

Manipur State Higher Education Council Act, 2016

MANIPUR

India

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Act 9 of 2016

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Manipur State Higher Education Council Act, 2016(Manipur Act No. 9 of 2016)Last Updated 27th February, 2020[Dated 29.10.2016.]An Act To Provide for setting up of the Manipur Council of Higher Education.Whereas, it is necessary to establish a State Higher Education Council for the State of Manipur as a collective of the Government, university colleges Academics and experts in order to forge a synergic relationship among them by occupying an operational space in between the Government, Universities and Colleges on one hand and between Universities and apex level regulatory bodies on the other, with the following objectives;(i) Promote academic excellence and social justice 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 needs of the State.Whereas, it is also necessary to set up a State Higher Education Council for the State of Manipur establish through a law enacted by the Manipur State Legislature as an essential requirement under the Guidelines of the Rashtriya Uchhatar Shiksha Abhiyan (National Higher Education mission) under the Ministry of Human Resource Development, Government of India for the objectives mentioned above;And Whereas, in order to achieve the above said objectives, it is necessary to empower the Manipur State Higher Education Council to:(i) Review and coordinate the implementation of policies in all Higher Education Institutions 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 the National Level Regulatory bodies including the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies.(iii) Undertake independent work for the generation, diffusion and dissemination of new ideas in Higher Education,.(iv) Provide common facilities for all Universities, Research Institutions, Colleges, and other centres of Higher Education,(v) Provide for the generation, augmentation and optimum utilization of funds for expansion and development of Higher Education, and(vi) Undertake such other 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:-Chapter - I Preliminary

1. Short title, extent and Commencement.

- (i) This Act may be called the Manipur State Higher Education Council Act, 2016.(ii)It shall extend to the whole of the State of Manipur.(iii)It shall come into force on the date of its publication in the Official Gazette of the Government of Manipur.

2. Definitions.

- In this Act, unless the context otherwise requires:-(a)"All India Council for Technical Education" means the All India Council for Technical Education constituted under the All India Council for Technical Education Act, 1987 (Central Act No. 52 of 1987).(b)"Bar Council of India" means the Bar Council constituted under the Advocates Act, 1961 (Central Act No. 25 of 1961).(c)"Chairman" means the chairman of the Council.(d)"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.(e)"Council" means the Manipur State Higher Education Council, constituted under Section 3 of this Act.(f)"Executive Committee" means the Executive Committee of the Council;(g)"Member Secretary" means the Member Secretary of the Council;(h)"Government" means the Government of Manipur;(i)"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 institution approved by the University;(j)"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.(k)"Medical Council of India" means the Council constituted under the Indian Medical Council Act, 1956 (Central Act No. 102 of 1956).(l)"Member" means a member of the Council or the Executive Committee, as the case maybe;(m)"National Council of Teachers Education" means council constituted under the National Council of Teacher 1993 (Central Act No. 73 of 1993).(n)"Prescribed" means Prescribed by rules made under this Act.(o)"Regulations student" means a regular student of a University or a College affiliated to a University;(p)"Regulations" means the regulations made by the Council under this Act;(q)"Rules" means the Rule made by the State Government;(r)"State" means the State of Manipur;(s)"Statutes", "Ordinances" and "Regulations" of a University means respectively the statutes, the ordinances and the Regulations issued under the respective Acts of a University;(t)"Teacher" means any regular teacher working in a University, Government or Government Aided or Private College or institution whose appointment has been made or approved by or on behalf Of the Government or a University;(u)"University" means any University in the State established by the State Legislature ;(v)"University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central Act No. 3 of 1956).(w)"Vice-Chairman" means the vice Chairman of the Council:Chapter - II Constitution, Functions and Powers of the Council

3. Constitution of the Council.

(1)The Government shall constitute the council to be called the Manipur Higher Education Council which shall consist of the following, namely:-

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| (a) | The Minister in-charge of Higher Education of the State | Chairman. |
| (b) | An academic or educationist of repute, preferably, a retired Vice-Chancellor of a Central or State University or a person of outstanding reputation in the field of Higher Education or similarly qualified person of repute. | Vice-Chairman |
| (c) | The Administrative Secretary of the Government Department of Higher Education, Manipur & ex-officio State Project Director, Manipur | Member Secretary |
| (d) | Director, University and Higher Education, Manipur & ex-officio Additional State Project Director, Manipur. | Member |
| (e) | Five academicians of repute from different academic disciplines of whom 1(one) shall be a woman and (one) belonging to the Tribal community of Manipur (to be nominated by the State Government Department of Higher Education) | Members |
| (f) | Two Principals one from Autonomous College and other one from General Colleges (to be nominated by the State Government Department of Higher Education) | Members |
| (g) | One nominee of the Ministry of Human Resource, Development, Government of India (to be nominated by MHRD) | Ex-officio Member |
| (h) | One nominee of the University Grants Commission (to be nominated by UGC) | Ex-officio Member |
| (i) | Administrative Secretary, Law Department, Government of Manipur (or his representative not below the rank of Joint Secretary) | Ex-officio Member |
| (j) | The Administrative Secretary, Commerce & Industry Department, Government of Manipur (or his representative not below the rank of Joint Secretary) | Ex-officio Member |
| (k) | The Administrative Secretary, Finance Department, Government of Manipur (or his representative not below the rank of Joint Secretary) | Ex-officio Member |
| (l) | The Administrative Secretary, Health & Family Welfare Department, Government of Manipur (or his representative not below the rank of Joint Secretary) | Ex-officio Member |
| (m) | The Controller / Director, Technical Education, Government of Manipur | Ex-officio Member |
| (n) | The Chairman, Council of Higher Secondary Education, Manipur (CoHSEM) | Ex-officio Member |
| (o) | The Chairman, Board of Secondary Education, Manipur (BoSEM) | Ex-officio Member |

The Council be a body corporate by the name aforesaid, 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. Disqualifications.

(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. (a) of unsound mind or a deaf, mute; or (b) adjudicated as an un-discharged insolvent or (c) sentenced by a criminal court to imprisonment for any offence involving moral depravity; or (d) directly 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; or (e) a person who has been terminated/suspended from any Government or University/organization on account of misconduct or negligence or lack of integrity; or (f) a person who has any criminal case, including economic offence, etc. pending against him in any court of law; or Disqualifications. (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 (1), 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.

5. Functions of the Council.

- With the primary objective of, ensuring 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 infrastructure, academic and administrative reforms, etc as may be considered necessary in the process, the powers and functions of the Council shall be as follows - (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, and programmes in Higher Education; , (iv) It shall provide common facilities in higher education without impinging upon the autonomy of other institutions of higher education; (v) It shall provide academic inputs to the Government and to the 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 mato or on the suggestion from Government or requests from universities or other institutions; (vi) It shall evolve programmes in order to promote the relevance of higher education for economic, social' and cultural development of the state; (vii) 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 soft wares and learning facilities in order to improve the quality of education; (viii) It shall advise the Government on the starting of new courses, colleges and other higher education institutions in the State; (ix) It shall review periodically the State Higher Education Plan, Perspective Plan and Annual Plan and monitor their implementation; (x) It shall review periodically the Statutes, Ordinances and Regulations of the Universities in the State and suggest appropriate improvements for the realisation of the objectives of social justice and academic excellence in education and suggest the framework for new Statutes, Ordinances Or Regulations for existing. Universities or other institutions of higher education or new Universities or other

institutions of higher education;(xi)It shall facilitate the development of synergic relationships among different agencies such as the State Government, 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 coordinate various programmes being promoted and undertaken by the Central and State Governments and National level bodies like University Grants Commission, All India Council of Technical Education, National Council for Teachers Education, Medical Council of India, Bar Council of India and other statutory bodies and State level institutions like Universities, research institutions, colleges and other institutions of higher education in the territory of India;(xiii)It shall promote sports and cultural activities in the colleges, other institutions and Universities and integrate them with co-curricular activities;(xiv)It shall monitor the progress of implementation of the Development programmes of Universities, Colleges and other institutions of higher education taken up in the State;(xv)It shall promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for inter-actions with industry and other related agencies;(xvi)It shall prepare all annual report g se showing details of its performance; '(xvii)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;(xviii)It shall approve the annual budget and audited statement of expenditure in such manner as may be prescribed;(xix)It shall give such directions to the executive council as may be necessary for the effective functioning of the council in accordance with its objectives;(xx)It shall advise the Government, Universities and other institutions 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;(xxi)It shall suggest measures to enhance the standard of 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;(xxiv)It shall develop programmes for greater academic cooperation and interaction between University and college teachers and to facilitate mobility of students and teachers within and outside the State;(xxv)It shall advise on the regulation of admission in Universities, Colleges and institutions of Higher Education;(xxvi)It shall review periodically, the existing guidelines and furnish recommendations for regulating appointments to the Posts of Teachers and, Teacher-administrators in Universities Colleges and other Institutions of Higher Education;(xxvii)It shall prepare an overview report on the working of the Universities and Colleges in the State and fin dish a copy thereof 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;(xxix)It shall advise the Government on the following:-(a)Regarding the norms if any relating to tile 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 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;(xxx)It shall perform any other function necessary for the furtherance of Higher Education in the State;

6. Powers and duties of the Council.

- The powers and duties of the Council shall be as follows : (a) It shall prepare a Perspective Plan for implementation of the policies, evolve various programmes and determine the priorities of such programmes for implementation; (b) It shall propose general guidelines for the release of grants by the Government to universities, Colleges 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; (c) It shall give such directions as may be necessary for effective functioning of the Executive Committee in accordance with its objectives; (d) It shall frame guidelines in accordance with this notification and the rules made there under; (e) It shall have such other powers as may be prescribed for the effective implementation of the programmes for the furtherance of the objectives of the Council.

7. The Chairman.

(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 improvement of the functioning of the Council. (2) The Chairman shall preside over the meetings of the Council and the Executive Committee.

8. The Vice-Chairman.

(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 or delegated by the Chairman.

9. The Member Secretary.

(1) The Member Secretary: 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 others functions as may be prescribed.

10. Term of the Council.

(1) The term of the Council shall be for a period of five years. (2) The 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 continue to hold office until the resignation is accepted by the Chairman.

11. Meeting of the Council.

(1) The meetings of the 'Council shall be convened by the Member Secretary on the advice of the Chairman. (2) 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 this Act, provided it shall meet at least twice a year.(3)It shall have the 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, Thad attended, or otherwise had taken part in the proceedings of the Council.(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.

12. Removal from Membership of the Council.

(1)If, at any time, it appears to the Government that a member appointed or nominated has proved himself 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 on the ground of wilful 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.

13. Filling up of casual vacancy.

(1)If a casual vacancy arises' in the office of a nominated or appointed Member, either by reason of his death, resignation, removal or otherwise, such vacancy hall 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.Chapter - III
The Executive Committee

14. The Executive Committee.

- There shall be an Executive Committee for the Council which shall committee consist of the following members, namely:-

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| (a) The Chairman of the Council | : Chairman |
| (b) The Vice-Chairman of the Council | : Member |
| (c) The Member-Secretary of the Council | : Member |
| (d) The Director, University & Higher Education | : Member-Secretary |
| (e) Three of the Five academicians of repute who aremembers of the Council
nominated by it for a period of two yearsby rotation | : Members |

15. Power and functions of the Executive Committee.

- The Executive Committee shall have the following powers and perform the following functions, namely:- (a) 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. In the event that such decision is not rectified, it shall be deemed to have been withheld. (b) It shall incur such expenses as are necessary to fulfill the objectives set out in this Act and carry out all decisions taken by the Council; (c) It shall present before the Council the annual academic and financial audit reports of the Council for its approval; and (d) It shall have such other powers, functions and duties as may be prescribed.

16. Meetings of the Executive Committee.

(1) The meetings of the Executive Committee shall be, convened by the Member Secretary on the advice of the Chairman; (2) 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. (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 meetings by simple majority of those present and voting. Chapter - IV Directions By The Government

17. Directions by the Government.

- On the recommendation of the Council, or suo-moto, the Government may direct any University, College or other institutions of higher education in the State with such modification as may be necessary to implement the reforms in such manner as may be specified therein. Notwithstanding anything contained in any law for the time 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 directions given 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 direction given by the Government. Chapter - V Funds of The Council

18. Funds of the Council.

(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 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.

19. Annual Accounts and Audit.

(1)The accounts 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, in this behalf;(4)The Member Secretary of 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 Manipur-Legislative Assembly.

20. Annual Report.

(1)The Council shall prepare for every year a report of its activities under this Act during that year ana 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 Manipur Legislative Assembly.

Chapter - VI Miscellaneous

21. Protection of acts done in good faith.

- 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.

22. Staff of the Council.

- 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 Department of Higher & Technical Education, Government of Manipur.

24. Members and stuff of the Council to be public servants.

- 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).

25. Power to make regulations.

(1)The Council may, with prior approval of the Government, make regulations not inconsistent with the provisions of this Act for carrying out all or any of the provisions of this Act(2)Every regulations made by the Council under this Act shall, as soon as may be, be laid before the House of the State Legislature.

26. Power to make rules.

(1)The Government may by notification make rules either prospectively or retrospectively, for carrying out all or any of the provisions of this Act.(2)Every rule made under this Act shall be laid, as 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 successive sessions, and if, before the expiry of the session immediately following the successive sessions aforesaid, the House agrees in making modification in the rule or 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, so however that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion may require, do anything not inconsistent with provisions of this Act which appears to them to be necessary or expedient for the Purpose of removing the difficulty; Provided that no such power shall be exercised 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.