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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 27th April, 2018.

No.LL(B)78/2017/16.—The Meghalaya Higher Education Council Act, 2018 (Act No. 3 of 2018) is hereby published for general information.

MEGHALAYA ACT NO. 3 OF 2018.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 26th April, 2018.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th April, 2018.

THE MEGHALAYA HIGHER EDUCATION COUNCIL ACT, 2018

An

Act

to provide for the establishing a State Higher Education Council as a collective of the Government Universities, Colleges, Academics and Experts in order to forge a synergic relationship among them by occupying an operational space in between the Government Universities and apex level regulatory bodies and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-ninth Year of the Republic of India as follows:-

Short title, Extent and Commencement.

1. (1) This Act may be called the Meghalaya State Higher Education Council Act, 2018.
- (2) It shall extend to the whole of the State of Meghalaya.
- (3) It shall come into force on the date of its Publication in the Official Gazette of the Government of Meghalaya.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (a) "Act" means the Meghalaya State Higher Education Council Act, 2018;
 - (b) "All India Council for Technical Education" means the Council constituted under the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
 - (c) "Bar Council of India" means the Bar Council constituted under the Advocates Act, 1961 (Central Act 25 of 1961);
 - (d) "Chairman" means the Chairman of the Council;
 - (e) "College" means any college or institution approved by, or affiliated to any university within the State of Meghalaya and provides courses of study for admission to the examination of the university and inclusive of autonomous colleges;
 - (f) "Council" means the Meghalaya State Higher Education Council;
 - (g) "Executive committee" means the Executive Committee of the council;
 - (h) "Member Secretary" means the Member Secretary of the Council;

- (i) "Government" means the Government of Meghalaya;
- (j) "Higher Education" means an Education, whether professional, Technical or otherwise, and includes research studies leading to the award of a Degree or Diploma or Certificate by a university or an institution approved by the university;
- (k) "Institution" means an Academic Institution of Higher Education . and research, not being a college, associated with and admitted to privileges of a university or maintained by a University;
- (l) "Medical Council of India" means the Council constituted under the Indian Medical Council Act, 1956 (Central Act 102 of 1956);
- (m) "Member" means a Member of the Council or the Executive Committee as the case may be;
- (n) "Regulations" means the Regulations made by the Council under this Act;
- (o) "State" means the State of Meghalaya;
- (p) "Statutes", "ordinances" and "Regulation" of a university means respectively the statutes, the ordinances and the Regulations issued under the respective Acts of a university;
- (q) "Teacher" means any regular teacher working in a University, Government colleges or government aided or unaided college or institution whose appointment has been made or approved by or on behalf of the government or a university;
- (r) "University" means any University in the State established by an Act of the State Legislature or the Parliament;
- (s) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central' Act 3 of 1956); and
- (t) "Vice-Chairman" means the Vice Chairman of the Council.

Constitution of the Council.

3. (1) The Government shall constitute the Council to be called the Meghalaya State Higher Education Council which shall consist of the following, namely:-

Sl. No.	Category	Designation
1.	Minister of Higher Technical Education, Government of Meghalaya.	Chairman
2.	The Chief Secretary, Government of Meghalaya.	Member
3.	Vice-Chancellor, NEHU.	Vice-Chairman
4.	The Principal Secretary/Commissioner & Secretary/Secretary I/C of Department of Higher & Technical Education, Meghalaya.	Member
5.	Director of Higher & Technical Education, Meghalaya.	Member
6.	The Additional Director Higher & Technical Education, Meghalaya and State Project Director, Meghalaya.	Member
7.	The Principal Secretary, Finance Department, Meghalaya or his representative not below the rank of Secretary.	Member
8.	Principal Secretary, Planning Department, Meghalaya or his representative not below the rank of Secretary, Planning.	Member
9.	Five academicians of repute from different academic discipline of whom at least two shall be women.	Member
10.	Secretary, Law/Parliamentary Affairs Government of Meghalaya.	Member
11.	Executive Chairman, MBOSE.	Member
12.	One nominee of the Government of India (to be nominated by MHRD).	<i>Ex-officio</i> Member
13.	One nominee of the University Grants Commission.	<i>Ex-officio</i> Member
14.	Principal Secretary, Health & Family Welfare, Meghalaya.	<i>Ex-officio</i> Member

(2) The Council be a body corporate' by the name aforesaid, having perpetual succession out a common seal and shall by the said name *sue* and be *sued*.

(3) The Headquarter of the Council shall be in Shillong.

Disqualification.

4. (1) No person shall be qualified for nomination or to continue as a member of the Council, if on the date of such nomination/Tenure, he/she is:-

- (i) of unsound mind;
- (ii) adjudicated as an un-discharged insolvent;
- (iii) sentenced by a criminal court to imprisonment for any offence involving moral depravity;
- (iv) diirectly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Council;
- (v) a person who has been terminated/ suspended from any government or university/organization on account of misconduct or negligence or lack of integrity.

(2) In case of dispute or doubt as to whether a person is disqualified under sub-section. The decision of the Government shall be final.

(3) Save as otherwise provided in this Act, no person who is not a graduate of any University established by law shall be eligible for nomination as a member of the Council under this Act.

(4) Notwithstanding anything contained in this Act but save as otherwise provided, any employee of the University, both teaching and non-teaching or ministerial or any person in the management of an affiliate college in whatever capacity shall not be eligible for nomination as member of the council under this Act.

Powers and functions of the Council.

5. The powers and functions of the Council shall be as follows, namely:-

(A) General Functions.

- (i) It shall render advice to the Government, Universities and other Institutions of Higher Education within the State;
- (ii) It shall co-ordinate the roles of the Government, Universities

and other apex regulatory agencies in Higher Education within the State;

- (iii) It shall evolve new concepts, programmes and perspective plans for development of Higher Education *suo motu* or on the suggestion by the Government or requests from universities or other Institutions in the State;
- (iv) It shall monitor the progress of implementation of the Development programmes of Universities and colleges taken up in the state with the assistance of National Regulatory Agencies;
- (v) It shall promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for interaction with industry and other related agencies;
- (vi) It shall prepare an annual report making self appraisal and showing details of its performance;
- (vii) It shall suggest measures for the academic and monetary accountability, integrity and responsibility of the Universities, Colleges, and other Institutions of Higher Education in the State; and
- (viii) It shall prepare the annual budget and audited statement of expenditure in such manner as may be prescribed.

(B) Academic Functions.

- (i) It shall suggest measures to enable the standard of Research projects (Minor & Major) in untapped areas/ branch of studies amongst students/ research scholars in the State;
- (ii) It shall encourage and promote innovations in curricular development, restricting of courses and updating of syllabus in the University and the Colleges;
- (iii) It shall co-ordinate the programmes of autonomous colleges and monitors their implementation;
- (iv) It shall devise steps to improve the standard of examinations conducted by Universities and suggest necessary reforms;
- (v) It shall facilitate training of teachers in universities and colleges;
- (vi) It shall-promote, and monitor publication of quality text books, monographs and reference books;

- (vii) It shall develop programmes for greater academic co-operation and interaction between university and college teachers and to facilitate mobility of students and teachers within and outside the state;
- (viii) It shall advise on regulation of admission in universities, colleges and institutions of Higher Education;
- (ix) It shall encourage sports, games, physical education and cultural activities in the universities and colleges;
- (x) It shall review periodically, the existing guidelines and furnish recommendations for regulating admissions to various courses and for appointments to the Posts of Teachers and Teacher-administrators in Universities, Colleges and other Institutions of Higher Education;
- (xi) It shall prepare an overview report on the working of the Universities and Colleges in the State and furnish a copy thereof to the Government and such other authorities as the Government may specify; and
- (xii) It shall perform such other functions for the realization of the objectives of equality, equity and excellence in Higher Education.

(C) Advisory Functions. It shall advise the Government on the following:-

- (a) Regarding the norms, if any relating to the establishment of new Universities and Colleges besides additional subjects and departments in the existing Universities and Colleges;
- (b) Regarding the statutes, ordinances and regulations of Universities in the State and to suggest modification wherever required to maintain uniformity in the administration without prejudice to the autonomy for the academic pursuits;
- (c) On any University, College or Institution of Higher Education or any other, matter relating to Higher Education and research which may be referred to the Council;
- (d) In determining the block maintenance grants and to lay down the basis for such grants; and
- (e) It shall perform any other function necessary for the furtherance of Higher Education in the State.

(D) Powers of the Council.

- (i) It shall prepare a Perspective Plan for implementation of the policies, evolve various programmes and determine the priorities of such programmes for implementation;
- (ii) It shall propose general guidelines for the release of grants by the Government to universities and other institutions of higher education and advise the Government about the release of such grants to each University and other institutions of Higher Education;
- (iii) It shall give such directions as may be necessary for effective functioning of the Executive Committee in accordance with its objectives;
- (iv) It shall frame guidelines in accordance with this Act and the rules made there under; and
- (v) It shall have such other powers as may be prescribed for the effective implementation of the programmes for the furtherance of the objectives of this Act.

Chairman and his function.

- 6. (1) The Chairman shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.
- (2) The Chairman shall preside Committee over the meetings of the Council and the Executive Committee.

Vice-Chairman and his function.

- 7. (1) The Vice-Chairman shall preside over the meetings of the Council or the Executive Committee in the absence of the Chairman.
- (2) The Vice-Chairman shall exercise such other powers and perform such other functions as may be prescribed.
- (3) Any member other than an *ex-officio* member shall be appointed by the Government ordinarily for a term of five years and shall not be eligible for reappointment for a second term.

Member Secretary and his duties.

- 8. (1) The Member Secretary shall be responsible for the co-ordination of the functions of the Council.
- (2) The Member Secretary shall exercise such powers and perform such functions as may be prescribed.

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- Term of the Council.** 9. The term of the Council shall be for a period of five years:
- Provided that in the event of delay in the constitution of the new Council, the existing Council may continue for a period of six months from the date of expiry of the term or till the reconstitution of new Council whichever is earlier.
- Meetings of the Council.** 10. (1) The Council shall meet as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations, but it shall meet at least once a year.
- (2) It shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, or otherwise had taken part in the proceedings of the Council.
- (3) The meeting of the Council shall be convened by the Member Secretary on the advice of the Chairman.
- (4) The quorum of the meeting of the Council shall be one third of the total members of the Council. The decisions of the meeting may be taken by simple majority of those present and voting.
- Removal from Membership of the Council.** 11. (1) If at any point of time, it appears to the Government that a member appointed or nominated has proved himself or herself to be unfit to hold office or has been guilty of misconduct or neglect which in the opinion of the Government renders his removal from the membership of the Council, as expedient, the Government may, after giving such member a reasonable opportunity of showing cause as to why he shall not be removed from the Council and after examining the same decide whether to continue or remove such member, as the case may be, from his membership and in case of such removal from the membership of the Council, it shall be made by notification.
- (2) The Vice-Chairman or Member Secretary shall not be removed except by an order of the State Government posted on the ground of willful omission or refusal to carry out the provisions of this Act or Rules or Regulations made there under or for

abuse of the powers vested in him after consideration of the report of an inquiry ordered by the State Government in this behalf.

Filling up of casual vacancy.

12. If a casual vacancy arises in the office of a nominated or appointed Member, either by reason of his/her death, resignation, removal or otherwise, such vacancy shall be filled up by the Government by nomination or appointment as the case may be and such Member shall hold office only for the remainder of the term of the Member in whose place he was nominated or appointed.

The Executive Committee.

13. There shall be an Executive Committee for the Council which shall consist of the following members, namely:-
- i) The Chief Secretary ; Chairman
 - ii) The Member Secretary of the Council ; Member
 - iii) The Director, Higher & Technical Education; Member -Secretary
 - iv) The State Project Director; Member
 - v) Two Academician's of repute who are the members of the Council nominated by it by rotation for a period of one /two years; Member

Power and functions of the Executive Committee.

14. The Executive Committee shall have the following powers and duties, namely, -
- (i) It shall be competent to take decisions on behalf of the Council, subject to the concurrence of the council in all matters with policy implications:

Provided that in urgent circumstances the Executive Committee may take a decision subject to ratification by the Council;
 - (ii) It shall incur such expenses as are necessary to fulfill the objectives set out in this notification and carry out all decisions taken by the Council;
 - (iii) It shall present before the council the annual academic and financial audit reports of the Council for its approval; and
 - (iv) It shall have such other powers, functions and duties as may be prescribed.

Meetings of the Executive Committee.

15.

- (i) The meetings of the Executive Committee shall be convened by the Member Secretary on the advice of the Chairman;
- (ii) It shall meet as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the rules provided that it shall meet at least once in three months;
- (iii) The quorum for the meeting of the Executive Committee shall be at least half of the filled up membership in each body and decisions may be taken in the meetings by simple majority of those present and voting;
- (iv) The Vice-Chairman of the Council may for the purpose of carrying out the objectives of the notification, invite in writing any person who is not a member of the Council to take part in the deliberations of particular meetings of the Executive Committee and any other Body constituted by the council for specific purposes as special invitees and such invitees shall have no right to vote in the meetings; and
- (v) The special invitees shall be paid from and out of the funds of the council such sums as may be approved by the Vice-Chairman.

Directions by the Government.

16. (1) On the recommendation of the Council or the Government may direct any university with such modification as may be necessary to implement the reforms in such manner as may be specified therein.
- (2) Notwithstanding anything contained in any law for the time being in force, it shall be obligatory on the part of the university to implement the directions given by the Government and to report the action taken to the Government and the Council accordingly.
- (3) The Council shall review from time to time the compliance by the universities, of the direction given by the Government.

Funds of the Council.

17. (1) The funds of the Council shall include all sums which may, from time to time be paid to it by the Government and all other receipts including any sum from the Central Government, the University Grants Commission or any other authority, institutions or person.

(2) The Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties.

(3) All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from out of the Fund and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

Annual Accounts and Audit.

18. (1) The account of the Council shall be maintained in such manner and in such form as may be prescribed.

(2) The Council shall prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint on this behalf.

(4) The Member Secretary to the Council shall cause the annual audit report to be printed and forward a printed copy thereof to each member and shall place such report before the Council for consideration at its next meeting.

(5) The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(6) The accounts of the Council as certified, by the auditor together with the audit report along with the remarks of the Council thereon shall be forwarded to the Government within such time as may be prescribed.

(7) The Government shall as soon as may be after the receipt of the annual accounts together with the audit report cause the same to be laid before the Meghalaya Legislative Assembly.

Annual Report.

19. (1) The Council shall prepare for every year a report of its activities under this Act during that year and submit the report to the Government.

(2) The Government shall, as soon as may be after the receipt of a report under sub-section (1), cause the same to be laid before the Meghalaya Legislative Assembly.

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| Protection of Acts done in good faith. | 20. No suit, prosecution or other legal proceedings shall lie against the Council or any member or officer or employees of the Council for anything which is done or intended to be done in good faith in pursuance of the provisions of this Act or any rules or regulations made there under. |
| Staff of the Council. | 21. The Council may, with prior approval of the Government recruit officers and staff from open market or bring such officers and staff from the Department of Higher & Technical Education and the Government institutions, as it deems necessary for the discharge of its functions under this Act. The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations' to be framed by the council. |
| Members and staff of the Council to be public servants. | 22. The Chairman, Vice-Chairman, Members, Officers and Staff of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or any rule or regulation or order or direction made or issued under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act No. 45 of 1860). |
| Power to make regulations. | 23. The Council may, with prior approval of the Government, make rules not inconsistent with the provisions of this Act and rules made there under for carrying out all or any of the purposes of this Act. |
| Power to make rules. | 24. (1) The Government may by notification make rules either prospectively or retrospectively for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Meghalaya Legislative Assembly. |
| Power to remove difficulties. | 25. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not in consistent with the provisions of this Act, which appears to it be necessary to remove such difficulty:

Provided that no order under this section shall be made after the expiry of a period of two years from the date of commencement of this Act. |

W. KHYLLEP,
Secretary to the Govt. of Meghalaya,
Law Department.