

THE DARJEELING SPORTS UNIVERSITY BILL, 2022

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AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH FEBRUARY, 2022

Bill No. III of 2022

THE DARJEELING SPORTS UNIVERSITY BILL, 2022

A

BILL

to establish and incorporate the Darjeeling Sports University in the State of West Bengal, to offer professional sports training and to promote various sports education and sports management, to nurture young talents in the field of sports, by providing world class training facility by adopting best international practices and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Darjeeling Sports University Act, 2021.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Academic and Activity Council" means the Academic and Activity Council of the University;

(b) "Academic Staff" means such categories of staff as are designated as academic staff by the Ordinances; 5

(c) "Board of Sports Studies" means the Board of Sports Studies of a Department of the University referred to in section 21;

(d) "Chancellor" means the Chancellor of the University appointed under section 9;

(e) "College" means a college or other academic institution established or maintained by, or admitted to the privileges of, the University; 10

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies and includes a Centre of Studies;

(h) "Employee" means any person appointed by the University and includes teachers and other staff of the University; 15

(i) "Executive Council" means the Executive Council of the University;

(j) "Finance Committee" means the Finance Committee of the University;

(k) "Hall" means a unit of residence or of corporate life for the students of the University, or of an Outlying Campus or of a College or an Institution, maintained by the University; 20

(l) "Head of the Department" means the head of any teaching department of the University;

(m) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;

(n) "Outlying Campus" means the campus of the University as may be established by it at any place within or outside India; 25

(o) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such; 30

(p) "Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Executive Council;

(q) "Regulations" means the regulations made by any authority of the University under this Act for the time being in force; 35

(r) "School" means a School of Studies of the University;

(s) "Section" means the section of this Act;

(t) "State" includes a Union territory;

(u) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University for the time being in force; 40

(v) "Study Centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, training or for rendering any other assistance required by the students;

(w) "teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or in any Outlying Campus, College or Institution or Regional Centres and Study Centres maintained by the University and are designated as teachers by the Ordinances;

(x) "University" means the Darjeeling Sports University established and incorporated as a University under this Act;

(y) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 10.

10 **3. (1)** There shall be established a University by the name of "The Darjeeling Sports Establishment of University.
University".

(2) The headquarter of the University shall be at Darjeeling in the State of West Bengal and it may establish or maintain Outlying Campuses, Colleges, Regional Centres and Study Centres at such other places in India as it may deem fit:

15 Provided that the University may, with the prior approval of the Central Government, also establish Outlying Campuses and Study Centres outside India;

(3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic and Activity Council, and all such persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Darjeeling Sports University".

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. The objects of the University shall be:—

25 (i) to develop as an institute of advanced professional study in the field of physical education and sports sciences;

(ii) to provide for research and development and dissemination of knowledge in physical education and sports sciences by providing specially designed academic and training programmes in various areas of physical education and sports sciences and training in advanced technologies of sports;

(iii) to promote sports including traditional and tribal sports and games;

(iv) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

35 (v) to provide professional and academic leadership to other institutions in the field of physical education and sports sciences;

(vi) to provide vocational guidance and placement services in physical education, sports sciences, sports medicine, sports technology and other related fields;

40 (vii) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

(viii) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to physical education and sports sciences, sports technology and high performance training for all sports and games;

45 (ix) to Prepare and train talented athletes so as to help them to evolve into elite athletes of international level;

Objects of University.

(x) to serve as a Centre of Excellence for the elite and other talented sportspersons of all sports and games and innovation in physical education and sports sciences and to carry out, endorse and propagate research;

(xi) to establish close linkage with sports academies, schools, colleges, sports and recreation clubs, sports associations and international federations for the purpose of teaching, training and research in physical education and sports sciences, sports technology and high performance training for all sports and games;

(xii) to provide world class all round sports facilities and sports education in India;

(xiii) such other objects, not inconsistent with the provisions of this Act, which the Central Government may, by notification in the Official Gazette, specify in this behalf.

Power and
functions of
University.

5. (1) The University shall have the following powers and functions, namely:—

(i) to design, develop and prescribe courses of study and conduct appropriate academic and training programmes in physical education and sports sciences including sports technology and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide opportunities to the students of the University to participate in the sports tournaments and competitions in coordination with established International Sports Federations, National Sports Federations, Indian Olympic Association and Association of Indian Universities;

(iv) to have liaison or membership with various international professional organisations or bodies;

(v) to establish and maintain, with the prior approval of the Central Government, such Outlying Campuses, Regional Centres, specialised laboratories or other units for research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(vi) to establish, maintain or recognise Study Centres in the manner laid down by the Statutes;

(vii) to establish and maintain Colleges, Institutions and Halls;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(x) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University for a specified period;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;

(*xiii*) to institute and award fellowships, scholarships, studentship, medals and prizes for raising academic standards and research;

(*xiv*) to organise and to undertake extramural studies, training and extension services;

5 (*xv*) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(*xvi*) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators, other academic staff and students;

10 (*xvii*) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(*xviii*) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

15 (*xix*) to demand and receive payment of fees and other charges;

(*xx*) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(*xxi*) to lay down conditions of service of all categories of employees, including their code of conduct;

20 (*xxii*) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(*xxiii*) to make arrangements for promoting the health and general welfare of the employees;

25 (*xxiv*) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

30 (*xxv*) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(*xxvi*) to conduct innovative experiments and promote new methods and technologies in the fields of physical education, sports sciences, sports medicine, sports technology, sports management and other related fields;

35 (*xxvii*) to purchase or to take on lease any land or building or sports complex or sports infrastructure and scientific sports research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;

40 (*xxviii*) to start any new allied course or research programme or diploma or training programme and discontinue any course or training programme;

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

45 (*xxx*) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the Central Government;

(*xxxvi*) to act as a technical advisory body to Government of India and other National Organisations, State Governments and National Sports Federations on all matters related to sports;

(*xxxvii*) to provide training, coaching and other back up to high level sports persons for achieving success in different national and international sports competitions; 5

(*xxxviii*) to confer autonomous status on a College or an Institution in the manner laid down by the Statutes;

(*xxxix*) to provide for the preparation of instructional and training materials, including films, cassettes, tapes, video cassettes and other software; 10

(*xl*) to recognise persons for imparting instructions in any College or Institution admitted to the privileges of the University; and

(*xli*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) The University shall in the exercise of its powers have jurisdiction over the whole of India and to Outlying Campuses and Study Centres outside India. 15

(3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:— 20

(*i*) admissions of students and recruitment of faculty shall be made on all-India basis through appropriate procedures approved by the Executive Council of the University;

(*ii*) foreign students shall be admitted by the University to various courses and programmes as per the policy and schemes of the Government of India and the procedure approved by the Executive Council of the University; 25

(*iii*) inter-University mobility of faculty with portable pension scheme benefits, if any, and protection of seniority shall be encouraged;

(*iv*) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other Universities and academic institutions for credit transfer and joint degree programmes; 30

(*v*) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(*vi*) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers; 35

(*vii*) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and

(*viii*) e-governance shall be introduced with effective management information.

University to be open to all castes, creed, race or class.

6. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof; 40

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the 45

Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that no such special provision shall be made on the ground of domicile.

7. (1) The Central Government may, from time to time, appoint one or more persons to
 5 review the work and progress of the University, including Outlying Campuses, Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the Central Government may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in
 10 the report and the University shall abide by such action and be bound to comply with such directions.

Central Government to review work and progress of University.

(2) The Central Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, sports complexes, libraries, laboratories and equipment, and of any Outlying Campus or College or Institution
 15 or Regional Centres or Study Centres maintained by the University; and also of the examinations, teaching 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 or finances of the University, Colleges or Institutions or Regional Centres or Study Centres.

(3) The Central Government shall, in every matter referred to in sub-section (2), give
 20 notice of its intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Central Government, as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Central Government may cause to be made such inspection or inquiry as is referred to in
 25 sub-section (3).

(5) Where any inspection or inquiry has been caused to be made by the Central Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Central Government may, if the inspection or inquiry is made in respect of the
 30 University or any Outlying Campus or College or Institution or Regional Centre or Study Centre established or maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Central Government may be pleased to offer, and on receipt of address made by the Central Government, the Vice-Chancellor shall communicate to the
 35 Executive Council the views of the Central Government with such advice as the Central Government may offer upon the action to be taken thereon.

(7) The Executive Council shall communicate through the Vice-Chancellor to the Central Government such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

40 (8) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Central Government, it may, after considering any explanation furnished or representation made by the Executive Council, issue such directions, as it may think fit, and the Executive Council shall comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Central
 45 Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances:

Provided that before making any such order, the Central Government shall call upon the Vice-Chancellor to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, it shall consider the same.

(10) The Central Government shall have such other powers, in respect of the affairs of the University, as may be prescribed by the Statutes.

Officers of
University.

8. The following shall be the officers of the University, namely: —

- (a) the Chancellor;
- (b) the Vice-Chancellor; 5
- (c) the Deans of Schools;
- (d) the Registrar;
- (e) the Finance Officer;
- (f) the Controller of Examinations;
- (g) the Librarian; and 10
- (h) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

9. (1) The Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Court. 15

Vice-
Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University. 20

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall apprise such authority at its next meeting the action taken by him on such matter: 25

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Central Government whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor. 30

(4) Where the Vice-Chancellor is of the opinion that any decision taken by any authority of the University is beyond the powers of the authority conferred under the provisions of this Act or the Statutes or the Ordinances, or that any decision taken by the authority is not in the interest of the University, he may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Central Government whose decision thereon shall be final. 35 40

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Deans of
Schools.

11. Every Dean of School shall be appointed in such manner, and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. 45

12. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes. Registrar.
- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. 5
13. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Finance Officer.
14. Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Controller of Examinations.
- 15 10 15. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Librarian.
16. The manner of appointment and powers and duties of other officers and staff of the University shall be prescribed by the Statutes. Other officers.
17. The following shall be the authorities of the University, namely:— Authorities of University.
- (a) the Court;
- (b) the Executive Council;
- (c) the Academic and Activity Council;
- (d) the Board of Sports Studies;
- 20 (e) the Finance Committee;
- (f) such other authorities as may be declared by the Statutes to be the authorities of the University.
18. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Court.
- 25 (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—
- (a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;
- 30 (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;
- (c) to advise the Central Government in respect of any matter which may be referred to it for advice; and
- (d) to perform such other functions as may be prescribed by the Statutes.
- 35 19. (1) The Executive Council shall be the principal executive body of the University. Executive Council.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
20. (1) The Academic and Activity Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University. Academic and Activity Council.
- 40 (2) The constitution of the Academic and Activity Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:
- Provided that the Academic and Activity Council shall have sports persons who have achieved distinction in Olympics or world championships.

- Board of Sports Studies. **21.** The constitution, powers and functions of the Board of Sports Studies shall be prescribed by the Statutes.
- Finance Committee. **22.** The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.
- Other authorities of University. **23.** The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes. 5
- Central Government to provide funds. **24.** The Central Government shall; after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time for carrying out the purposes of this Act.
- Act to supplement other laws. **25.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. 10
- Power to make Statutes, Ordinances, rules and Regulations. **26.** The Central Government may, by notification in the Official Gazette, make Statutes, Ordinances, rules and Regulations for carrying out the purposes of this Act.
- Statutes, Ordinances and Regulations to be published in the Official Gazettee and to be laid before Parliament. **27.** (1) Every Statute, Ordinance, rule or Regulation made under this Act shall be published in the Official Gazette. 15
 (2) Every Statute, Ordinance, rule or Regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinances, rules or Regulations or both Houses agree that the Statute, Ordinances, rules or Regulations should not be made, the Statute, Ordinances, rules or Regulations shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Statute, Ordinances, rules or Regulations. 20
 (3) The power to make Statutes, Ordinances, rules or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances, rules or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances, rules or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances, rules or Regulations may be applicable. 25 30

STATEMENT OF OBJECTS AND REASONS

The proposed legislation *inter alia*, seeks to create an opportunity and evolve as centres of excellence in various disciplines of sports;

2. Inhabitants of the Darjeeling Hills are bestowed with great physical strength and remarkable sporting abilities. The Sporting talent of the region has been going waste due to lack of training, guidance, knowledge and proper opportunities to blossom these talents, which can bring great laurels for the Nation in international sports meets such as Olympics, Asian Games, Commonwealth Games etc.

3. The Darjeeling Sports University which will be A full-fledged sports university, shall provide a Congenial Sporting environment to nurture the entire eastern region and the local talents for national and international sports competitions.

4. The University shall focus on subjects such as sports science, sports technology, sports management, high performance training, etc.

5. The University will most certainly focus on creation of high standard infrastructure for the development of sports sciences and training of athletes apart from providing Bachelor's Degree, Master's Degrees and Research and Training in various areas related to sports.

6. The University will address issues relating to various disciplines of great importance at international levels including adventure and disability sports.

Hence this Bill.

SHANTA CHHETRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for creation of a Sports University, to be known as the Darjeeling Sports University, with its headquarter at Darjeeling in the State of West Bengal. Clause 24 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the actual expenditure at this juncture, but it is estimated that a sum of rupees one thousand crores may be incurred as recurring expenditure per annum.

2. A non-recurring expenditure to the tune of rupees two thousand crore may also be involved for creating various assets throughout the country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill empowers the Central Government to make Statutes, Ordinances rules and Regulations or carrying out the purposes of the Bill, will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

A

BILL

to establish and incorporate the Darjeeling Sports University in the State of West Bengal, to offer professional sports training and to promote various sports education and sports management, to nurture young talents in the field of sports, by providing world class training facility by adopting best international practices and for matters connected therewith or incidental thereto.

(Shrimati Shanta Chhetri, MP.)