

MANIPUR STATE HIGHER EDUCATION COUNCIL ACT, 2016

GAZETTE No. 285 EXTRAORDINARY PUBLISHED BY AUTHORITY Imphal, Saturday, October 29, 2016 GOVERNMENT OF MANIPUR (Kartika 7, 1938) SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT NOTIFICATION Imphal, the 29th October, 2016 No. 2/29/2016-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on October 21, 2016 is hereby published in the Official Gazette. THE MANIPUR STATE HIGHER EDUCATION COUNCIL ACT, 2016 (Manipur Act No. 9 of 2016) ACT to provide for setting up of the Manipur Council of Higher Education. it is necessary to establish a State Higher Education Council for the State of Manipur as a college of the Government, Colleges, Academics and forge a relationship among them by occupying an space in the Universities and Colleges on one hand and between and level regulatory bodies on the other, with the following objectives: i) Promote academic excellence and social in policy and perspective planning. ii) Ensuring the autonomy, accountability and co-ordination among all of Higher in the State, and iii) Guiding the harmonious growth of Higher in accordance with the socio-economic needs of the State, I 34 2 WHEREAS, it is necessary to set up a State Higher Education Council for the State of Manipur establish through a law enacted by the State Legislature as required under the Guidelines of Rashtriya Uchchhan Shiksha Abhiyan (National Education Mission) under the Ministry of Human Resource Development, Government of India for the objectives mentioned And WHEREAS, in order to achieve the above said it is necessary to the Manipur State Higher Education Council to: i) Review and the implementation of policies in all Higher in the State including Universities, Research Institutions and colleges. ii) Network various programmes in Higher Education undertaken and promoted by the Central and State governments and by National Level Regulatory bodies including the Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Bar Council of India and other similar statutory bodies. iii) Undertake work for the generation, diffusion and dissemination of new ideas in Higher Education, iv) Provide facilities for all Universities, Research Institutions, Colleges, and centres of Higher Education, v) Provide for the generation, augmentation and optimum utilization of funds for expansion and development of Higher Education, and such programmes for promoting the objectives of social justice and excellence in Higher and Technical Education in Manipur. Be it enacted by the Legislature of Manipur in the Sixty-seventh Year of the Republic of India as follows:- (11) (III) CHAPTER-I This Act may be called the Manipur Higher Education Short title, extent Council Act, 2016. and It shall extend to the whole of the State of Manipur. Commencement It shall come into force on the date of its publication in the Official Gazette of the Government of Manipur. 2. • In this Act, unless the context otherwise requires:- Definitions. a) b) c) d) e) f) g) h) i) j) k) l) m) n) o) p) q) r) s) 3 "All India Council for Technical Education" means the All India Central Act Council for Technical Education constituted under the All India No.52. of 1987. Council for Technical Education Act, 1987 : "Bar Council of India" means the Bar Council constituted under Central Act No.25 1961. the Advocates Act, 1961 ; "Chairman" means the chairman of the Council. "College" means any College or institution approved by, or affiliated to, any University including Manipur University within the State of Manipur and provides any courses of study for admission to the examination of the University and inclusive of autonomous Colleges. "Council" means the Manipur State Higher Education Council, constituted under Section 3 of this Act. "Executive Committee" means the Executive Committee of the Council; "Member Secretary" means the Member Secretary of the Council; "Government" means the Government of Manipur; "Higher Education" means an Education, whether professional, Technical Education or otherwise, and includes research studies leading to the award of a Degree or Diploma or Certificate by a University or an approved by the University; "Institution" means 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 "Medical Council of India" means the Council constituted under Central Act the Indian Medical Council Act, 1956; No.102 of 1956. "Member" means a member of the Council or the Executive Committee, as the case maybe, "National Council of Teachers Education" means council Central Act "National Council of Teachers Education" No.10 of 1993. constituted under the National Council of Teacher Education Act 1993 ; "Prescribed" means Prescribed by rules made under this Act "Regular Students" means a regular student of a University or a College affiliated to a University; "Regulations" means the regulations made by the Council under this Act; "Rules" means the Rules made

by the State Government; means the State of Manipur; "Stannes", "Ordinances" and of a University means r—ectively die <atutes, the ordinances and the Regulations issued respectēve Acts of a University; a It) u) v) w) 4 "Teacher" means any regular teacher working in a University, Government or Gbvemment Aided or Private College or. institution whose appoinūnent has been made or approved by or on behalf bf the Government or a University; "University" means any University in the State established by the State Legislature ; "University Grants Commission" means the Commission Central Act N03 of 1956. established under the Univer{ity Grants Commission Act, 1956; "Vice-Chairman" means the Vice Chairman ofthe Cöuncil. CHAPTER-11 CONSTITUTION, FUNC\IONS AND POWERS OF COUNCIL Constitution of 3. (l) The Government- shall constiuiē the council to be called the the Codncil Manipur Higher Education Council which shall consist of the following, namely:- (a) The Minist# in-charge of Higher Education Of the State (b) An academic oi educationist ofrepute, preferably, a retired Vice Chancellor of a Central or State University or a person of outstanding reputation iL the field of Education br #larly qualified person bf repute. (c) The Administadve Secretary of the Government Department of Higher Education, Manipur & ex-offcio State Project Director, Manipur (d) Director, University and Higher Education, Manipur & ex-offcio Additionæt State Project Director, Manipur (e) Five academicians of repute from different academic disciplines bfwhom I(one) shall be a woman and I i (one) belonging to the Tribal connmity of Manipur (to be nominated by the Stpte Government ent 0l t Higher Education) (f) Two Principals one from Autonomous College and other one from General Colleges (to be nomiiated by the State Government Department of Higher Education) (g) One nominee ofthe Ministry of Human Resource Development, Government of India (to be nominated Chairman Vice- Chairman Member Secretary Member Ex-offcio Member 5 (h) One nominee of the University Grants Commission (to be nominated by UGC) (i) Administrative Secretary, Law Department, Government of Manipur (or his representative not below the rank of Joint Secretary) (j) The Administrative Secretary, Commerce & [ndusüy Depatnent, Government ofManipur (or his representative not below the of Joint Secretary) (k) The Administrative Secretary, Finance Department, Government of Manipur (or his represeptative not below the rank of Joint Secretary) (l) The Administrative Secretary, Health & Family Welfare Department, Government of Manipur(or his representative not below the rank of Joint Secretary) (m) The Cbntroller / Director, Technical Education, Government of Maniptr. (n) The Chairman, Council of Higher Secondmy Education, Manipur (COHSEM) Ex-offcio Member Ex-omcio Member Ex-omcio Member Ex-offcio Member Ex-offcio Member Ex-offciib Member Ex-offcio Member . (o) The Chairman, Board of Seconury Education, Manipur Ex-offcio Member (BoSEM) The Cöuncil be a body corporate by the name aforöaid, having perpetual succession and a common seal and shall, by the said name, sue and be sued. (2) The headquarters of the Council shall be at Imphal. 4. (l)' No peson shall be qualified for nomination or to continue as a member of the Council, if on the date of such nominationnenur, he/she is — Disqualifications (a) (b) (c) (f) of unsound or a deaf, mute; or adjudicated as an un-discharged insolvent; or sentenced by a criminal cout to imprisonment for any offence involving moral depravity; or directly ot indirectly by himself)r his partner has any share or interest in any work done by order of, or in any contract into on behalf of the Council; or a person who has. been terminated/suspended from any Government or University/organization on account of misconduct or negligence or lack of integrity; or a person who has any criminal case, including economic offence, etc. pending against him in any court of law; or 6 (g) any other gross misconduct that may be considered not suitable for holding any post or membership in the Council which may be decided by the State Government in consultation with the Chairman and Member Secretary of the Council. (2) In case of dispute or doubt as to whether a person is disqualified under sub-section (l), the decision: of the Government shall be final. (3) Save as otherwise provided in this Act, -no person who is not a gaduate of any University established by law shall be eligible for nomination as a member of the Council under this Act

5. With the primary objective of, ensuing tangible, effective and concrete improvements in the three identified essential elements of Higher Education, namely, access, equity and quality, in the State of Manipur, through institutional improvements, provision of necessary academic and administrative reforms, etc.as may be considered necessary in the process, the powers and functions of the Council shall be as follows- [t shall render advice to the Government, Universities and other Institutions of Higher Education within the State; It i shall corordinate xoles of . the government, Universities and other apex regulatory agencies in Higher Education within the State; [t' shall evolve new concepts, and progammes in

Higher Education; It shall provide common facilities in higher education without impinging upon the autonomy of other institutions of higher education; It shall provide academic inputs to the Government and to (v) universities, colleges and other institutions of higher education in the State for the formulation and implementation of the policies of higher education and evolve a perspective plan for the development of higher education, suo moto or on the suggestion from Government or requests from universities or other institutions; It shall evolve programmes in order to promote the relevance of higher education for economic, social and cultural development of the state; It shall suggest improvements in curriculum and syllabi in accordance with the changing societal and academic requirements and facilitate the development and publication of appropriate teaching material, including textbooks, educational softwares and e-learning facilities in order to improve the quality of education; It shall advise the Government on the starting of new (viii) courses, colleges and other higher education institutions in the State; Functions of the Council 7 It shall review periodically the State Education (ix) Plan, Perspective Plan Annual Plan monitor their implementation; It shall review periodically the Statutes, (x) Regulations of the Universities in the State and suggest appropriate improvements for the achievement of the objectives of social justice and academic excellence in education and the framework for new Statutes, Ordinances or Regulations for existing or other of higher or new Universities or other of higher education; It shall facilitate the development of synergic relations (xi) among different agencies such as the State Universities, colleges and other institutions of higher education in the State and the Central Government and regulatory bodies at the national level; (xii) It shall various programmes being promoted and by the Government and National level bodies like Grants Commission, All India Council of Technical Education, Council for Teachers Medical Council of India, Bar Council of India and other statutory bodies and State level institutions like Universities, research colleges and other institutions of higher in the territory of India; (xiii) It shall promote sports and in the colleges, and Universities and integrate them with co-curricular (xiv) It shall monitor the progress of implementation of the Development programmes of Universities, Colleges and other institutions of higher taken up in the State; It shall promote co-operation and co-ordination of the (xv) educational among themselves and explore the scope for inter-actions with industry and other related agencies; (xvi) It shall prepare an annual report showing details of its performance; (xvii) It shall suggest measures for the academic and financial accountability, integrity responsibility of the Universities, Colleges, and other in the State; (xviii) It shall approve the annual budget and audited statement of in such manner as may be prescribed; (xix) It shall give such to the executive council as may be necessary for the effective functioning of the council in accordance with its objectives; It shall advise the Government, and other of higher education regarding the procedure of implementation of its decisions in all institutions of higher education including Universities, colleges and other institutions of higher education in the State; It shall suggest measures to enhance the standard of (xxi) Research projects in untapped areas / branch of studies amongst students / research scholars in the State; (xxii) It shall devise steps to improve the standard of examinations conducted, by Universities and suggest necessary reforms; (xxiii) It shall facilitate training of teachers in universities and Colleges; (Miv) 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; It shall advise on the regulation of admission in (xxv) Colleges and institutions of Higher Education; (xxvi) It shall review periodically, the existing guidelines and furnish recommendations for regular appointments to the Posts of Teachers and Teacher-administrators in Universities, Colleges and other of Higher Education; overview report on the working of the (xxvii) it shall lay IA thereof to Universities and Colleges in the State and submit to the Government and such other authorities as the Government may specify; (xxviii) It shall perform such other functions for the realization of the objectives of access, equality, equity and excellence in Higher Education; It shall advise the Government on the following:- I) Inauguration to the; establishment of 2) Reorganizing 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 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; It shall perform any other function necessary for the (xxx) furtherance of Higher Education in the State; 9 The powers and duties of the Council shall follow: 6. 8

9. Powers and duties of the (a) (b) (c) (d) (e) It shall prepare a Perspective Plan for implementation of Council the policies, evolve various programmes and determine the priorities of such programmes for implementation; It shall propose general guidelines for the release of grants by the Government to .Colleges and other institutions of higher education and advise the Government about the release of such grants to each University and other insfitions of higher Education; It shall give such direüns as may be necessary for effective functioning of the Executive Committee in accordance with its It shall frame guidelines in accordalce with this notification and the rules made there under, It shall have such.other powers as may be prescribed for the effective implementation of the progammes for the furtherance of the objectives of the Council. (1) "Ihe Chüman shall have the right to call for report on any TheChairman matter pertaining to the affairs of the Council and offer suggestions for improvement of the functioning of the Council. (2) lhe Chairman shall preside over the meetings of the Council and the Executive Committee, (1) The Vice-Chairman shall preside over the meetings of the The Vice- Council or the Executive Committee in the absence of the Chairman Chairman. (2) The Vice-Chairman shall exercise such other powers and perform such other functions as may be prescribed or delegated by the Chairman. (1) The Member Secretary: The Member Secretary shall be responsible for the of the functions of the Council. (2) The Member Secretary shall exercise such powers and perform such others functions as may be prescribed. The Member Secretary Term of the Council 10. (1) The term of the Council shall be for a period of five years. (2) (Ihe Member Secretary will inform the Government in writing to reconstitute the Council before the end of the term. a. The Vice Chairman and other members may in writing addressed to the Chairman resign his membership from the Council. Provided he shall co±ue to hold office until the resi8Etion is accepted by the Chairman. 11. (1) The meetings of the Council shall be convened by the Member Secretary on the advice ofthe Chairman. (2) The Council shall meet as often as may be necessary, at such time and place.and obsere such rules of procedtre as may be provided in this Act, provided it shall at least twice a year. (3) It shall have the power to act, notwithstanding any vacancy in the or any defect in the consdtution thereof, and the proceedings of the Council shall be valid not wiãststanding that some person, who was not enitled to be a member,dhad attended, or otherwise had taken pat in the proceedings oflfre Council. (4) The quorum of the meeting Df the Council shall be one third of the. total members of the Council. "Ibe decisions of the meedng may be taken by simple majority of those and vodng. 12. (1) If, at it appears to the Government tbatamember or nominated has proved himself to be unfit to hold office or has been guilty of misconduct or neglect which in die opinion of the Government renders his removal from the of the Council, as expedient, the Government may, after giving such member a reasonable opporrtmity of showing cause as to why he shall not be removed from the Council and after examining the same whether to condnue or remove such member, as the case may be, from his membership and in case of such removal from the of the Council, it shall be made by noffcation. (2) 'The Vice-Chairman or Member shall not be removed except by an order of the State Government on the ground of wilful omission or refusal to can-y out the provisions of this Act or Rules or made there under or for abuse of the powers vested in him of the report of an inquiry ordered by the State Government in this behalf. 13. (1) If a casual vacancy arises in the office of a nominated or qpointed Member, either by reason of his death, resignaüon, removal or &rwise, such vacancy shall be filled up by Government by or appoinüent, as the case may be and such Member shall hold office Only for the remainder of the tem of the Member in whose plæe he was nominated or appointed. Meeting of the Council Removal from Membership of the Council Filhng up of casual vacancy i 11 CHAPTER-m THE AECUTIVE cmnarru 14, There shall be an Comiüæ for the Council which shall (b) (c) (d) (e) consist of the following members, namely:- Chairmm of the Council The Vice-Chairman of the Council The Member-Secretary ofthe Council The Director, University & ffggher Educün Thræ of fre Five academicians of repute who are members ofãe Council nominated by it for a period of two years by rotation : Me±r Member : Members 15. The Executive Committee shall have the following powãs the following funcüons, namely:- (a) It shall be competent to take decisions on behalf of the mbject to the concurrence of the Council in all matters wiã plicy Pmvi&l that in urgent Execufive may eke a decision subject to ratificidion by Coumil. In ffe event that awh decision is not recdfied, it åall be deemed to have been withheld, (b) It shall incur such ex—es as ae to fulfil the objectives set in this Act and cany out all Esions by the Council; (c) It shall present before ffe Courril tlr academic and financial audit reports ofthe far its .oval; and (d) It shall have pow«s, fmcüons and as may be 16. (1) 'The meednß Execuüve Committee shall be convened by the on üice of the Chairman; (2) It shall med as often as may

necessary, at such time and place and observe rules of procedure as may be provided in rules provided that it shall meet at least once in three months. (3) The quorum for the meeting of the Executive Committee shall be at least two third of the filled-up membership and decisions may be taken in the meeting by simple majority of those present and vote. The Committee Power and functions of the Executive Committee Meetings of the Executive Committee 12 CHAPTER-IV DIRECTIONS BY GOVERNMENT 17. On the recommendation of the Council, or suo-moto, the Government may direct any University, College or other institutions of higher in the State with such as may be necessary to implement the functions specified therein. Notwithstanding anything contained in any law for the being in force, it shall be obligatory on the part of the University College or other institutions of higher education in the State to implement the scheme by the Government and to report the action taken to the Government and the Council accordingly. The Council shall review (from time to time the compliance by the universities, Colleges or other institutions of Higher Education, of the by the Government: CHAPTER-V FUNDS OF COUNCIL 18. (1) The funds of the Council shall include all sums which may, from time to time be paid 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 Of the Council and for the discharge of its and (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 after such expenditure has met, shall be invested in such manner as may be prescribed. 19. (1) The accounts of the Council shall be maintained such manner and in such form as may be prescribed; Directions by the Government Funds of the Council Annual Account and Audit (2) (3) (4) (5) The Council shall prepare an annual statement of accounts in such form and in such manner as may be prescribed; the name of the Council be audited once in a year by such auditor as the Government may appoint in this behalf; The Secretary of the Council shall cause annual audit report to be printed and forward a printed copy thereof to each member and shall place such report before the Council for at its next meeting. The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report; by the 13 (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 to 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 report the same to be laid before the Manipur Legislative Assembly. 20.- (1) The Council shall for every year a report of its activities Annual Report 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 same to be laid before the Manipur Assembly. CHAPTER-VI MISCELLANEOUS 21. 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 or intended to be done in good faith in pursuance of the provisions of this Act or any rules or made under. 22, "The Council may, with prior approval of the Government appoint the officers and staff from open market or bring such officers and staff, 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 prescribed in the regulations to be framed by the Council

23. The Nodal Department for the Council shall be the of Higher & Technical Education, Government of Manipur. 24. 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 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 Code. 25. (1) The Council may, with approval of Government, make regulations not inconsistent with the provisions of this Act for all or any of this Council's regulations by Council this Act shall, as soon as may be, be Sute Laid. 26. (1) make rules either prospectively for all or any of the provisions of this Act (2) Every rule made shall be laid, soon as may be after it is made, before the Manipur Legislative Assembly, while it is in session, which may be comprised in one session or in two or more sessions, and if, Protection of act done in good faith Staff of the Council Members and services of the Council to public Central Act of 1860 Power to make regulations. Power to make rules. 14 before the expiry of the session immediately following the successive sessions aforesaid, the House agrees in making in the rule or that the rule should not be made, the rule shall have effect only in so far as it is modified or of no effect, as the case may be, so however that such without prejudice to the validity of or any thing

previously gone under that rule. 27, (1) If any in provisions of this Act, Power to remove the 'Government may, by, as 'Commission may require, do anything not provisions of this Act which appears to them to be necessary or expedient the purpose of removing the difficulty; Provided that no such power shall be, after the expiry of a period of two years from the commencement of this Act. (2) Every order made under this section shall as soon as may be after it is made, be laid before the House of the State Legislature. TH. KANFIN KUMAR SINGH, Addl. Secretary (Law), Government of Manipur. Printed at the Directorate of Printing & Stationery, Government of Manipur/305-C/29-10-2016.

