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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 5th November, 2019

No. 18-PLA-2019/51.— The Jagat Guru Nanak Dev Punjab State Open University Bill, 2019 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.18-PLA-2019

**THE JAGAT GURU NANAK DEV PUNJAB STATE OPEN
UNIVERSITY BILL, 2019**

A

BILL

to establish and incorporate an open University in the State of Punjab to provide flexible open learning opportunities by overcoming the separation of teacher and learner using existing, new and emerging forms of technology and delivery through a variety of Information and Communication Technology Educational Aids with an objective to achieve universal quality education and for matters connected therewith or incidental thereto.

1. (1) This Act may be called the Jagat Guru Nanak Dev Punjab State Open University Act, 2019. Short title and commencement.

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

Definitions.

2. In this Act, rules and regulations made thereunder, unless the context otherwise requires,—

- (a) “Academic Council” means the Academic Council of the University;
- (b) “Board” means the Board of Governors of the University;
- (c) “Board of Studies” means the Board of Studies of the University;
- (d) “College” means a College or other academic institution established or maintained by, or admitted to the privileges of the University;
- (e) “Chancellor” means the Chancellor of the University;
- (f) “Employee” means any person appointed by the University, and includes teachers and other academic staff of the University;
- (g) “Finance Committee” means the Finance Committee of the University;
- (h) “Learner Support Centre” means a centre established, maintained or recognised by the University for advising, counseling, providing interface between the teachers and the learners, and rendering any academic and any other related service and assistance required by the learners;
- (i) “Learner Support Services” means and includes such services as are provided by the University in order to facilitate the acquisition of teaching-learning experiences by the learner to the level prescribed by or on behalf of the University in respect of a programme of study;
- (j) “Open and Distance Learning Mode” means a mode of providing flexible learning opportunities by overcoming the separation of teacher and learner using a variety of media, including print, electronic, digital, online and occasional interactive face-to-face meetings;
- (k) “Planning Board” means the Planning Board of the University;
- (l) “Regulations” means the regulations made by any authority of the University under this Act for the time being in force;
- (m) “School” means a School of Studies of the University;

- (n) "State Government" means the Government of the State of Punjab;
 - (o) "Student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
 - (p) "teachers" means Professors, Associate Professors, Assistant Professors and such other persons as may be designated as such by the Regulations for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;
 - (q) "University" means the Jagat Guru Nanak Dev Punjab State Open University established under this Act; and
 - (r) "Vice-Chancellor" means the Vice-Chancellor of the University;
3. (1) There shall be established a University by the name of the "Jagat Guru Nanak Dev Punjab State Open University". Establishment and incorporation of the University.
- (2) The headquarters of the University shall be at Patiala and it may establish or maintain Colleges and Learner Support Centers in the State as it may deem fit:
- Provided that the University may, with the prior approval of the Government of India, also establish Learner Support Centers outside India.
- (3) The first Vice-Chancellor, the first members of the Board of Governors, the Academic Council and the Planning Board and all 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 "Jagat Guru Nanak Dev Punjab State Open 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- The objects of the University.
- (a) to provide educational opportunities to those students who could not be reached or who could not access other institutions of higher learning;
 - (b) to realise equality of educational opportunities for higher education for a large segment of the population including those in employment, women, including housewives, adults and Non- Resident Indians who wish to upgrade their education or acquire knowledge and studies in various fields through open and distance learning mode;

- Powers of the University
5. (1) The University shall have the following powers, namely:—
- (c) to provide flexibility with regard to eligibility for enrolment, age of entry, choice of courses, methods of learning, conduct of the programmes;
 - (d) to complement the programmes of the existing Universities in the State in the field of higher learning so as to maintain the highest standards at par with the best Universities in the country with an endeavor to match international standards; and
 - (e) to offer degree, diploma and certificate courses for the benefit of the working population in various disciplines.
- (i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research;
 - (ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;
 - (iii) to partner with institutions of higher learning in the country or abroad for furtherance of its objectives through sharing of best practices, use of new and emerging technologies, sharing of content and Information Technology based platforms etc.;
 - (iv) to provide for the preparation of instructional materials, and course content using existing, new or emerging form of technology and delivery through a variety of Information and Communication Technology educational aids i.e. online education in the form of Open Educational Resources (OERs) or Massive Open Online Courses (MOOCs) etc;
 - (v) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have pursued a course of study or conducted research in the manner laid down by the regulations;
 - (vi) to confer honorary degrees or other distinctions in the manner laid down by the regulations;
 - (vii) to determine the manner in which distance education in relation to the academic programmes of the University may be organized for flexible learning opportunities by overcoming the separation of teacher and learner using a variety of media, including print,

electronic, online and occasional interactive face-to-face meetings with the presence of a Higher Educational Institution or Learner Support Services to deliver teaching-learning experiences, including practical or work experiences;

- (viii) to institute professorships, associate professorships, assistant professorships and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students, and to appoint persons to such professorships, associate professorships, assistant professorships and other academic positions;
- (ix) to cooperate with, and seek the cooperation of other universities and institutions of higher learning, professional bodies and organizations for such purposes as the University considers necessary;
- (x) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
- (xi) to establish and maintain such Learner Support Centers as may be determined by the University from time to time;
- (xii) to organize and conduct refresher courses, workshops, seminars and other programmes for teachers, content writers, evaluators and other academic staff;
- (xiii) to recognize examinations of, or periods of study (whether in full or part) at other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;
- (xiv) to make provision for research and development in educational technology and related matters;
- (xv) to create administrative, ministerial and other necessary posts and to make appointments thereto keeping in view the norms prescribed by the University Grants Commission, State Government or any other statutory body applicable on universities;
- (xvi) to receive benefactions, donations and gifts and to acquire, hold, maintain and dispose of any property movable or immovable,

- including trust and Government property, for the purposes of the University;
- (xvii) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University;
- (xviii) to enter into, carry out, vary or cancel contracts;
- (xix) to demand and receive such fees and other charges as may be laid down by the regulations;
- (xx) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their codes of conduct;
- (xxi) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
- (xxii) to appoint, either on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, fellows, scholars, artists, writers and such other persons who may contribute to the advancement of the objects of the University;
- (xxiii) to recognise persons working in other universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the regulations;
- (xxiv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;
- (xxv) to make arrangements for the promotion of the general health and welfare of the employees;
- (xxvi) to confer autonomous status on a College or a Learner Support Centre in the manner laid down by the regulations;
- (xxvii) to admit to its privileges any College subject to such conditions as may be laid down by the regulations; and
- (xxviii) to do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.

(2) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the Open University and distance education systems and for the determination of standards of teaching, evaluation and research in such systems.

6. The University shall in the exercise of its powers, have jurisdiction over the whole of the State of Punjab and over the Learner Support Centres outside India set up with the approval of Government of India. Jurisdiction.

7. (1) The University shall be open to persons of either sex and of whatever race, creed, caste 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 him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate thereat, or to enjoy or exercise any privilege thereof. University open to all classes, castes and creeds.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of persons belonging to the Scheduled Castes or Scheduled Tribes.

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

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Registrar; and
- (iv) such other persons in the service of the University, as may be declared by the regulations to be the officers of the University.

9. The Governor of Punjab shall be the Chancellor of the University. Chancellor

10. (1) The Vice-Chancellor shall be appointed by the Chancellor on the advice of the State Government out of a panel of persons of national eminence, prepared through a transparent screening process: Vice-Chancellor, appointment and powers.

Provided that the first Vice-Chancellor shall be appointed for a period of three years by the State Government.

(2) The Vice-Chancellor shall hold office for a term of three years, which may be extended for another three years by the Chancellor, on the advice and recommendations of the State Government.

(3) The Chancellor shall determine the amount of remuneration and other conditions of service of the Vice-Chancellor:

Provided that such terms and conditions shall not be altered to the disadvantage of the Vice-Chancellor during his term of office.

(4) Notwithstanding anything contained in sub-section (2), the Chancellor, on the recommendations of the State Government may, at any time, by an order in writing, remove the Vice-Chancellor from the office on the ground of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Chancellor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that during the pendency of any inquiry, the Chancellor may, on the recommendations of the State Government, place the Vice-Chancellor under suspension.

(5) In case the office of the Vice-Chancellor becomes vacant due to death, resignation, expiry of term, due to illness or such other cause, the Chancellor, on the recommendations of the State Government may appoint any person to perform the functions of the Vice-Chancellor until a new Vice-Chancellor is appointed or, as the case may be.

(6) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general control over its affairs in accordance with the regulations and give effect to the decisions of the authorities of the University.

(7) The Vice-Chancellor shall have the power of convening meetings of the Academic Council.

(8) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the regulations are faithfully observed and he shall have all powers necessary for this purpose.

(9) If, in the opinion of the Vice-Chancellor, an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary with the approval of Chairman of the Board of Governors and shall report the same for confirmation at the next meeting to the authority, which in the ordinary course, would have dealt with the matter:

Provided that where any such action taken by the Vice-Chancellor

is not approved by the authority concerned, he may refer that matter to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Board, within a period of thirty days from the date on which he receives notice of such action.

11. (1) The Registrar shall be appointed by the Board on the recommendations of the Vice-Chancellor for a period of three years, which may be extended by another term of three years.

Appointment, powers, duties and conditions of service of the Registrar.

(2) The terms and conditions of service of the Registrar shall be such as may be determined by the Board.

(3) The Registrar shall be ex-officio Secretary of the Board and the Academic Council.

(4) It shall be the duty of the Registrar to-

- (i) be custodian of the records, common seal and such other property of the University as the Board may commit to his charge;
- (ii) keep the minutes of all meetings of the Board and the Academic Council;
- (iii) conduct the official correspondence of the Board and the Academic Council;
- (iv) arrange for and superintend the examination of the University;
- (v) supply to the Chancellor, copies of the agenda of the meetings of the authorities as soon as they are issued and minutes of the meetings of the authorities ordinarily within a period of one month of the holding of the meetings; and
- (vi) perform such other duties as may from time to time, be assigned to him by the Vice-Chancellor or the Board.

12. (1) Subject to the provisions of this Act, the powers and duties of the officers of the University other than the Chancellor, the Vice-Chancellor and the Registrar, the terms for which they shall hold office and the filling of casual vacancies in such offices shall be provided for by the regulations.

Appointment, powers, duties of the officers and their terms of office.

(2) The mode of appointments, terms and conditions of service and the functions of the officers of the University, other than the Chancellor, the

Vice-Chancellor and the Registrar, shall be prescribed by regulations in so far as they are not provided herein.

Authorities of the University.

13. The following shall be the authorities of the University, namely:-

- (i) the Board of Governors;
- (ii) the Academic Council;
- (iii) the Faculties;
- (iv) the Board of Studies;
- (v) the Planning Board;
- (vi) the Finance Committee; and
- (vii) such other authorities, as may be declared by the regulations.

Constitution of the Board of Governors.

14. (1) The Board shall consist of a Chairman, ten ex-officio members and eight nominated members.

(2) (a) The Chairman shall be appointed by the Chancellor on the advice of the State Government out of a panel of persons of national eminence.

(b) The Chairman may be removed from the office by the State Government, if,-

- (i) he willfully refuses to carry out the provisions of this Act; or
- (ii) he abuses the powers vested in him; or
- (iii) he is adjudged as an insolvent; or
- (iv) he is convicted by a court of law for an offence involving moral turpitude; or
- (v) it appears to the State Government that his continuation in office is detrimental to the public interest:

Provided that no order of removal under this sub-section shall be passed without giving him a reasonable opportunity of being heard by the State Government and after recording reasons therefore.

(3) (a) The Chairman shall ordinarily preside over the meetings of the Board.

(b) The Chancellor shall preside over the convocation of the University and if he is unable to preside over the same then the Chairman shall preside over the convocation.

(4) (a) The Chancellor shall, on the advice of the State Government,

nominate the following members of the Board for a period of three years and they shall be eligible for re-nomination for another term of the same period, namely:-

- (i) two members from amongst the eminent Industrialists;
 - (ii) two members from amongst the eminent educationists;
 - (iii) two heads of the department by rotation from amongst the heads of the departments of the University; and
 - (iv) two persons of distinguished merit in social work, politics, civil services and science and technology.
- (b) The following shall be the ex-officio members, namely:-
- (i) Vice-Chancellor, Jagat Guru Nanak Dev Punjab State Open University;
 - (ii) Vice-Chancellor, Punjabi University, Patiala;
 - (iii) Vice-Chancellor, Guru Nanak Dev University, Amritsar.
 - (iv) Administrative Secretary to Government of Punjab, Department of Higher Education;
 - (v) Administrative Secretary to Government of Punjab, Department of Finance;
 - (vi) Administrative Secretary to Government of Punjab, Department of Medical Education and Research;
 - (vii) Administrative Secretary to Government of Punjab, Department of Technical Education;
 - (viii) Vice-Chairman, University Grant Commission, New Delhi or his nominee;
 - (ix) President of the Confederation of Indian Industry or his nominee; and
 - (x) President of the PHD Chamber of Commerce and Industries or his nominee.

(5) When a vacancy occurs in the Board due to resignation or death of a member or otherwise, the same shall be filled in the manner provided in sub-section (4):

Provided that the person who fills such vacancy shall hold office for the unexpired portion of the term for which the person in whose place he

becomes a member would have otherwise continued in office.

(6) The Board shall be the supreme authority of the University and shall have the following powers and functions, namely:-

- (a) to superintend and control the affairs of the University;
- (b) to approve academic programmes;
- (c) to frame and approve regulations;
- (d) to create Departments or Centres or Schools or Boards of Studies for running various academic programmes;
- (e) to create posts of faculty and staff positions in the University;
- (f) to approve the University budget;
- (g) to administer and control the funds of the University and to authorize the opening and operation of the Bank Accounts;
- (h) to accept, transfer and otherwise control the moveable, immovable and intellectual property of the University;
- (i) to decide upon the form and use of common seal of the University;
- (j) to appoint such committees as may be required for the efficient functioning of the University;
- (k) to approve the emoluments and terms and conditions of service of the faculty and staff of the University; and
- (l) to approve the performance of works and services on contract.

(7) An annual meeting of the Board shall be held on a date to be fixed by the Vice-Chancellor in consultation with the Chairman. In such annual meeting, report of working of University during the previous year together with the statement of the receipts and expenditure, the balance sheet and financial estimates shall be presented.

(8) Special meeting of the Board may be convened by the Chairman as and when necessary.

(9) The members of the Board shall be entitled to such allowances, if any, and the sitting fee from the University as may be provided in the regulations, but no member other than the persons referred to in sub-clause (iii) of clause (a) and sub-clause (i) of (b) of sub-section (4) of this section shall be entitled to any salary.

(10) Six members, including the Chairman, shall constitute a quorum at

any meeting of the Board.

(11) In case of difference of opinion amongst the members, the opinion of the majority shall prevail.

(12) Each member of the Board, including the Chairman, shall have one vote. If there shall be equality of votes on any question to be determined by the Board, the Chairman shall, in addition, has the power to exercise a casting vote.

(13) Every meeting of the Board shall generally be presided over by the Chairman.

(14) Any resolution, except such which is placed before the meeting of the Board, may be adopted by circulation among all its members. Any resolution so circulated and adopted by a majority of the members, who have given their approval or disapproval of such resolution shall be as effectual and binding as if such resolution had been adopted in a meeting of the Board:

Provided that for any decision by such circulation at least four members of the Board must support the resolution in writing.

15. (1) The Academic Council shall be the Academic Body of the University and shall, subject to the provisions of this Act and the regulations, have control and be responsible for the maintenance of standard of instructions, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by regulations. It shall have the right to advise the Board on all academic matters. Academic

(2) The Academic Council shall consist of the following members, namely:-

- | | |
|--|-----------|
| (i) the Vice-Chancellor; | :Chairman |
| (ii) the Dean of Faculties; | :Member |
| (iii) all the Heads of the Departments or Schools of the University; | :Members |
| (iv) the Principals of five colleges situated in State to be nominated by the Board; | :Members |
| (v) Director, Public Instructions (Colleges), Punjab; | :Member |
| (vi) Director, Technical Education and Industrial Training, Punjab; | :Member |

(vii) two eminent industrialists to be :Members
nominated by the Board; and

(viii) two eminent educationists to be :Members
nominated by the Board.

The nomination of members mentioned at serial numbers (iv), (vii) and (viii), shall be for a period of two years.

Constitution of
the Planning
Board.

16. (1) The Planning Board shall consist of the following persons, namely:-

- (a) the Vice-Chancellor;
- (b) the Administrative Secretary to Government of Punjab, Department of Finance or his nominee;
- (c) the Administrative Secretary to Government of Punjab, Department of Higher Education or his nominee;
- (d) the Administrative Secretary to Government of Punjab Department of Technical Education or his nominee;
- (e) not more than ten persons of high standing in public life, education and industry who shall be appointed by the State Government.

(f) The Registrar shall be the Secretary of the Planning Board.

(2) The recommendations of the Board shall be implemented after they are approved by the appropriate authorities of the University.

(3) It shall advise on the planning and development of the University particularly in respect of the standard of education and research in the University.

Constitution of
the Finance
Committee.

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

- (i) the Vice- Chancellor; :Chairman
- (ii) the Administrative Secretary to :Member
Government of Punjab,
Department of Finance;
- (iii) the Administrative Secretary to :Member
Government of Punjab,
Department of Higher
Education;

(iv) two members of the Board, to be :Members
nominated by the Chairman; and

(v) Registrar. :Member Secretary

(2) The Finance Committee shall advise the Board on all financial matters.

18. Subject to the provisions of this Act, the constitution, the powers and duties of the authorities of the University other than the Board and the Academic Council shall be provided by the regulations. Powers and duties of the authorities of the University.

19. (1) The first regulations of the University shall be approved and notified by the State Government in the Official Gazette. Power of making, amendment, repeal and operations of regulations.

(2) The Board may, from time to time make new or additional regulations or may amend or repeal the regulations:

Provided that the Board shall not propose the draft of amendment of the regulations affecting the status, powers or constitution of any existing authority of the University, until such authority has been given an opportunity of expressing an opinion upon the proposal and any opinion so expressed shall be in writing and shall be considered by the Board.

(3) Every new regulation or any addition or any amendment or repeal of regulation after approval of the Board shall require the approval of the State Government, which may approve, disallow or remit it to the Board for further consideration.

20. Subject to the provisions of this Act, the regulations may provide for all or any of the following matters, namely:- Regulations.

- (a) the constitution, powers and duties of the Academic Council and such other authorities as may be deemed necessary to constitute from time to time;
- (b) the appointments, powers and duties of the officers of the University;
- (c) the constitution of gratuity and provident fund and the establishment of an insurance scheme for the benefit of the officers and other employees of the University;
- (d) the conferment of Honorary degrees;
- (e) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (f) the establishment and constitution of faculties, departments, halls,

hostels, colleges, centres and schools;

- (g) the conditions under which colleges, schools and centres may be admitted to the privileges of the University and the withdrawal of such privileges;
- (h) the admission of students to the University and their enrolment as such;
- (i) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (j) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same and the amounts to be taken relating to the granting and obtaining of the same;
- (k) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;
- (l) the conditions for the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (m) the conduct of examinations including terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (n) the maintenance of discipline among students at the University;
- (o) the conditions of residence of students at the University;
- (p) the emoluments and terms and conditions of service of the officers and employees of the University;
- (q) the management of colleges, schools, and centres founded or maintained by the University;
- (r) the supervision and inspection of colleges, schools and centres admitted to the privileges of the University; and
- (s) all other matters which by this Act or may be provided for by the regulations.

- Sub-regulations. 21. (1) The authorities may make sub-regulations consistent with this Act and regulations for all or any of the following matters, namely:-
- (a) laying down, the procedure to be observed at their meetings and the number of members required to form the quorum; and

(b) providing for all matters which by this Act and regulations are to be specified.

(2) Every authority shall make sub-regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered in the meetings and for the keeping of a record of the proceedings of the meetings.

22. The State Government shall provide a one-time grant not exceeding rupees twenty-five crore to create a Corpus of Funds which thereafter shall be maintained and replenished by the University by mobilising funds from time to time by way of grants, donations, fees and such other charges as it may be enabled to levy under its regulations. Corpus of Funds.

23. The annual report of the University shall be prepared and shall be submitted to the Board for approval at its annual meeting on or before such date as may be prescribed by regulations. Annual report.

24. The accounts of the income and expenditure of the University shall be submitted once every year to the State Government for such examination and audit, as the State Government may direct. The accounts when audited, shall be published in the Official Gazette of the State Government. Annual account.

25. No act done, or proceedings taken under this Act by any authority or any other body of the University shall be invalid merely on any of the following grounds, namely:- Acts of proceedings of authorities and bodies no invalidated by vacancies.

- (a) vacancy or defect in the constitution of the authority or body;
- (b) defect or irregularity in nomination or appointment of a person acting as a member thereof; and
- (c) defect or irregularity in such act or proceeding, not affecting the merits of the case.

26. If any question arises whether a person has been duly nominated or appointed or is entitled to be a member of any authority or body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final. Disputes about constitution of authorities and bodies.

27. (1) The State Government shall have the powers to make a reference to the University with regard to any matter of policy or in respect of any act done by the University in contravention with the provisions of this Act or the regulations made there under. Powers of the State Government.

(2) The University shall report to the State Government about the action,

if any, as it proposes to take or has taken upon the reference made under sub-section (1), and shall submit an explanation to the State Government, if it fails to take action.

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

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

(5) The University may authorize any person to represent it on the inspection or enquiry referred to in sub-section (4).

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

(7) The Vice-Chancellor shall within a period of thirty days from the date of receipt of the directions given under sub-section (6), send an intimation to the State Government about the action taken by the University in pursuance of the said directions.

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

Communication of resolution of the State Government.

28. Every resolution passed by the University shall be communicated to the State Government within a period of thirty days from the date of passing such resolution.

Powers of the State Government to suspend or cancel the resolution of the University.

29. If in the opinion of the State Government, resolution of the University is not in the public interest, or is not in conformity with the provisions of this Act or the regulations made there under, it may, by an order in writing, suspend the implementation of such resolution:

Provided that the resolution, the implementation of which is suspended by the State Government, shall not be cancelled without giving a

reasonable opportunity to the University to explain its position.

30. The State Government may issue such directions to the University, as in its opinion are necessary or expedient for carrying out the purposes of this Act or regulations made there under, and the University shall be bound to comply with all such directions.

Power of the State Government to give direction.

31. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in giving effect to the provisions of this Act at the first stage, the State Government may, at any time, before any authority of the University has been constituted, by order make any appointments or do anything so far as it may be consistent with the provisions of this Act, which appears to it necessary or expedient for the purpose of removing the difficulty. Every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act.

Power of the State Government to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

There is a perceptible shift globally in the nature of education wherein students are increasingly pursuing online courses through distance education. Such Massive Open Online Courses (MOOC's) are gaining currency at a very fast pace and it is important that Punjab should be cognizant of these developments. Shri Guru Nanak Dev Ji had said:

ਪ੍ਰਭਾਤੀ (ਮ:੧)

“ਗੁਰ ਪਰਸਾਦੀ ਵਿਦਿਆ ਵੀਚਾਰੈ ਪੜਿ ਪੜਿ ਪਾਵੈ ਮਾਨੁ ॥” ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ-ਅੰਗ ੧੩੨੯

So, on the auspicious occasion of 550th birth anniversary of Shri Guru Nanak Dev Ji, the Government of Punjab intends to establish the “Jagat Guru Nanak Dev Punjab State Open University” for Open and Distance Learning. The “Jagat Guru Nanak Dev Punjab State Open University” is being setup with an objective of realising equality of educational opportunities for higher education for a large segment of population including those in employment, women, including housewives, adults and Non Resident Indians who wish to upgrade their education or acquire knowledge and studies in various fields through Open and Distance Learning mode. It will provide flexibility with regard to eligibility for enrolment, age of entry, choice of courses, methods of learning and conduct of the programs. This University will also complement the programs of the existing Universities in the State in the field of higher learning so as to maintain the highest standards at par with the best Universities in the country with an endeavor to match international standards.

2. It is deemed, therefore, expedient to provide for enactment of the “Jagat Guru Nanak Dev Punjab State Open University Act, 2019”

TRIPT RAJINDER SINGH BAJWA

Higher Education & Languages

Minister, Punjab.

FINANCIAL MEMORANDUM

The proposed University is going to be the first of its kind in the State. As such, it is difficult to make an estimate of expected revenue and expenditure of the University. For the year 2019-20 a sum of Rs. 5.00 crore may be required for which provision had already been made in the Budget. Department is making efforts to get Panchayat land for the University free of cost. Further in the subsequent years, for creating necessary infrastructure, suitable Budget provision will be got made from the Finance Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sections 19 and 27 of the Jagat Guru Nanak Dev Punjab State Open University Bill, 2019 empower to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

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 5TH NOVEMBER, 2019

SHASHI LAKHANPAL MISHRA
SECRETARY.