

PUNJAB VIDHAN SABHA

Bill No. 18-PLA-2018

THE PUNJAB STATE HIGHER EDUCATION COUNCIL BILL, 2018

A

BILL

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

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

1. (1) This Act may be called the Punjab State Higher Education Council Act, 2018.

Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

Definitions.

- (a) 'Chairman' means the Chairman of the Council;
- (b) 'College' means an educational institution, affiliated to a University, imparting education beyond 10+2 level in any branch of study, but does not include Medical/Technical/Agriculture/Management/Veterinary Colleges;
- (c) 'Council' means the Punjab State Higher Education Council constituted under section 3 of this Act;
- (d) 'degree' means a degree in Arts, Science, Commerce, Fine-Arts, Law, or in any other subject recognized by a University including a Post-Graduate or a Research Degree, but does not include Engineering/Technical/Management/Agriculture/Veterinary degrees;
- (e) 'Fund' means the Punjab State Higher Education Council Fund;

- (f) 'Government College' means a college fully administered and maintained by the State Government, except Medical/ Technical/Agriculture/Management/Veterinary Colleges;
- (g) 'Higher Education' means the education beyond 10+2 system of study;
- (h) 'Institutions of Higher Education' means all Universities, Government, Government Aided and Unaided Private Colleges and Constituent Colleges of Universities imparting education beyond 10+2 system in the State, but in the context of this Act, shall not include Medical/Technical/Agriculture/ Management/Veterinary Educational Institutions;
- (i) 'Member-Secretary' means the Member-Secretary of the Council;
- (j) 'prescribed' means prescribed by rules made under this Act;
- (k) 'Private College' means a college which is run and administered by a private body not receiving and grant from the State Government;
- (l) 'Regulatory Bodies' means the statutory bodies established by the Central or the State Government;
- (m) 'Search Committee' means the Search Committee constituted under sub-section (1) of section 7 of this Act;
- (n) 'State Government' means the Government of the State of Punjab in the Department of Higher Education;
- (o) 'University' means a University established or incorporated by or under the Central Act or by an Act of the State Legislature; and
- (p) 'Vice-Chairman' means the Vice-Chairman of the Council.

3. (1) The State Government shall, by notification in the Official Gazette, constitute the Punjab State Higher Education Council consisting of the following members, namely:—

- (a) the Chief Minister, Punjab; : Chairman

- (b) the Minister of Higher Education, : Vice-Chairman
Government of Punjab;
- (c) one nominee of Secretary, Ministry : Member
of Human Resource Development,
Government of India;
- (d) Administrative Secretary, Department : Member
of Finance, Government of Punjab
or his nominee not below the rank
of a Joint Secretary;
- (e) Vice-Chancellor of the Punjabi : Member
University Patiala;
- (f) Vice-Chancellor of the Guru Nanak : Member
Dev University, Amritsar;
- (g) State Project Director, Rashtriya : Member
Uchchar Shiksha Abhiyan;
- (h) Director, Public Instructions : Member
(Colleges), Punjab;
- (i) State Nodal Officer (All India Survey : Member
on Higher Education);
- (j) two Principals from Government : Members
Colleges to be nominated by the
State Government, who have been
working as such, for a minimum
period of one year;
- (k) 10-15 members to be nominated by : Members
the State Government, from the fields
of Arts, Science, Technology, Culture,
Industry, Vocational Education, Skill
Development etc., who have made
substantive and recognizable
contribution to their respective
fields; and
- (l) the Administrative Secretary, : Member-Secretary
Department of Higher Education,
Punjab.

(2) The Council and its members shall together constitute a body corporate having perpetual succession and a common seal and shall sue or be sued in the name of the Punjab State Higher Education Council.

(3) The headquarters of the Council shall be located in the office of the Rashtriya Uchchar Shiksha Abhiyan, Directorate of the State of Punjab.

(4) The Maximum age limit for the non-official members shall be sixty five years.

(5) The honorarium of non-official members shall be such, as may be prescribed.

(6) The term of nominated members shall be five years. The State Government shall have the right to extend the term of any such member.

Meetings of the Council.

4. (1) The Council shall meet at least once in every three months.

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

(3) No act or proceedings of the Council shall be deemed to be invalid by reason of any vacancy, or any defect in the constitution of the Council, provided, the quorum is present.

Functions and Powers of Council.

5. The following shall be the functions and powers of the Council, namely:—

- (a) preparing the State Higher Education Plan (Perspective Plan, Annual Plan and Budget Plan) and providing guidelines to other State Institutions of Higher Education for preparation and implementation of their plans;
- (b) Coordination between Regulatory Bodies in the field of Higher Education and the State Government;
- (c) creating a suitable Management Information System for monitoring and implementation of the State Higher Education;
- (d) compiling and maintaining periodic Statistics at the State and Institutional level;
- (e) evaluating State institutions on the basis of norms and key Performance indicators developed under the Rashtriya Uchchar Shiksha Abhiyan;

- (f) developing additional norms for its own use , if it deems fit, and recommending remedial measures for better performace.
- (g) taking appropriate steps for fulfilling the three cardinals of Higher Education namely, Quality, Equity and Access;
- (h) monitoring of Academic and Governance reforms in the State Institutions of Higher Educations.
- (i) developing programmes for greater academic co-operation and interaction amongst the Universities and between the Universities and Colleges;
- (j) ensuring timely release and disbursal of funds (States as well as Central Share) as per the Rashtriya Uchchatar Shiksha Abhiyan norms;
- (k) advising the State Government on Strategic investments in Higher Eduaction and to suggest ways and means for mobilizing additional resources for Higher Education in the State, especially through Public Private Partnership and Philanthropic donations etc.;
- (l) directing the State Institutions of Higher Education to ensure that standards of admission, teaching, examination, research, extension, programmes, qualified teachers, and infrastructure are maintained in accordance with the guidelines issued by the appropriate authorities of the Central and the State Government from time to time; and
- (m) associating with if any person whose assistance or advice, in its opinion, is required for carrying out the functions of the Council.

6. (1) The powers and functions of the Chairman and Vice-Chairman of the Council shall be such, as may be prescribed.

Powers and Functions of the Chairman and Vice-Chairman.

(2) The Chairman, and in his absence the Vice-Chairman of the Council, shall preside over the meetings of the Council.

7. (1) The non-official members shall be selected by a Search Committee to be headed by the Chief Secretary, Punjab and consisting of the following, namely:—

Compostion of the Search Committee for selection of non-official members.

- (a) Administrative Secretary (Higher Education)
- (b) Vice-Chancellor of the Punjabi University, Patiala;

- (c) Vice-Chancellor of the Guru Nanak Dev University, Amritsar, and
- (d) two persons of eminence in the field of Higher Education to be nominated by the State Government.

(2) The Search committee shall devise its own procedure and methodology.

Removal of non-official members of the Council.

8. The non-official members of the Council may be removed from their office by the State Government if it is satisfied that the incumbent,-

- (a) has become insane or insolvent and has been adjudged and declared so by a competent Court, or
- (b) has become physically unfit and incapable of discharging functions due to protracted illness or physical disability; or
- (c) has willfully omitted or refused to carry out the provisions of this Act or has abused or misused the powers vested in him/her or has shown incompetence to perform or has persistently made default in the performance of the duties expected or if his/her continuation in office is detrimental to the interest of the council; or
- (d) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty or has been convicted by a Court of law for any offence within the meaning of the Indian Penal Code.

Powers and functions of the Member-Secretary.

9. (1) The Member-Secretary shall act as the chief Executive Officer of the Council.

(2) Every order of the Council shall be executed through the Member-Secretary.

(3) The powers and functions of the Member-Secretary shall be such, as may be prescribed.

Staff of the Council.

10. (1) Adequate staff, either through direct recruitment or on deputation or on contractual basis or any other way in consonance with the Government policy, shall be employed for the Council:

Provided that the terms and conditions of service of the officers and employees of the Council shall be such, as may be prescribed:

Provided further that relevant service rules in relation to the officers and employees belonging to different cadres of the State Government shall continue to apply upon such officers and employees who may be deputed to the Council.

(2) The State Project Director, Rashtriya Uchchar Shiksha Abhiyan, in Consultation with the Member-Secretary, shall be authorized to engage experts/specialists/agencies for preparation of reports, carrying out studies or executing any work assigned by the State Government of the Council. However, *ex post-facto* approval of the Council shall be taken in this regard.

11. (1) There shall be a Fund of the Council to be known as the Punjab State Higher Education Council Fund to which shall be credited all grants received from the Central Government, the State Government, any regulatory body/authority or any contributions and subscriptions.

Fund of the Council.

(2) The State Government shall establish a corpus of five crore rupees for the establishment and functioning of the Council. The State Government may also release grants from time to time in terms of its annual budget for the Council.

(3) The Fund shall be used in meeting the expenses of the Council, including the payment of salaries and allowances of all the officers and employees of the Council.

12. (1) The Council shall maintain proper records and books of accounts for each and every financial year in such manner and in such form, as may be prescribed.

Accounts and Audit.

(2) The State Government shall cause statutory audit of the funds and accounts of the Council in such manner, as may be prescribed.

13. The Council shall submit to the State Government, its annual budget showing estimates of receipts and disbursements for the following year.

Budget of Council.

14. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section, 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 as 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. However such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

Constitution of State Higher Education Council is one of the pre-requisites of Rashtriya Uchchater Shiksha Abhiyan (RUSA). The main objectives of the Council are: ensuring planned and coordinated development of Higher Education in the State, ensuring quality in the institutions of Higher Education, facilitating sharing of resources between Universities and Colleges, especially for research purposes, academic and governance reforms, monitoring and evaluation of Higher Education institutions.

The Project Approval Board of the Ministry of Human Resource Development Govt. of India has approved an outlay of 174 Cr. in 60:40 Centre: State ratio under RUSA-2 for Punjab. As per MHRD directive, funds under RUSA-2 will be released only if the State Higher Education Council is constituted as a statutory body by an Act of State Legislature.

RAZIA SULTANA,
Minister for Higher Education and Languages,
Punjab.

FINANCIAL MEMORANDUM

(1) There shall be a Fund of the Council to be known as the Punjab State Higher Education Council Fund to which shall be credited all grants received from the Central Government, the State Government, any regulatory body/authority or any contributions and subscriptions.

(2) The State Government shall establish a corpus of five crore rupees for the establishment and functioning of the Council. The State Government may also release grants from time to time in terms of its annual budget for the Council.

(3) The Fund shall be used in meeting the expenses of the Council including the payment of salaries and allowances of all the officers and employees of the Council.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 14(1) of the Punjab Higher Education Council Bill, 2018 empowers the State Government to make rules for carrying out the purposes of the Act. The powers sought are necessary for the proper implementation of the provisions of the Act.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

CHANDIGARH :
The 26th August, 2018.

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 26th August, 2018 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).