

PUNJAB VIDHAN SABHA

Bill No. 38-PLA-2017

THE PUNJAB STATE COUNCIL FOR AGRICULTURAL
EDUCATION BILL, 2017

(Bill as passed by the Punjab Vidhan Sabha)

The following Bill was passed by the Punjab Vidhan Sabha :—

A

BILL

to provide for the establishment of a State Council for Agricultural Education for promotion and coordination of agricultural education in various colleges and institutes in the State of Punjab and to provide for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called Punjab State Council for Agricultural Education Act, 2017.

Short title and commencement.

(2) It extends to the whole of the State of Punjab, however, the public funded, existing or deemed agricultural universities shall not come under the purview of this Act.

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

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

Definitions.

(a) “agriculture includes the basic and applied science of soil and water management, crop (field, horticulture and forestry) science, agricultural engineering and home science;

(b) “Chairperson” means the Chairperson of the Council;

(c) “college” means a college or an institute (affiliated or constituent to any University) anywhere in the State of Punjab which is imparting education or training in agriculture and is affiliated or deemed to be affiliated to any University;

(d) “Committee” means a Committee constituted by the Council;

(e) “constituent college” means a college, which is under the direct management of a University, whether located at the headquarters or elsewhere in the University area;

- (f) "Council" means the Punjab State Council for Agricultural Education constituted under this Act;
- (g) "degree course" means the course of study in agriculture;
- (h) "department" means a department of a college or university designated as such with reference to a subject(s);
- (i) "Government" means the Government of State of Punjab in the Department of Agriculture;
- (j) "guidelines" means the guidelines or instructions issued by the Council from time to time for uniform implementation of this Act;
- (k) "Member-Secretary" means Member-Secretary of the Council;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "principal/dean" means the head of a recognized college or institution;
- (n) "recognized college" means a college of studies in agriculture, recognized or deemed to be recognized under this Act, by the Council and being a constituent of/affiliated to a University, is under the overall supervision of the University for academic matters;
- (o) "recognized institution" means an institution of teaching other than the colleges constituent of / affiliated to a University, recognized or deemed to be recognized as such by the Council under this Act;
- (p) "regulations" means regulations made by the Council under this Act;
- (q) "syllabus and curriculum" mean the syllabus and curriculum for study as specified by the Council; and
- (r) "University" means a University to/of which a college/institution/ department, deemed to be recognized by the Council under this Act, is affiliated/ constituent of.

3. (1) The Government may, by notification in the Official Gazette, constitute a Council to be known as the Punjab State Council for Agricultural Education to exercise the powers conferred upon and perform the functions assigned to it under this Act.

Constitution of
the Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal with power to acquire, hold and dispose of property, and to enter into contract and may, by the said name sue and be sued.

(3) The Council shall consist of the following members, namely :—

- (i) The Financial Commissioner (Development)/Additional Chief Secretary (Development) to Government of Punjab, Department of Agriculture; : Chairperson
- (ii) The Vice-Chancellor of the Punjab Agricultural University; : Vice-Chairperson
- (iii) The Secretary to Government of Punjab, Department of Finance; : *Ex officio* Member
- (iv) One representative of Director General, Indian Council of Agricultural Research, New Delhi; : *Ex officio* Member
- (v) Any one Vice-Chancellor, from a State funded University or a private University of Punjab or his representative not below the rank of Registrar, Dean or Director to be nominated by the Government; : *Ex officio* Member
- (vi) Any one of the Dean, Postgraduate Studies; Dean, College of Agriculture; College of Agricultural Engineering and Technology; and College of Home Science of the Punjab Agricultural University, to be nominated by the Government; : *Ex officio* Member

- (vii) Any one of the Director of Agriculture, the Director of Horticulture, the Chief Conservator of Soil of the Government of Punjab; : *Ex officio* Member
- (viii) Two eminent agricultural scientists to be nominated by the Government; : Member
- (ix) One agricultural entrepreneur from industry (agriculture machinery or food processing industry) in the State of Punjab to be nominated by the Government; : Member
- (x) A full time Member-Secretary, to be appointed by the Government. : Member-Secretary.

(4) The term of the office of members other than *ex officio* members shall be three years:

Provided that a member whose terms of three years has expired shall, unless Government otherwise directs, continue to hold the office till his successor is nominated.

(5) A member of the Council may resign from his office at any time by tendering his resignation in writing to the Chairperson and the Chairperson shall forward the same to the Government for its acceptance and such member shall be deemed to have vacated his office on acceptance of resignation by the Government.

(6) The Government, in case of a member other than the Chairperson and an *ex officio* member may, by an order, in writing by recording reasons thereof, remove any member from the office on the ground that he,—

- (i) has abused his position; or
- (ii) has been convicted by a Court of Law for an offence involving moral turpitude or has otherwise become insane or of unsound mind; or

- (iii) is guilty of misconduct which in the opinion of the Government render him unfit to continue as Member; or
- (iv) has continuously absented himself from three consecutive meetings of the Council without the permission of the Chairperson:

Provided that before issuing an order, the Government shall give such a member a reasonable opportunity of being heard.

(7) A casual vacancy occurring due to death, resignation or removal of a member shall be filled by nomination and such a member shall hold the office for the remaining term.

(8) Subject to the provisions of this Act, every member except one who is removed under sub-section (6) shall be eligible for re-nomination.

4. The headquarter of the Council shall be at such place as may be determined by the Government.

Headquarter of
the Council.

5. (1) No business shall be transacted at the meeting of the Council unless fifty percent of the existing members of the Council are present :

Meetings and
business of the
Council.

Provided that if a meeting of the Council is adjourned for want of a quorum then no quorum shall be necessary for the next meeting for the transaction of the same business.

(2) No member shall take part in the discussion of, or exercise his vote on, any matter in which he has any personal or pecuniary interest.

(3) The Council shall meet at such time and place and shall observe such procedure with regard to the transaction of its business at such meetings, as may be prescribed.

(4) The Chairperson and in his absence, the Vice-Chairperson shall preside over the meeting of the Council and in the case of absence of the Vice-Chairperson, any member chosen by the members present in the meeting, shall preside over the meeting.

(5) All matters in the meeting shall be decided by majority of votes of the members present and in case of equality of votes, the person presiding over such meeting shall have a casting vote.

(6) The Council shall ordinarily meet once in a quarter but shall hold at least two meetings in a year.

(7) The Council shall, in addition to meeting referred to in sub-section (6), hold a meeting to be known as annual meeting to consider its annual report, audited annual accounts and balance sheet on or before the 30th of September of the following year.

(8) Every decision of the Council shall be taken by passing a resolution and shall be authenticated by the signatures of the Chairperson and in his absence, the Vice-Chairperson and in the case of absence of the Vice-Chairperson, by such other member as may be authorized by the Council in this behalf.

(9) Every instrument on behalf of the Council shall be authenticated by the signature of the Member-Secretary or in the absence of Member-Secretary, or when it is considered necessary under any circumstances, the Council may, by an order in writing and by recording reasons thereof, authorize any member or officer of the Council to authenticate any instrument.

(10) No act or proceedings of the Council shall be questioned or invalid merely on the ground of,-

- (a) any vacancy among its members or any defect in the constitution thereof; or
- (b) any defect in the nomination of a member; or
- (c) any defect or irregularity in such act or proceedings not affecting the merits of the case.

Powers and
functions of the
Council.

6. (1) The Council shall have the following powers and functions, namely:-

- (a) to specify the minimum standards and guidelines for imparting agricultural education and training to be followed by the colleges/ universities in the State;
- (b) to regulate the agricultural education in the State through grant of recognition to colleges/ institutions/ departments that meet the norms and standards prescribed to run educational degree programmes in agriculture. On the grant of recognition, the recognized colleges/ institutions/ departments shall automatically follow the prescribed system of education and governance including infrastructure (class rooms, laboratories, equipment, instructional farms, etc); procedure of admission,

recruitment of staff, resident instruction, course curricula, pattern of examination etc. as may be directed by the Council from time to time;

- (c) to grant approval to the annual academic plans/schemes of the recognized colleges/institutions/departments;
- (d) to review from time to time, the work done in the colleges/institutions/departments relating to agricultural education to achieve effective coordination in the activities of the recognized colleges/ institutions/departments of the concerned universities and give them suitable guidance and directions;
- (e) to ensure sustained quality assurance in agricultural education in the State through grant of accreditation to the recognized colleges;
- (f) to issue necessary directions, in the exercise of its powers and the discharge of its functions, to the concerned colleges/ institutions/departments under intimation to the Vice-Chancellor/s of the concerned University/ies, which shall be final and binding on them. It shall be the duty of the Vice-Chancellors/Deans/Principals concerned to ensure that such directions are promptly and properly implemented;
- (g) to exercise such other powers and to discharge such other functions as are incidental or requisite to give effect to the provisions of this Act as per decision of the Government related to agricultural education;
- (h) to advise the Government on any matter related to the activities of the concerned universities/colleges/institutions on agricultural education;
- (i) to review from time to time the procedures laid down to discharge its functions;
- (j) to co-ordinate and maintain standards of agricultural education and to effect re-orientation of such education on the specified lines so as to serve the needs of farmers and agro-industry and promote co-operation amongst the institutions and industrial and commercial establishment;

- (k) to co-operate with the Indian Council of Agricultural Research and other bodies in such manner and for such purposes, as may be necessary to carry out the purposes of this Act;
- (l) to undertake all other such acts and deeds as may be necessary for proper discharge of functions under this Act or the rules or the regulations made thereunder;
- (m) to carry out such duties as may be imposed on it under this Act or the rules or the regulations made thereunder;
- (n) to refuse to affiliate an institution which,-
 - (i) does not fulfil or is unable to fulfil the standards laid down by the Council for staff, instructions, equipment and buildings; or
 - (ii) does not abide by the conditions for affiliation laid down by the Council:

Provided that the affiliation to an institution shall not be refused without giving it a reasonable opportunity of being heard and without passing an order in writing and after recording reasons thereof;

- (o) to withdraw affiliation of an institution which is unable to adhere to or make a provision for standards of staff, instructions, equipment or buildings as laid down by the Council or on its failure to observe the conditions of affiliation to the satisfaction of the Council:

Provided that affiliation of an institution shall not be withdrawn without giving it a reasonable opportunity of being heard and without passing an order in writing by recording reasons thereof;

- (p) to call reports from Heads of the affiliated institutions in respect of any act done in contravention of the rules, regulations, decisions, instructions or directions of the Council in such manner, as may be specified;
- (q) to inspect or cause to be inspected an affiliated institution for the purpose of ensuring due observance of the specified courses of study and to ensure that the facilities for instructions are duly provided for and availed of;

- (r) to create technical, professional, administrative, ministerial and other posts required for the performance of its duties and responsibilities and to appoint persons to such posts;
- (s) to borrow money for carrying out the purposes of this Act with the prior approval of the Government;
- (t) to recommend to the Government regarding introduction of new courses and development of appropriate curricula in connection therewith;
- (u) to provide guidelines for granting academic autonomy to institutions of agricultural education and grant academic autonomy to such institutions, as it may consider necessary;
- (v) to review norms and guidelines for charging tuition and other fees by the colleges in order to prevent commercialization of agricultural education and training;
- (w) to refer any question arising in the courses of exercise of its powers or in the discharge of its duties and functions under this Act to any appropriate Committee constituted under section 7 and consider the committee's recommendations or suggestions thereon; and
- (x) to delegate by order such of its powers subject to such conditions, as it may consider necessary to any affiliated institution or other authority constituted under this Act or the rules or the regulations made thereunder.

(2) The Council shall, subject to the provisions of this Act and the rules made thereunder, have all such powers as may be necessary for the discharge of its functions and the performance of its duties under this Act or the rules or the regulations made thereunder.

7. (1) The Council may, for the purpose of carrying out the provisions of this Act and the rules and regulations made thereunder, set up the following Committees or such other Committees, as may be prescribed, namely:-

Constitution of
Committees of
the Council.

- (i) Academic Committee;

- (ii) Affiliation and Accreditation Committee;
- (iii) Finance Committee; and
- (iv) Any other committee as per requirement.

(2) The Committees shall consist of such members and of such other persons, as the Council may, consider necessary in such manner, as may be prescribed.

(3) The term of the committees and its members shall be such as may be prescribed.

(4) Every Committee shall submit its report to the Council for such decisions thereon, as it may consider necessary.

Powers of the
Chairperson.

8 (1) Subject to the superintendence, control and direction of the council, the Chairperson shall have the following powers, namely:—

- (i) undertake all acts required for implementing the decisions of the Council and shall exercise such powers and perform such other duties, in relation thereto, as may be prescribed;
- (ii) make such orders, as he may consider necessary on the recommendation of the committees constituted under section 7 on any matter falling within the jurisdiction of the council:

Provided that where such orders are inconsistent with the recommendations of the Committee or Committees, as the case may be, the same shall be placed before the Council within a period of thirty days from the date such orders are passed for its ratification.

(2) If the Chairperson is satisfied that action is required to be taken on any matter which is within the jurisdiction of the Council, he may, by an order in writing, take such action, as he may consider necessary keeping in view the facts and circumstances of each case:

Provided that such order shall be placed before the Council for ratification in its next meeting.

(3) The Chairperson shall convene and preside over the meeting of the Council at which he is present.

Appointment
of Member-
Secretary.

9. (1) The Government shall appoint a person to be the Member-Secretary to assist the Council in carrying out the purposes of this Act and he shall, subject to the superintendence, control and direction of the Chairperson, be the Chief Executive Officer of the Council.

(2) The Member-Secretary shall be responsible for preparation of the estimate of accounts and annual statement of Receipt and Expenditure and balance sheet of the Council and he shall be responsible for ensuring that all moneys of the Council are spent for the purposes for which these are meant.

(3) The Member-Secretary shall be responsible for maintaining the record of the Council including the proceedings of its meetings and he shall be entitled to be present and to speak at the meeting of the Council, but he shall not have the right to vote.

(4) The Member-Secretary shall exercise all such other powers, as may either be conferred upon him by the Chairperson under the rules or the regulations made under this Act or delegated to him by the Council.

10. The Council may, appoint such officers and employees, as it may consider necessary for carrying out the provisions of this Act, on such terms and conditions of service, as may be prescribed.

Appointment
of officers and
employees.

11. (1) A fund of the Council, to be known as the Agricultural Education Development Fund, shall be created by one time grant provided by the Government.

Funds of the
Council.

(2) All receipts of the Council shall be credited into the fund.

(3) All expenditure incurred by the Council shall be defrayed out of the fund, which shall be operated in such manner, as may be prescribed.

(4) All moneys lying in the credit of the fund, shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act 2 of 1934) or the same may also be invested in securities of Central Government, State Government or a Public Sector Undertaking.

(5) The fund shall be utilized for payment of charges and expenses authorised by or under this Act or for carrying out the purposes of this Act.

12. The accounts of the Council shall be got prepared by the Member-Secretary and audited annually by such an agency on payment of such amount, as may be specified by the Government.

Accounts and
Audit.

13. (1) The annual report of the Council shall be prepared by the Member-Secretary and shall be submitted to the Council within such time, as may be prescribed.

Annual
Report.

(2) The Council shall consider the annual report in its annual meeting for approval thereof.

(3) The Council shall submit its approved annual report along with audited annual accounts and balance sheet to the Government within a period of thirty days of the meeting.

(4) The Government shall, soon after the submission of the annual report along with audited annual accounts and balance sheet of the Council under sub-section (3), cause the same to be laid before the State Legislative Assembly:

Provided that when the report and accounts are to be laid in the Budget Session, these shall be laid before the House on the first sitting of the Session:

Provided further that the said report shall be laid before the State Legislative Assembly before the close of the financial year following the year to which the report relates.

Reference to
the Council.

14. (1) The Government shall have the power to make a reference to the Council with regard to any matter of policy or in respect of any act done by the Council in contravention of the provisions of this Act or the rules or the regulations made thereunder.

(2) The council shall report to the Government about the action, if any, as it proposes to take or has taken upon the reference made under sub-section (1), and shall furnish an explanation, if it fails to take action.

(3) If, the council fails within a reasonable time to take action on such reference to the satisfaction of the Government, it may after considering explanation submitted by the council, issue such directions consistent with this Act, as the Government may consider necessary and the Council shall comply with such directions.

(4) The Government may, at any time arrange for an inspection of or inquiry into the affairs of the Council by such authority or person, as it may specify, to satisfy about the proper and effective functioning of the Council and also upon any matter connected with the administration and finances of the Council.

(5) The Council may authorise any person to represent it at the inspection or inquiry referred to in sub-section (4).

(6) On receipt of the report of inspection or inquiry referred to in sub-section (4), the Government may examine the same and give such directions, as it may consider necessary, to the Council.

(7) The Chairperson shall, within the stipulated period but not less than thirty days from the date of the receipt of the directions given under sub-section (6), send an intimation to the Government about the action taken by the Council in pursuance of the said directions.

(8) On the expiry of the period specified in sub-section (7), the Government may, after considering the intimation, if any, received from the Chairperson, issued such directions to the Council, as it may consider necessary and the Council shall comply with such directions.

15. Every resolution of the Council, shall be communicated to the Government within a period of thirty days from the date of passing such resolution. If, in the opinion of the Government, a resolution of the Council is not in public interest or is not in conformity with the provisions of this Act or the rules or the regulations made thereunder, it may, by an order in writing, suspend the execution of such resolution:

Resolution of
the Council.

Provided that the resolution, the execution of which is suspended by the Government, shall not be cancelled without giving a reasonable opportunity to the Council to explain its position.

16. The Government may issue to the Council such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act or the rules or the regulations made thereunder and the Council shall comply with all such directions.

Powers to issue
directions.

17. An institution aggrieved by an order of the Council to refuse or withdraw affiliation, may prefer an appeal within a period of thirty days from the date of communication of such order to the Chief Secretary whose decision shall be final.

Appeal.

18. (1) All members, officers and employees of the Council shall be deemed, while acting or purporting to act in pursuance of any provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Members of the
Council to be
public servants.

(2) Every person entrusted with the duties of supervision or conducting inspection work at any institution which is affiliated or seeking affiliation to the Council, shall during the period of such inspection as well as for a period of one month prior to the date of commencement of and two months after the closing of such inspection, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Protection of
action taken in
good faith.

19. No suit, prosecution or other legal proceedings shall lie against the council or its authorities, officers or any employee of the Council for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder.

Power to
remove
difficulties.

20. Notwithstanding anything contained in this Act, with a view to remove any difficulty in giving effect to the provisions of this Act, the Government may, at any time, after the commencement of this Act, regulate by an order in writing, any matter which is to be prescribed or specified by a regulation under this Act, as the case may be.

Power to make
rules.

21. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the salary and allowances payable to the member and officers of the Council;
- (b) the term, composition and number of members of the Committees referred to in section 7; and
- (c) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees, that the rule should not be made, the rule 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 or omitted to be done under that rule.

Power to make
regulations.

22. (1) The Council may, with the prior approval of the Government, make regulations consistent with this Act and the rules framed thereunder.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the admission of students to affiliated institutions;
- (b) the courses of study and training to be provided by the affiliated institutions;

- (c) the award of degrees and the requirements which students should fulfil for obtaining the same;
- (d) the manner of affiliation of an institution;
- (e) the manner of recognition of the courses of study, the type of training and examinations to be conducted by an institution for the purposes of eligibility for the award of degree;
- (f) the collaboration with a recognised university with a view to effecting co-ordination and avoiding conflict;
- (g) the procedure to be followed at the meetings of the committees;
- (h) the number of members required to constitute a quorum at the meetings of the committees;
- (i) the manner in which decision shall be taken at any of the meetings of the committees;
- (j) the period of notice to be given to the members of a committee regarding the dates fixed for meetings and the agenda for the same;
- (k) the manner or keeping record of the proceedings of the meetings of the committees;
- (l) any other matter concerning the conduct of proceedings of the meetings of the committees and matters connected therewith;
- (m) any other matter which may be connected with or incidental to, any of the matters as aforesaid; and
- (n) any matter which is required to be laid down in the regulations in accordance with the provisions of this Act.

23. Save as otherwise provided in this Act, any rule or regulation with regard to affiliation, admission, curricula, staff or any other matter, as applicable before the commencement of this Act, shall remain applicable for two years from such commencement and during this period the college shall submit a status report to the Council within thirty days and a compliance report within six months and seek approval of Council within two years from the date of commencement of this Act.

Existing rule
or regulation
to continue.

CHANDIGARH :
The 7th December, 2017.

SHASHI LAKHANPAL MISHRA,
Secretary.