

Bihar State Higher Education Council Act, 2018

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Act 01 of 2020

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Bihar State Higher Education Council Act, 2018(Bihar Act No. 01 of 2020)Last Updated 7th February, 2020[Dated 16.01.2020]An Act to provide for the establishment of a State Higher Education Council in the State of Bihar and for matters connected therewith and incidental there to.Preamble. - Whereas The National Policy On Education 1986 of Government of India Contains Recommendations That The State Level Planning and Co-Ordination of Higher Education Shall Be Done Through The State Council For Higher Education;And Whereas for up-gradation of Higher Education the government of India has started Rastriya Uchttar Shiksha Abhiyan Yojna and 2013 the State government has accordingly decided to implement this plan in the state of Bihar.And Whereas the RUSA guidelines also lay down for the setting up of State Higher Education Council (SHEC) for Higher Education; with the objects of (i) promoting academic excellence and social justice by the Government in policy formulation and perspective planning, (ii) ensuring the autonomy, accountability and co-ordination among all institutions of higher education in the State, and (iii) guiding the harmonious growth of higher education in accordance with the socio-economic requirements of the State;And Whereas in the light of recommendation of government of India in the national policy on education 1986 and for implementation of Rastriya Uchttar Shiksha Abhiyan in the state of Bihar, The state government has temporarily constituted State Higher Education Council vide its notification no. 687 dated 28.03.2014. Hence for proper functioning of Rastriya Uchttar Shiksha Abhiyan Yojna and for providing stability to temporarily constituted State Higher Education Council, The state government has decided to constitute permanent State Higher Education Council:Be it enacted by the Legislature of the State of Bihar in the sixty eighth year of the Republic of India as follows:-

1. Short title, extent, application and commencement.

(1)This Act may be called the Bihar State Higher Education Council Act, 2018.(2)it extends to the whole of the State of Bihar.(3)It applies to all the Universities, Colleges and Institutions of Higher education.(4)It shall come into force with immediate effect.

2. Definitions.

- In this Act unless the context otherwise requires, (a) "College" means any College or any institution maintained or approved by or affiliated to, any University and providing courses of study for admission to the examination of the University and includes autonomous college; (b) "Council" means the Bihar State Higher Education Council established under section 3; (c) "degree" means a degree in Arts, Science, Commerce, Fine arts, Engineering, Medicine, Technology, Management, Law or in any other subject recognized by any University and includes a post graduate degree; (d) "Diploma" means a diploma awarded on completion of a course of study after graduation, but does not include a certificate; (e) "Government" means the State Government; (f) "Higher Education" means education, whether professional, technical or otherwise, leading to the obtaining of any degree or diploma from any University; (g) "Institution of higher Education" means an institution conducting any course of study in higher Education, which is approved as such by the Government; (h) "member" means a member of the Council and includes the Chairman, the Vice-Chairman, Member Secretary-cum-State Project Director; (i) "Regulations" means the regulations made by the Council under this Act; (j) "University" means the Patna University, Patna, the Magadh University, Bodh Gaya, the Veer Kunwar Singh University, Ara, the Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur, the Jai Prakash University, Chapra, the Tilka Manjhi Bhagalpur University, Bhagalpur, the Lalit Narayan Mithila University, Darbhanga, the Bhupendra Narayan Mandal University, Madhepura, the Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, the Maulana Mazharul Haque Arabic & Persian University, Patna, the Aryabhata Knowledge University, Patna, universities established under Bihar State Private University Act, 2013 or such other University that may be established in the State of Bihar under any Law made by the Legislature of the State of Bihar to which the University Grants Commission Act, 1956 applies; (k) "University Grants Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956; (l) "Rashtriya Uchattar Shiksha Abhiyan" means Rashtriya Uchattar Shiksha Abhiyan Scheme Sponsored and run by Government of India. (m) "State" means the state of Bihar.

3. Establishment of Council for Higher Education.

(1) The government shall, by notification, constitute the Bihar State Higher Education Council under the provision of this Act. (2) The Council shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name, (3) the headquarter of the Council shall be located at Patna,

4. Composition of Council.

(1) The Council shall consist of following members, namely: - (a) The Minister in-charge of Education/Higher Education, who shall be the Chairman, ex-officio; (b) The Vice-Chairman-Vice-Chairman must be an eminent academic administrator with proved record (Rank of a Professor). (c) In-charge Secretary/Special Secretary/Additional Secretary of Higher education -member secretary-cum-state project, Director; (d) The Principal Secretary/ Secretary to the Government, Education Department, ex-officio; (e) The Principal Secretary/Secretary to the

Government, Finance Department, ex-officio;(f)The Principal Secretary/Secretary to the Government, Industry Department ex-officio;(g)The Principal Secretary/Secretary to the Government Science & Technology Department; ex-officio;(h)The Principal Secretary/Secretary to the Government Health Department; ex-officio;(i)The Director of Higher Education, ex-officio;(j)The Director, Science & Technology Department, ex-officio;(k)The Secretary, University Grants Commission or his nominee, ex-officio;(l)Five members nominated by the State Government representing fields of Arts, Science and Technology, Culture, Civil Society and Industry and Vocational education and skill development.(m)Three members nominated by the Government among the Vice- Chancellors of the Universities including Vice-Chancellors of Central Universities in this State, if any.(n)Two members nominated by the Government not below the rank of Professor from among the Universities/Colleges of State.

5. Disqualifications for membership of Council.

- A person shall be disqualified for being appointed as Vice-Chairman or for being nominated as a member of the Council, if-(a)He is of unsound mind:(b)He is an applicant to be adjudicated as insolvent or is an undercharged insolvent;(c)He has been sentenced for any offence involving moral turpitude;(d)He is working and paid officer or employee of the Council; or(e)He incurs such other disqualification as may be prescribed by the Government;

6. Terms and condition of service of Vice-Chairman and nominated members.

(1)The maximum age for appointment to the post of the Vice- Chairman shall be 75 year.(2)The appointment to the post of Vice Chairman shall be made by the State Government. The Vice-Chairman shall hold his office for a period of five years and shall not be eligible for reappointment.(3)Nominated members shall hold their office for a period of three years and shall be eligible for re-nomination for a further term.provided that for the purpose of this sub-section , a person who has held office as Vice-chairman or a nominated member in a causal vacancy for a period of not less than one year shall be deemed to have held office for a full term of office.(4)The Vice-chairman or a nominated member may, by writing under his hand addressed to the Government or the Council, as the case may be, resign his office but he shall continue to hold office until his resignation is accepted by the Government or, as the case may be, by the Council.(5)Subject to the provisions of this section, the terms and conditions of service of the Vice-Chairman and the nominated members shall be such as may be prescribed.(6)the Vice-Chairman shall exercise such powers and perform such functions as may be prescribed.

7. Terms and conditions of service of Member Secretary-cum-State Project Director.

(1)The member Secretary-Cum- State Project Director shall be a person of Indian administrative service cadre, who is in-charge secretary/ special secretary / additional secretary of Higher Education. He shall be appointed by the State Government.(2)The Member Secretary-cum-State Project Director shall exercise such powers and perform such functions which are conferred or

imposed on him under this Act and such other powers and functions as may be prescribed.

8. Removal from membership of Council.

- If, at any time, it appears to the Government that the Vice-Chairman or a nominated member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving the Vice-Chairman or such nominated member, as the case may be, a reasonable opportunity of show cause, remove the Vice-Chairman or such nominated member, as the case may be, from the office.

9. Filling-up of casual vacancy.

- If a casual vacancy occurs in the office of the Vice-chairman or of a nominated member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government and such Vice-Chairman or nominated member shall hold office only for the remainder of the term for which the person whose place he fills would have been the Vice-Chairman or, a nominated member, as the case may be.

10. Technical Support Group.

(1)The State Higher Education council may appoint a Technical Support Group consisting of experts.(2). The Composition of the Technical Support Group will be decided by the council.(3). The Function of the Technical Support Group will be as follows :-(a)To monitor flow of funds and information,(b)To generate Management Information System (MIS) report as required, and(c)To provide operational support to the Council.

11. Powers and functions of Council.

(1)The functions of the Council shall be advisory with regard to co-ordination and determination of standards in institutions of higher education, or research and scientific and technical institution in accordance with the guidelines issued by the University Grants Commission, from time to time.(2)Subject to the provisions of sub-section (1), the Council shall-(a)prepare consolidated programmes in the sphere of higher education in the State keeping in view the overall priorities and perspectives of higher education in the State and the guidelines issued by the University Grants Commission and assist in their implementation;(b)assist the University Grants Commission in respect of determination and maintenance of standards and suggest remedial action wherever necessary;(c)evolve perspective plans for development of higher education in the State;(d)forward the development programmes of Universities, Colleges and institution of higher education to the University Grants Commission along with its comments and recommendations and monitor the progress of implementation of such developmental programmes;(e)promote co-operation and co-ordination of institution of higher education among themselves and explore the scope for interaction with industry and other related establishment;(f)suggest to formulate norms for starting new institutions for higher education in accordance with the guidelines issued by the Government

and University Grants Commission;(g)suggest ways and means for augmenting additional resource for higher education in the State;(h)suggest to encourage and promote innovations in curriculum development, restructuring and updating of syllabi in universities, colleges and institutions of higher education,(i)promote and co-ordinate programmes of Universities and colleges, set up a monitoring system and monitor its implementation;(j)devise methods and steps to improve the standards of examinations conducted by the Universities and autonomous colleges and suggest necessary reforms;(k)facilitate training of teachers in universities and colleges and oversee the functioning of the academic staff colleges through coordination and promote publication of quality text books, monographs and reference books;(l)suggest to develop programmes for effective academic cooperation and interaction between the faculties in the Universities and colleges and also provide mobility of teachers and students in and out side the State;(m)regulate the admission in Universities, colleges and institutions of higher education;(n)encourage sports, games, physical education and cultural activities in the Universities and colleges;(o)encourage extension activities and promote interaction between Universities and industries through effective consultancy in special areas relevant to the Universities and regional planning development;(p)prepare an overview report on the working of the colleges and furnish a copy of the report to the University Grants Commission;(q)identify Centers of Excellence in the Universities and provide national and international linkage for the growth of science and technology in frontier areas;(r)co-ordinate research funding at national and international level for promotion of scientific research in the Universities;(s)promote institute of excellence within or outside the University system in frontier areas of knowledge like molecular biology, genetic engineering, aerospace, bio technology and the like;(t)make suggestions to the Government in determining the block grants to Universities and institution of higher education, by evolving suitable guidelines for such grants;(u)set up a State Centre for Scientific Research and to co-ordinate the research activities among Universities;(v)examine the statutes, ordinances and regulations of Universities in the State and Suggest modifications to maintain uniformity in the administration without prejudice to the autonomy for the academic pursuits;(w)make suggestion for the Government regarding improvements to the laws relating to the Universities including the law relating to the establishment of new Universities;(x)institute prestigious awards to outstanding scientists, academicians and technologists for their contributions;(y)administer and release grants-in-aid from the Government to Universities;(z)identify and administer innovative programs for sustainable growth through self-generating fund from services such as consultancy to industries, institutions and national and international organizations;(aa)administer and release research funds, if any, received from national and international funding agencies;(ab)work in liaison with the all India Council for Technical Education in relation to technical education;(ac)advise the Government or any University, College or institution of Higher Education and research which may refer to the Council;and(ad)perform such other function necessary for promoting excellence in higher education and scientific research, as may be prescribed;(ae)Any other works assigned by the government;

12. Meeting of Council.

- 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.provided that the council shall meet at least once in three months. The quorum for the meeting of council shall be minimum one third members

of the total members of the council.

13. Staff of Council.

- The Council shall appoint such number of employees as may be necessary for the efficient performance of its functions. The terms and conditions of service of the employees of the Council shall be such as may be provided in the regulations. All the Officers/Staffs of Council shall not be considered as government employee. except the Officers/Staffs deputed by the state government in Council. The appointment of any Officer/Staff in Council on contract basis or from outsourcing shall be made after prior approval of the state government.

14. Budget of Council.

- The Council shall prepare in such form and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure and a copy of the budget shall be forwarded to the government.

15. Fund of Council.

(1)The Council shall have its own Fund and all sums which may, from time to time, be paid to it by the Government and all the receipts of the Council (including any sum which the Central Government, the University Grants Commission or any other authority or person may hand over to the Council) shall be credited to such Fund.(2)The Government may pay to the Council in each financial year such sums as may be considered necessary for the functioning of the Council;(3)All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from out of the said Fund. Appropriate provisions of the Bihar Financial Rules shall be applicable to all expenses incurred from this fund.

16. Annual accounts of the Council.

(1)the account of the Council shall be maintained and annual budget shall be prepared according to provisions of Bihar Financial Rules.(2)The accounts of the Council shall be audited atleast once in a year by such registered Chartered Accountant, as may be appointed by the Council in this behalf;(3)The auditor appointed under sub-section (2) shall, for proposes of audit, have such right, privileges and authority as may be prescribed.(4)The Member-Secretary-cum-State Project Director to the Council shall cause the 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 with in such time as may be prescribed,(7)The Government may, by order in writing, direct the Council to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall

comply with such direction.

17. Annual Report.

- The Council shall, as soon as may be, after the end of the each financial year, prepare and submit to the Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year and the Government shall cause every such report to be laid before the Legislative Assembly as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission.

18. Power to issue direction.

- The Government may issue to the Council such directions, as in its opinion are necessary or expedient for carrying out the purpose of this Act, and the Council shall give effect to all such directions.

19. Proceedings of Council not to be invalidated due to defect in the constitution of the council.

- The Council 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 sat, voted or otherwise taken part in the proceedings of the Council.

20. Members and employees of Council to be public servants.

- The Chairman, Vice-Chairman, Members, the Member Secretary-cum-State Project Director and other employees of the Council shall be deemed, when acting or reporting 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, to be public servants within the meaning of section 21 of the Indian Penal Code.

21. Power to make rules.

(1)the Government may make rules for carrying out the purposes of this Act.(2)Every Rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislatures, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, any such modification or annulment shall be without prejudice to the validity of anything

previously done under that regulation or rule.

22. Power to make regulations.

(1)The Council may, subject to any rules, made by the Government and with the previous approval of the Government, make regulations for carrying out the powers and functions of the Council under this Act.(2)Every regulation made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislatures, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation or rule.

23. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may make any such provision, by order, which is not inconsistent with the provisions of this Act, is necessary or expedient for the purpose of removing the difficulty; Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.