to oversee the overall functioning of the Executive Committee.

(7) The term of the Chairperson shall be three years.

(8) The qualifications, powers and functions, terms and conditions of the service of the Chairperson shall be such as may be prescribed.

11. The Executive Committee of the Council shall consist of the following members, namely:-

Composition
of Executive
Committee.

(i) the Chairperson;

Ex-officio Members:

- (i) the Commissioner, Higher Education, Gujarat State;
- (ii) the Commissioner, Technical Education, Gujarat State;
- (iii) the Commissioner, Medical Education and Research, Gujarat State;

Other Members:

- (i) not more than eight Vice-Chancellors, out of which three shall be from Sectorial Universities, who shall be nominated by the State Government in consultation with the Joint Board of Vice-Chancellors (JBVC);
- (ii) one Provost, to be nominated by the State Government in consultation with the Private University Forum;

- (iii) one eminent scholar, to be nominated by the State Government from the institutes of national importance situated in the Gujarat State;
- (iv) not more than five eminent persons, to be nominated by the State Government from the fields of Arts, Science, Commerce, Law, Engineering, Management, Medical, Journalism, Films and Television, Theatres, Sports, Public Administration, Finance, etc.;
- (v) three academicians, to be nominated by the State Government from amongst University teachers, senior principals or affiliated college teachers who have completed more than ten year of service.

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

(3) If it is not possible for an *ex-officio* member to attend the meeting of the Council, he may nominate an officer not below the rank of the Deputy Secretary or, the Deputy Director, as the case may be.

12. The Executive Committee shall have the following powers and functions, namely:-

- (i) to take decisions on behalf of the Council, subject to the concurrence of the Council in all matters with policy implications:

Provided that in urgent and unavoidable circumstances, the Executive Committee may take decisions subject to ratification by the Council;

- (ii) to incur such expenses as are necessary to fulfil the objectives set out in this Act and carry out all decisions taken by the Council;
- (ii) to present before the Council the annual academic and financial audit reports of the Council for its approval;

**Powers and functions
of Executive
Committee.**

- (iii) to prepare the State Higher Education Plan (Perspective Plan, Annual Plan and Budget Plan);
- (iv) to provide State Institutions inputs for creating their plans and implementing them;
- (v) to co-ordinate between apex bodies, regulatory institutions and the State Government;
- (vi) to advise the State Government on strategic investments in higher education;
- (vii) to advise the universities on statutes and ordinances formulation;
- (viii) to determine the methodology for timely transfer of State's share of funds to institutions;
- (ix) to disburse funds to State Universities and colleges on the basis of the State Higher Education Plan and transparent norms;
- (x) to monitor the implementation of State Higher Education Plan;
- (xi) to create and maintain the Management Information Systems;
- (xii) to compile and maintain periodic statistics at State and Institutional Level;
- (xiii) to evaluate State Institutions on the basis of norms and Key Performance Indicators (KPIs) developed under RUSA;
- (xiv) to ensure timely submission of Utilization Certificates from Institutions;
- (xv) to suggest means for faculty quality enhancement initiatives;
- (xvi) to suggest the ways for upgrading the quality of examinations and examination reforms;
- (xvii) to maintain the quality of curriculum;

- (xviii) to promote innovations in research;
- (xix) to protect the autonomy of State Institutions;
- (xx) to suggest accreditation reforms;
- (xxi) such other powers, functions and duties as may be prescribed.

Meetings of
Council.

13. (1) The Council shall meet, as often as may be necessary, at such time and place and observe such rules of procedure for transaction of business at such meetings as may be prescribed by the regulations, but it shall meet at least twice a year.

(2) The meetings of the Council shall be convened by the Member-Secretary on the advice of the Chairperson of the Executive Committee.

(3) The quorum of the meeting of the Council shall be one-third of the total members of the Council.

(4) The decisions at the meetings shall be made by simple majority of the members present and voting.

Proceedings of
Council not to
be invalidated
by infirmities.

14. The Council shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member had attended proceedings of the meeting, voted or otherwise taken part in the proceedings of the Council.

Power of State
Government to
give directions.

15. On the recommendation of the Council, or *suo-moto*, the State Government may direct, any University with such modification as may be necessary, to implement the reforms in such manner as may be specified therein. Notwithstanding anything contained in any law for the time being in force, it shall be obligatory on the part of the University to implement the directions given by the State Government and to report the

action taken to the State Government and the Council accordingly. The Council shall review from time to time the compliance by the Universities, of the direction given by the State Government.

16. If a casual vacancy occurs in the office of any member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up by the State Government by nomination or appointment, as the case may be, and such member shall hold office only for the remainder of the term for which the person in whose place he was nominated or appointed:

Filling up of casual vacancies.

Provided that such vacancy shall be filled in by a person from the same category from which such vacancy has arisen.

17. The Council may associate with itself in such manner and for such purpose, any person whose assistance or advice it may desire in carrying out its functions. A person associated with the Council for such purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote at a meeting of the Council and shall not be a member for any purpose. The Council may associate with it any member of Medical, Engineering, or Agricultural Universities with a view to developing co-ordination amongst the Universities.

Temporary association of persons with Council.

CHAPTER III

FINANCE

18. (1) There shall be established a fund to be called the "Gujarat State Higher Education Council Fund" which shall include all sums which may, from time to time, be paid to it by the State Government and all other receipts including any sum from the Central Government, the University Grants Commission or any other authority, institutions or person.

Fund of Council.

(2) The State Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties.

(3) All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from and out of the Fund of the Council and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

Annual
budget.

19. The Council shall prepare, in such form and at such time each year, as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure and a copy thereof shall be forwarded to the State Government.

Annual
accounts
and audit.

20. (1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Council shall be audited at least once in every financial year by such auditor as the State Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall, for the purposes of audit, have such powers as may be prescribed.

(4) The Chairperson shall cause the audit report to be printed and forward the printed copy thereof, to each member of the Council and shall place such report before the Council for its consideration in its next meeting.

(5) The Council shall take appropriate action forthwith to rectify any defect or irregularity that may be pointed out in the audit report under the intimation to the State Government.

(6) The accounts of the Council as certified by the auditor together with the audit report alongwith the remarks of the Council thereon shall be forwarded to the State Government within a month.

(7) The State Government may, by order in writing, direct the Council to take such actions as may be specified in order to

rectify, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall comply with such directions.

(8) The State Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (6), cause the same to be laid before the Legislative Assembly of the State.

CHAPTER IV

MISCELLANEOUS PROVISIONS

21. The Council shall, as soon as may be, after the end of each financial year, prepare and submit to the State Government, before such date and in such form, as may be prescribed, a properly documented report giving an account of its activities during the previous year and the report, shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year. The State Government shall cause every such report to be laid before the Legislative Assembly of the State as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission.

Annual
report.

22.(1) The State Government shall have the right to cause an inspection to be made, by an officer not below the rank of the Secretary to the Government authorized by it, of the Council and also to cause an inquiry to be made into the functions performed by the Council in respect of any matter entrusted to it. The State Government shall in every case give notice to the Council of its intention to cause such inspection or inquiry to be made and the Council shall be entitled to be represented thereat. The officer making the inspection or inquiry shall submit his report to the State Government on the basis of inspection or inquiry so made.

Inspection
and
inquiry.

(2) The State Government shall communicate to the Council its views with reference to the results of such inspection or inquiry and may, advise the Council upon the action to be taken.

(3) The Council shall, within such time as the State Government may fix, report the action, if any, which is proposed to be taken or has been taken, upon such advice.

(4) The State Government may, where action has not been taken by the Council within a reasonable time to its satisfaction, issue such directions as it may think fit at, and the Council shall comply with such directions forthwith.

Revision. 23. The State Government may either *suo-moto* or on an application made to it, call for and examine the records of any order passed or decisions taken by the Council under the provisions of this Act, for the purpose of satisfying itself as to the legality or propriety of such order or decision or as to the regularity of procedure and pass such order with respect thereto as it may deem fit:

Provided that no such order shall be made except after giving the Council or the person likely to be affected thereby a reasonable opportunity of being heard.

Protection of acts done in good faith. 24. No suit, prosecution or other legal proceedings shall lie against the Council or any member or officer or employee of the Council for anything which is done or intended to be done in good faith or action taken in pursuance of this Act or any rules or regulations made thereunder.

Staff of Council. 25. The Council shall, with the prior approval of the State Government appoint such officers and staff, as it deems necessary, for the discharge of its functions under this Act. The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations to be framed by the Council.

26. The President, Vice- President, members, officers and staff of the Council, the Chairperson of the Executive Committee and the members thereof shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or any rules or regulations made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and staff of Council to be public servants.

45 of 1860.

27. (1) The State Government may, by notification in the *Official Gazette*, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

Power to make rules.

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

(a) prescribing qualifications, powers and functions, terms and conditions of the service of the Chairperson under sub-section (8) of section 10;

(b) prescribing other powers, functions and duties of the Executive Committee under clause (xxi) of section 12;

(c) prescribing the manner for investment of surplus fund of the Council under sub-section (3) of section 18;

(d) prescribing the form and time limit within which the Council shall prepare the annual budget under section 19;

(e) prescribing the manner and the form for maintenance of accounts of the Council; and the form of annual statement of accounts under sub-section (1) of section 20;

(f) prescribing the powers of the auditor under sub-section (3) of section 20;

(g) prescribing the form of annual report and date of submission thereof to the State Government under section 21;

(2) All rules made under this section shall be laid for not less than thirty days before the state Legislature as soon as possible

after they are made and shall be subject to the recession by the State Legislature or to such modification as the State legislature may make during the session in which they are so laid or the session immediately following.

(3) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to make regulations.

28. The Council may, with the prior approval of the State Government, make regulations not inconsistent with the provisions of this Act and rules made thereunder for carrying out all or any of the purposes of this Act.

Power to remove difficulties.

29. 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 the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The University Grants Commission and Rashtriya Uchhatar Shiksha Abhiyan, 2013 have recommended that the State level planning and co-ordination of higher education shall be done through the State level council for Higher Education. Accordingly the State Government has decided to constitute the State Level Higher Education Council to be known as the Gujarat State Higher Education Council. The Council shall function in order to forge synergic relationship amongst the State Government, Universities, academicians and experts by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies. The main objects of the Council include planned and co-ordinated development of higher education in the State, sharing of resources between Universities, leading academic and governance reforms at the institutional level, to establish principles for funding institution, to maintain a data bank for higher education and to promote research and evaluation of studies.

This Bill seeks to achieve the aforesaid objects.

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

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

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

Clauses 3 and 4 .- These clauses provide for constitution and composition of the Gujarat State Higher Education Council.

Clauses 5 and 6.- These clauses provide for disqualifications of a person for becoming or continuing as a member of the Council and also provide for the exigencies for removal of a member of the Council.

Clauses 7 and 8.- These clauses provide for the objects and the functions of the Council.

- Clauses 9 and 10.-* These clauses provide for the constitution of the Executive Committee and the appointment of the Chairperson of the said Committee.
- Clauses 11 and 12.-* These clauses provide for the composition of the Executive Committee and its powers and functions.
- Clauses 13 and 14.-* These clauses provide for meetings of the Council and that the proceedings of the Council shall not be invalidated by any infirmity.
- Clause 15.-* This clause provides for the directions to be issued to the Governing Council by the State Government.
- Clause 16.-* This clause provides for the filling up of the casual vacancy of a member in the Council.
- Clause 17.-* This clause provides for the temporary association of a person with the Council, who is not a member of the Council, for assisting or advising the Council in its functions.
- Clauses 18 to 20.-* These clauses provide for the Fund of the Council, preparation of budget, maintenance of accounts and its audit.
- Clause 21.-* This clause provides for the preparation and submission of annual report by the Council.
- Clause 22.-* This clause provides for inspection and inquiry of the Council by the State Government.
- Clause 23.-* This clause provides for calling for an examine the records of any order passed by the Council.
- Clause 24.-* This clause provides for usual indemnity for acts done in good faith.
- Clause 25.-* This clause provides for appointment of staff of the Council.
- Clause 26.-* This clause provides that all officers and staff of the Council shall be public servants.
- Clause 27.-* This clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.

Clause 28.- This clause empowers the Council with the approval of the State Government to make regulations, for carrying out the purposes of the Act.

Clause 29.- This clause empowers the State Government to remove difficulties arising within a period of two years from the commencement of the Act.

VASUBEN TRIVEDI,

FINANCIAL MEMORANDUM

Clause 10 of the Bill provides for the appointment of the Chair Person of the Executive Committee.

Clause 18 of the Bill provides for the payment of grants by the State Government to the Council.

Clause 25 of the Bill provides for the appointment of the staff and officers of the Council.

The Bill, if enacted and brought into operation, the expenditure involved would be worked out separately and provision for the expenditure will be made thereafter.

VASUBEN TRIVEDI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1.- Sub-clause (3) 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 3.- (i) Sub-clause (1) of this clause empowers the State Government, by notification in the *Official Gazette*, to constitute the Gujarat State Higher Education Council;

(ii) sub-clause (3) of this clause empowers the State Government to notify the headquarters of the Council at any other place other than Ahmedabad.

Clause 10.- Sub-clause (8) of this clause empowers the State Government to prescribe by rules, the qualifications, powers and functions and terms and conditions of the Chairperson of the Council.

Clause 12.- Clause (xxi) of this clause empowers the State Government to prescribe by rules the other powers, functions and duties of the Executive Committee.

Clause 13.- Sub-clause (1) of this clause empowers the Council to prescribe by regulations, the procedure for transaction of business at the meeting of the Council.

Clause 17.- This clause empowers the Council to prescribe by regulations, the manner and the purpose for which it may associate with any person.

Clause 18.- Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner in which the surplus fund shall be invested.

Clause 19.- This clause empowers the State Government to prescribe by rules, the form in which and the time by which the Council shall prepare the budget.

Clause 20.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner and the form in which accounts of the Council shall be maintained;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the powers of the auditor for the purposes of audit.

Clause 21.- This clause empowers the State Government to prescribe by rules, the form in which and the date by which the Council shall prepare and submit the annual report to the State Government.

Clause 25.- This clause empowers the Council to prescribe by regulations, the terms and conditions of the officers and staff of the Council.

Clause 27.- Sub-clause (1) of this clause empowers the State Government to make rules not inconsistent with the Act, by notification in the *Official Gazette*, to carry out the purposes of the Act.

Clause 28.- This clause empowers the Council to make regulations with the approval of the State Government not inconsistent with the provisions of this Act.

Clause 29.- This clause empowers the State Government to remove the difficulty within the period of two years from the commencement of the Act, by an order published in the *Official Gazette*.

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

Dated the 21st March, 2016.

VASUBEN TRIVEDI.

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 27 OF 2016.

A BILL

to establish and incorporate a Council to be known as the Gujarat State Higher Education Council and for the matters connected therewith or incidental thereto.

[PRO. VASUBEN TRIVEDI,

**MINISTER FOR HIGHER AND TECHNICAL
EDUCATION]**

**(As published in the Gujarat Government
Gazette of 21st March, 2016)**

D.M.PATEL

Secretary,

Gujarat Legislative Assembly.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.