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PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 10th July, 2012

No. 9-Leg./2012.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 6th July, 2012, is hereby published for general information :—

THE ADESH UNIVERSITY ACT, 2012

(Punjab Act No. 6 of 2012)

AN

ACT

to establish and incorporate a University in the State of Punjab to be known as the Adesh University for the purposes of making provisions for instruction, teaching, education, research, training and related activities at all levels in disciplines of higher education including professional, medical, technical, general education, language and literature, art and culture, management, tourism and hospitality and to provide for the matters connected therewith or incidental thereto ;

Whereas the Adesh Foundation made a proposal to the State Government for setting up a self-financing University in the State of Punjab on the basis of the Punjab Private University Policy, 2010 to make provisions for all the streams of higher education at all levels ;

Whereas the State Government, after due consideration of the said proposal of the aforesaid Foundation, has come to the conclusion that the aforesaid Foundation is capable of establishing and running the University and accordingly has accepted its proposal for the establishment of the said Private University ;

And whereas in the circumstances referred above, it is deemed expedient to establish the Adesh University for the aforesaid purposes.

Be it enacted by the Legislature of the State of Punjab in the Sixty-third Year of the Republic of India, as follows :—

1. (1) This Act may be called the Adesh University Act, 2012.

Short title and commencement.

(2) It shall come into force at once.

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

Definitions.

(a) 'Academic Council' means the Academic Council of the University ;

(b) 'authorities' means the authorities of the University ;

(c) 'Board of Management' means the Board of Management of the University ;

- (d) 'Board of Studies' means a body, to be constituted by the Governing Body ;
- (e) 'campuses' means the campuses of the University including off-campus centres, off-shore campuses centres and regional campuses ;
- (f) 'Chairman' means the Chairman of the Foundation ;
- (g) 'Chancellor' means the Chancellor of the University ;
- (h) 'Chief Finance and Accounts Officer' means the Chief Finance and Accounts Officer of the University ;
- (i) 'Dean' means a Dean of the University ;
- (j) 'Foundation' means the Adesh Foundation registered under the Societies Registration Act, 1860 (XXI of 1860) ;
- (k) 'Governing Body' means the Governing Body of the University ;
- (l) 'institution' means an institution or institute or college or academic centre (by whatever name it may be called) run or managed by the University, within or outside the State of Punjab ;
- (m) 'prescribed' means prescribed by the statutes, ordinances and regulations ;
- (n) 'Registrar' means the Registrar of the University ;
- (o) 'State Government' means the Government of the State of Punjab ;
- (p) 'statutes', 'ordinances' and 'regulations' mean the statutes, ordinances and regulations of the University, made by it under this Act ;
- (q) 'teacher' includes Professor, Reader, Associate Professor, Assistant Professor, Lecturer and any such other person, imparting instruction on full time or part time basis in the University or in any of its institutions ;
- (r) 'University' means the Adesh University established under section 3 of this Act ;
- (s) 'Vice-Chancellor' means the Vice-Chancellor of the University ; and
- (t) 'Visitor' means the Visitor of the University.

Establishment of
the University.

3. (1) There shall be established a private University by the name of the Adesh University in the State of Punjab.

(2) The University shall be run and managed by the Foundation in accordance with the provisions of this Act.

(3) The University shall be a body corporate by the name, mentioned in sub-section (1), and shall have perpetual succession and a common seal. It shall have the power to acquire, hold, dispose of property both moveable and immovable and to make contract, and shall sue and be sued by the said name.

(4) The headquarters of the University shall be located at Village and Post Office Bhucho Kalan, Tehsil Nathana, District Bathinda.

(5) The University shall be a self-financed and it shall not be entitled to receive any grant or other financial assistance from the State Government.

4. The objects of the University shall be,—

Objects of the
University

- (i) to provide for instruction, teaching, education, research and training at all levels in all disciplines of higher education including professional, medical, technical, general education, language and literature, art and culture, management, tourism and hospitality and in any other stream and subject, as per the needs of the industry and the society in general, as may be deemed necessary by the University through all the modes of education as may emerge or become relevant in future ;
- (ii) to promote the academic aspirants of the rural students ;
- (iii) to undertake industry oriented teaching, training and research, extension programmes and to provide employable skills with a view to contribute to the development of the society ;
- (iv) to provide for research, creation, advancement and dissemination of knowledge, wisdom and understanding ;
- (v) to encourage and motivate leading industrial houses for setting up at the campuses their respective corporate institutes for academia industry nexus ;
- (vi) to disseminate knowledge so as to make it accessible to all strata of the society ;
- (vii) to promote Punjabi studies, to provide for research in Punjabi Language and Literature and to undertake measures for the development of Punjabi Language, Literature and Culture ; and

(viii) to do all such things, as may be necessary or desirable to further the objects of the University.

Powers and
functions of the
University.

5. The University shall have the following powers and functions, to be exercised and performed by it or through its officers and authorities, namely:—

- (i) to make provisions for instruction, teaching and research, relating to the courses through traditional as well as new innovative modes including online education modes ;
- (ii) to conduct and hold examinations and grant or confer degrees, diplomas, certificates, awards, grades, credits, honorary degrees, academic distinctions as well as other distinctions and certifications ;
- (iii) to institute and confer the designation of Professor, Associate Professor, Reader, Assistant Professor, Lecturer or any other equivalent designation, as may be required by the University or its institutions, and to appoint persons as such ;
- (iv) to institute and award fellowships, scholarships, studentships, exhibitions, as may be prescribed ;
- (v) to provide for equivalence of the degrees, diplomas and certificates of the students completing their courses from any other University, Board, Council or any other competent authority ;
- (vi) to provide for dual degree, diploma or certificate *vis-a-vis* other universities on reciprocal basis ;
- (vii) to set up central library, departmental libraries, museums and allied matters ;
- (viii) to demand such fees and other charges, as may be prescribed ;
- (ix) to hold, manage and run the funds of the Foundation and endowments created in favour of the University ;
- (x) to institute and confer honorary degrees, as may be prescribed ;

- (xi) to print and publish the works of the academic excellence;
- (xii) to take special measures for the spread of educational facilities amongst the educationally backward strata of society;
- (xiii) to encourage and promote sports;
- (xiv) to create technical, administrative, ministerial and other necessary posts and to make appointments thereto;
- (xv) to receive grants from the University Grants Commission and other Central or State Agencies;
- (xvi) to receive and to raise loans and advances for the University;
- (xvii) to undertake research projects on mutually acceptable terms and conditions in respect of agriculture, industry and business;
- (xviii) to provide consultancy services;
- (xix) to encourage and promote extra-curricular activities for personality development of the students, teachers and employees of the University;
- (xx) to purchase, acquire and take on lease or mortgage, any immovable or movable property and to sell, lease, mortgage, alienate and transfer any immovable or movable property belonging to or vested in the University;
- (xxi) to prescribe the fee structure for various categories of students;
- (xxii) to seek collaboration with other institutions on mutually acceptable terms and conditions;
- (xxiii) to fix, determine and provide salaries, remunerations and honoraria to the teachers and employees of the University in accordance with the norms specified by the University Grants Commission;

- (xxiv) to do self-certification, which shall be exempted from obtaining any permission, approval, license, certificate, no objection certificate or authorization from the State Government or any other body set-up by the State Government;
- (xxv) to frame statutes, ordinances and regulations for carrying out the objects of the University;
- (xxvi) to set-up constituent colleges, institutions, off-campus centres, off-shore centres and zonal or regional centres, study centres, learning centres (by whatever name these may be called), as per the guidelines of the University Grants Commission and the instructions issued by the State Government from time to time; and
- (xxvii) to perform all such other functions, which may be necessary or desirable in furtherance of the objects of the University.

Jurisdiction of the University

6. (1) The University shall exercise its jurisdiction within its campuses.

(2) The University shall affiliate to it those educational or professional institutions, established, run or managed by the Foundation with regard to which a specific decision is taken by the foundation.

Officers of the University

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

- (i) the Visitor;
- (ii) the Chancellor;
- (iii) the Vice-Chancellor;
- (iv) the Deans of the faculties;
- (v) the Registrar;
- (vi) the Chief Finance and Accounts Officer; and
- (vii) such other officers of the University, as may be declared by the statutes, to be the officers of the University.

The Visitor

8. (1) The Governor of Punjab shall be the Visitor of the University.

(2) The Visitor shall preside over the convocation of the University for conferring degrees and diplomas.

(3) The Visitor shall have the right to call for any information relating to the affairs of the University.

(4) The Visitor, in consultation with the Chancellor, may cause the inspection, scrutiny, investigation, survey or inquiry or any other such like thing to be made by such person, as he may direct in respect of administrative, academic or executive matters of the University.

(5) The Visitor shall, in every case give notice to the University of his intention to cause the inspection, scrutiny, investigation, survey or inquiry or any other such like thing to be made and the University shall appoint a representative, who shall be present at such inspection, scrutiny, investigation, survey or inquiry, or any other such like thing, as the case may be.

(6) The Visitor may inform the Vice-Chancellor about the results of such inspection, scrutiny, investigation, survey or inquiry and the Vice-Chancellor shall communicate to the Governing Body, the views of the Visitor along with such advice, as the Visitor may have tendered and the action to be taken on such advice.

(7) The Vice-Chancellor shall inform the Visitor about the action taken or proposed to be taken by the University with respect to the inspection, scrutiny, investigation, survey, inquiry, or any other such like thing, as the case may be.

(8) If the State Government considers it appropriate in public interest to make inspection, scrutiny, investigation, survey or inquiry, as the case may be, in respect of any matter relating to the University or its institutions, a reference shall be made by the State Government to the Visitor, who shall, in consultation with the Chancellor, cause such inspection, scrutiny, investigation, survey or inquiry, to be made.

9. (1) The chairman shall be the Chancellor of the University and in the absence of the Visitor, the Chancellor shall preside over the convocation of the University. The Chancellor.

(2) The Chancellor shall be the Chairman of the Governing Body and he shall approve all appointments, nominations, removals, suspensions and reinstatements of the employees and officers of the University either *suo-moto* or on the recommendation of the authority concerned of the University.

(3) The Chancellor may amend or revoke any decision taken by any authority or officer of the University and may exercise his powers either *suo-moto* or otherwise, to do all necessary things to facilitate the smooth functioning of the University.

(4) The Chancellor shall have the power to do all such other functions, as may be required to further the objects of the University and any matters incidental thereto and the decisions taken by the Chancellor shall be final and binding on all concerned of the University.

(5) If, in the opinion of the Chancellor, any decision of any officer or authority of the University is beyond the powers conferred under this Act or the statutes or ordinances or regulations or is likely to be prejudicial to the interests of the University, he shall ask such officer or authority to revise its decision within a period of fifteen days and in case the officer or authority refuses to revise such decision, wholly or partly or fails to take any decision within a period of fifteen days, the decision of the Chancellor thereon shall be final.

(6) If, at any time, upon the representation made or otherwise, it appears to the Chancellor that the Vice-Chancellor or any other officer of the University,—

- (a) has made default in performing any duty imposed upon him under this Act or otherwise ; or
- (b) has acted in a manner prejudicial to the interests of the University ; or
- (c) is incapable of managing the affairs of the University,

the Chancellor may, notwithstanding the fact that term of that officer has not expired, by an order in writing and stating the reasons therein, require the officer to relinquish his office from such date, as may be specified in the order. The officer concerned shall be deemed to have relinquished his office from the date so specified :

Provided that no such order shall be passed, unless the grounds on which such action is proposed to be taken are communicated to that officer and he is given reasonable opportunity of being heard.

The Vice-
Chancellor.

10. (1) The Vice-Chancellor, shall be appointed by the Chancellor from amongst the panel of three persons recommended by the Governing Body.

(2) No person shall be appointed as Vice-Chancellor, unless he possesses such qualifications, as are specified by the University Grants Commission.

(3) The Vice-Chancellor shall be the overall in-charge of the University, who shall exercise general superintendence and control in the affairs of the University and shall execute the decisions of various authorities of the University.

(4) In case of the absence of the Visitor and the Chancellor, the Vice-Chancellor shall preside over the convocation of the University.

(5) The Vice-Chancellor shall exercise such powers and perform such functions, as may be prescribed.

11. (1) The Registrar shall be appointed by the Chancellor from amongst the panel of three persons recommended by the Governing Body. The Registrar.

(2) No person shall be appointed as Registrar, unless he possesses such qualifications as are specified by the University Grants Commission.

(3) The Registrar shall sign all contracts and authenticate all documents or records for and on behalf of the University.

(4) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but he shall not have the right to vote.

(5) The Registrar shall exercise such other powers and perform such other functions, as may be prescribed.

12. (1) The Chief Finance and Accounts Officer shall be appointed by the Chancellor in such manner, as may be prescribed. The Chief Finance and Accounts Officer.

(2) No person shall be qualified to be appointed as Chief Finance and Accounts Officer, unless he has passed the Chartered Accountancy Test conducted by the Institute of Chartered Accountants of India.

(3) The Chief Finance and Accounts Officer shall exercise such powers and perform such functions, as may be prescribed.

13. (1) The University may appoint such other officers, as it may deem necessary for its smooth functioning. Other Officers.

(2) The manner of appointment of such other officers of the University and their powers and functions shall be such, as may be prescribed.

14. The following shall be the authorities of the University, namely :— Authorities of the University.

- (i) the Governing Body ;
- (ii) the Board of Management ;
- (iii) the Academic Council ; and
- (iv) such other authorities, as may be declared by the statutes to be the authorities of the University.

The Governing
Body.

15. (1) The Governing Body of the University shall consist of the following persons, namely :—

- (a) the Chancellor ; .. Chairman
- (b) the Vice-Chancellor ; .. Member
- (c) three persons nominated .. Members
by the Foundation, out of
whom two shall be eminent
educationists ;
- (d) one expert of management or .. Member
information technology ;
- (e) one expert of finance .. Member
nominated by the Chancellor ;
- (f) the Secretary to Government of .. Member
Punjab, Department of Higher
Education or his representative
not below the rank of Joint
Secretary ; and
- (g) one eminent educationist, .. Member
nominated by the Secretary to
Government of Punjab,
Department of Higher Education
in consultation with the Chancellor.

(2) The Governing Body shall be the supreme body of the University. It shall perform the following functions, namely :—

- (a) to provide general superintendence and to give directions for controlling the functioning of the University in accordance with the statutes, ordinances and regulations ;
- (b) to review the decisions of other authorities of the University in case these are not in conformity with the provisions of the statutes, ordinances and regulations ;
- (c) to approve the budget and annual report of the University ;
- (d) to lay down the extensive policies to be followed by the University ; and
- (e) to exercise such other powers, as may be prescribed by the statutes.

(3) The Governing Body shall meet at least twice in a calendar year.

(4) The quorum for meeting of the Governing Body shall be five.

16. (1) The Board of Management shall consist of the following members, namely :— The Board of Management.

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| (a) the Chancellor or his nominee ; | .. Chairperson |
| (b) the Vice- Chancellor ; | .. Member |
| (c) two members of the Foundation nominated by the Foundation ; | .. Members |
| (d) the Director of the Directorate concerned relating to education as representative of the State Government ; | .. Member |
| (e) three persons, who are not the members of the Foundation nominated by the Foundation ; | .. Members |
| (f) two persons from amongst the teachers nominated by the Foundation ; and | .. Members |
| (g) two teachers nominated by the Vice-Chancellor | .. Members |

(2) The Board of Management shall exercise such powers and perform such functions, as may be prescribed.

(3) The Board of Management shall meet at least twice in a calendar year.

(4) The quorum for meeting of the Board of Management shall be five.

17. (1) The Academic Council shall consist of the following members, namely :— The Academic Council.

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|---|----------------|
| (a) the Vice-Chancellor ; | .. Chairperson |
| (b) one eminent academician nominated by the State Government as its representative ; and | .. Member |
| (c) such other members, as may be prescribed. | .. Members |

(2) The Academic Council shall be the main academic body of the University and it shall, subject to the provisions of this Act, the statutes, ordinances and regulations, coordinate and exercise general supervision over the academic policies of the University.

(3) The quorum for meeting of the Academic Council shall be such, as may be prescribed.

The Finance Committee.

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

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| (i) the Vice-Chancellor ; | .. Chairperson |
| (ii) the Dean Academic Affairs ; | .. Member |
| (iii) the Registrar of the University; | .. Member |
| (iv) two persons nominated by the Foundation out of whom one shall be a financial expert ; and | .. Members |
| (v) the Chief Finance and Accounts Officer. | .. Member-Secretary |

(2) The members nominated by the Foundation shall hold office for a period of two years.

Functions of the Finance Committee.

19. (1) The Chief Accounts and Finance Officer shall get the annual budget of the University prepared alongwith the requisite documents and submit the same to the Finance Committee for its approval. The Chief Accounts and Finance Officer shall also get the accounts of the annual income and expenditure of the University prepared and get the same audited from the Chartered Accountant so appointed by the Finance Committee in this regard.

(2) The budget approved by the Finance Committee alongwith the note with regard to the audit of income and expenditure of the University, referred to in sub-section (1), shall be placed before the Chancellor for its approval.

(3) The Finance Committee shall tender advice to the Chancellor on financial matters of the University.

Other authorities.

20. The composition, constitution, powers and functions of authorities under clause (iv) of section 14, shall be such, as may be prescribed.