

# **Arunachal Pradesh State Higher Education Council Act, 2019**

ARUNACHAL PRADESH

India

## **Arunachal Pradesh State Higher Education Council Act, 2019**

### **Act 7 of 2019**

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Arunachal Pradesh State Higher Education Council Act, 2019(Act No. 7 of 2019)Last Updated 25th February, 2020(Received the assent of the Governor on 5th September, 2019)An Act to provide for the setting up of Arunachal Pradesh State Higher Education Council and matters connected therewith and incidental thereto;Preamble. - Whereas, it is expedient to establish a Arunachal Pradesh State Higher Education Council as a collective form of Government, Colleges, Universities, Academia, Experts and people's representatives in order to forge a synergic relationship among them by occupying an operational space in between the Government, Colleges, and Universities and between Universities and apex level regulatory bodies, with the following objectives:(i) ensuring the autonomy and accountability of all institutions of higher education in the .State,(ii) promoting academic excellence and social justice by providing academic input to the State Government for policy formulation and perspective planning, and(iii) guiding the growth of higher education in accordance with the socio-economic requirements of the State;Whereas, it is necessary to setup State Higher Education Council for the State of Arunachal Pradesh established through a law enacted by the Arunachal Pradesh State Legislature as an essential prerequisite under the Guidelines of the Rashtriya Uchchatar Shiksha Abhiyan (National Higher Education Mission) under the Ministry of Human Resource Development, Government of India for the above objectives mentioned above;And Whereas it is necessary to achieve the above said objectives and to empower this 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) develop network of various programmes in higher education undertaken and promoted by the Central and State Governments and by 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 and dissemination of new ideas in higher education, · (iv) provide common facilities for all Universities, research institutions, colleges and other centers of higher education(v) provide for the generation and optimum utilization of funds for the expansion and development of higher education and(vi) undertake such other programmes for promoting the

objectives of social justice and excellence in education; Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventieth Year of the Republic of India, as follows:-

## **1. Short title, extent and commencement.**

(1) This Act may be called the Arunachal Pradesh State Higher Education Council Act, 2019. (2) It extends to the whole of the State of Arunachal Pradesh. (3) It shall be deemed to have come into force with effect from 11th July, 2014.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, (a) "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); (b) "Bar Council of India" means the Bar Council constituted under the Advocates Act, 1961 (Central Act 25 of 1961); (c) "Chairperson" means the Chairperson of the Council; (d) "College" means any Higher Education Institution affiliated to a University; (e) "Council" means the Arunachal Pradesh State Higher Education Council constituted under section 3; (f) "Executive Council" means the Executive Council of the Council; (g) "Member Secretary" means the Member Secretary of the Council; (h) "Government" means the Government of Arunachal Pradesh; (i) "Higher education" means the education and research studies leading to the award of a degree or diploma or certificate by a University or 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 102 of 1956); (l) "Member" means a member of the Arunachal Pradesh State Higher Education Council, or the Executive Council, as the case may be; (m) "National Council for Teacher Education" means the Council constituted under the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993); (n) "Notification" means the notification published in the Official Gazette under this Act; (o) "Patron" means the Patron of the Council; (p) "Prescribed" means prescribed by rules made under this Act; (q) "Regular student" means a regular student of a university or a college affiliated to a university; (r) "Regulations" means the regulations made by the Governing Council under this Act; (s) "State" means the State of Arunachal Pradesh; (t) "Statutes", "Ordinances" and "Regulations" of a University means the Statutes, the Ordinances and the Regulations respectively issued under the respective Acts of a University; (u) "Faculty" means any regular Lecturer/Senior Lecturer/Assistant Professor/Associate Professor/Professor working in a University or Government College or Government aided College or Polytechnics or any other such institution, whose appointment has been made by a University or Government or approved by a University; (v) "University" means any University in the State established by an Act of the State Legislature; (w) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central Act 3 of 1956); (x) "Vice-Chairperson" means the Vice-Chairperson of the Council; (y) "Visitor" means the Visitor of the Council;

### **3. Constitution of the Council.**

(1)The Government may by notification, constitute, with effect from such date as may be specified therein, a Council to be called the Arunachal Pradesh State Higher Education Council.(2)The Council shall 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.(3)The headquarters of the Council shall be at Itanagar.

### **4. Functions of the Council.**

(1)The Council shall have the following general responsibilities and functions, namely:-(i)to render advice to the Government, Universities and other institutions of higher education in the State;(ii)to coordinate the roles of the Government, Universities and apex regulatory agencies in higher education within the State;(iii)to evolve new concepts and programmes in higher education;(iv)to provide common facilities in higher education without impinging upon the autonomy of other institutions of higher education.(v)For furtherance of the above responsibilities and functions, the Council shall specifically undertake the following, namely:(i)provide academic input to the Government and to the Universities, research institutions and other centers of higher education in the State for the formulation and implementation of the policies on higher education and evolve a perspective plan for the development of higher education, suo-motto or on the suggestion from Government or requests from Universities or other institutions;(ii)promote independent research for the generation of new ideas for the promotion of social justice and academic excellence in higher education, hold awareness programmes for the academia and initiate or propose or pilot projects on an experimental basis in selected higher education institutions for implementation of the new ideas;(iii)undertake human resources development planning for the State and plan the growth and development of higher education in accordance with such planning;(iv)evolve guidelines for linkages of an academic nature between higher education institutions in the State and institutions within and outside the country;(v)evolve programmes in order to promote the relevance of higher education for the economic, social and cultural development of the State;(vi)review existing guidelines and furnish recommendations for regulating admissions to various courses and for appointments to the posts of faculties and teacher-administrators in Universities, colleges and other institutions of higher education;(vii)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 software's and e-learning facilities in order to improve the quality of education;(viii)organize short term courses to train and update the knowledge and skills of higher education teaching personnel, educational administrators and other similarly situated;(ix)advise the Government on the starting of new courses, colleges, and other higher education institutions in the State;(x)make proposals for the generation and utilization of funds in accordance with the objectives of this Act;(xi)evolve general guidelines for the release of grants by the Government to Universities and other institutions of higher education and to advise the Government about the release of such grants to each University and other institutions of higher education;(xii)evolve schemes for providing equitable opportunities for higher education and scholarships and free-ships and financial assistance to the needy students and coordinate implementation of welfare programmes of the Central and the State Governments

and other Central and State Level Funding Agencies meant for Scheduled Castes and Scheduled Tribes and other eligible backward classes;(xiii)review periodically the Statutes, Ordinances and Regulations of the Universities in the State and suggest appropriate improvements for the realization 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;(xiv)to provide common facilities for the entire State by establishing centers, namely:(a)Centre for Research on Policies in Higher Education;(b)Curriculum Development Centre;(c)Centre for Capacity Building in respect of faculty and educational administrators;(d)State Council for Assessment of Higher Education Institutions;(e)Examination Reforms Cell;(f)Human Resources Development, Employment and Global Skills Development Cell.(xv)hold discussions, conduct workshops and seminars with the objective of facilitating the widest possible consultations with experts and stakeholders including organizations of students and teachers for formulating the policies on higher education and facilitating their proper implementation;(xvi)facilitate the development of a synergic relationship 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;(xvii)co-ordinate various programmes being promoted and undertaken by Central and State Governments and national level bodies like 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 and State level institutions like Universities, research institutions, colleges and other institutions of higher education within the territorial jurisdiction of India;(xviii)provide a forum for the interaction among the academia, industries, agriculture and other allied service sectors;(xix)facilitate the conduct of workshops and seminars on questions of importance in higher education in different parts of the State;(xx)undertake necessary steps for establishing inter-linkages between research and learning processes;(xxi)promote extension activities in colleges, institutions and Universities and encourage their integration into the curriculum so that the students and faculties become sensitive to social issues;(xxii)promote sports and cultural activities (extra-curricular activities)in the colleges, other institutions and Universities and integrate them with the co-curricular activities;(xxiii)perform such other functions for the realisation of the twin objectives of social justice & welfare and excellence in higher education;(xxiv)suggest steps for promoting democratization and academic autonomy of Universities and other institutions of higher education;(xxv)evolve schemes to sensitize the students to environmental and gender issues.(xxvi)Promote awareness among the students and teaching community regarding the Fundamental Duties as enshrined in Part-IV-A, Article 51 (A) of the Constitution of India.

## **5. Organizational Structure of the Council.**

- Patron Hon'ble Governor of Arunachal Pradesh  
 Visitor: Hon'ble Chief Minister of Arunachal Pradesh  
 Chairperson: Hon'ble Minister for Education  
 Vice-Chairperson: Hon'ble Minister of State (Education) or an eminent Educationist as may be determined by the Government.

## **6. The Patron.**

(1)The Governor of Arunachal Pradesh, by virtue of his office shall be the Patron of the Council.(2)The Patron 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. The suggestions of the Patron will be duly deliberated upon by the Council and the outcome of the deliberation will be reported back to the Patron by the Council.(3)The Patron shall have the right to address any meeting of the Council, if he so desires.

## **7. The Visitor.**

(1)The Chief Minister of Arunachal Pradesh shall, by virtue of his office, be the Visitor of the Council.(2)The Visitor 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.(3)The Visitor shall preside over the meeting of the Advisory Council.

## **8. The Chairperson.**

(1)The Minister-in-charge of Education of the State shall, by virtue of his office, be the Chairperson of the Council.(2)The Chairperson 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.(3)The Chairperson shall preside over the meeting of the Governing Council and shall preside over the meeting of the Advisory Council in the absence of the Visitor.

## **9. The Vice-Chairperson.**

(1)Minister of State (Education) or an eminent educationist as may be determined by the Government shall be the Vice-Chairperson of the Council.(2)The Vice-Chairperson shall be. the executive head of the Council.(3)The Vice-Chairperson shall preside over the meetings of the Executive Council in absence of the Visitor and the Chairperson, as the case may be.(4)The Vice-Chairperson shall exercise such other powers and perform such other functions as may be prescribed.

## **10. The Member-Secretary.**

(1)The Secretary (Education) appointed by the Government shall be Member Secretary of the Council.(2)The Member Secretary shall be responsible for the co-ordination of the academic functions of the Council.(3)The Member Secretary shall exercise such other powers and perform such other functions as may be prescribed.

## **11. Composition of the Council.**

(1)The Council shall comprise of the following bodies, namely:(a)the Advisory Council;(b)the Governing Council;(c)the Executive Council.(2)The Bodies of the Council shall be reconstituted every four years from the date of their constitution.Provided that in the event of delay in the constitution of the Bodies, they shall continue to be in office for a further period of six months or their reconstitution, whichever is earlier.

## **12. The Advisory Council.**

- The Advisory Council shall consist of the following members, namely:(a)the Visitor;(b)the Chairperson;(c)the Leader of Opposition in the Assembly;(d)the Minister of Finance & Investment;(e)the Minister for Health and Family Welfare;(f)the Minister for Agriculture;(g)the Minister for Law and Judicial;(h)the Vice-Chairperson;(i)the Member-Secretary;(j)two members of the Parliament from the State, one from the Lok Sabha and the other from the Rajya Sabha, nominated by the Government;(k)one Vice-Chancellor of a University outside the State, nominated by the Government;(l)an eminent person from the field of arts or literature, nominated by the Government;(m)an eminent social scientist nominated by the Government;(n)an eminent person from print or visual media, nominated by the Government;(o)an eminent member from the medical profession, nominated by the Government;(p)an eminent sports person, nominated by the Government;(q)an eminent scientist or technologist, nominated by the Government;(r)an eminent agriculturist, nominated by the Government;(s)an eminent jurist, nominated by the Government;

## **13. Powers and Functions of the Advisory Council.**

- The Advisory Council shall meet at least once a year and shall deliberate on the general policies in higher education with particular reference to the functioning of the Council.

## **14. The Governing Council of Arunachal Pradesh State Higher Education Council (APSHEC).**

- The Governing Council of APSHEC shall be constituted as follows:-

- (a) Hon'ble Minister (Education): (Chairperson); (Ex-officio)
- (b) Hon'ble Minister of State (Education) or an eminent Educationist as may be determined by the Government:(Vice-Chairperson);
- (c) Commissioner, Education: Member;
- (d) Commissioner/Secretary to Hon'ble Governor:Member;
- (e) Secretary , Education: (Member Secretary);
- (f) Secretary, Finance & Investment: (Member);
- (g) Secretary, Skill.Development: (Member);
- (h) Secretary, Industry: (Member);

- (i) One nominee from Higher Education, MHRD:(Member);
- (j) Director, H& TE-cum-SPD (RUSA): (Member); (Ex-officio)
- (k) Four prominent and eminent professors/academicians/ educationist from different fields: (Member);  
(to be nominated by Patron)
- (l) Five Principals from HEIs: (Member);  
(to be nominated by Patron)

## **15. Powers and functions of the Governing Council of Arunachal Pradesh State Higher Education Council.**

- The Governing Council shall have the following powers and functions, namely:-(1)It shall chalk out a perspective plan for the implementation of the policies, evolve various programmes to be implemented and determine the priorities of such programmes for implementation;(2)It shall approve the annual budget and the audited statement of expenditure in such manner as may be prescribed;(3)It shall make a self-appraisal of its performance and prepare an annual report showing details of its academic performance;(4)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;(5)It shall with prior approval of the Government frame regulations in accordance with this Act and the rules made thereunder;(6)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;(7)It shall suggest measures for the academic and financial accountability of the Universities and other Institutions of higher education in the State;(8)It shall advise the Government and 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;(9)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;(10)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 regulations provided that it shall meet at least twice a year;(11)It shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Executive 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 Executive Council.

## **16. The Executive Council.**

- There shall be an Executive Council for the Council consisting of the following members of the Governing Council, namely:(1)the Vice-Chairperson;(2)the Member-Secretary;(3)one of the Vice-Chancellors (State/Central/Private), nominated by rotation by the Government for a period of one year;(4)4 (four) educationalists/ academicians/ professors nominated by the Chairperson other than the Members of the Governing Council;(5)Director, Higher and Technical Education.

## **17. Powers and duties of the Executive Council.**

- The Executive Council shall have the following powers and duties, namely:(1)it shall be competent to take decisions on behalf of the Council, subject to the concurrence of the Governing Council in all matters with policy implications;(2)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 Arunachal Pradesh State Higher Education Council;(3)it shall nominate two of its members to the Syndicate/Executive Committee of each University and such member shall ensure effective communication of the views of the Council and coordinate the implementation of programmes common to all universities;(4)it shall have such other powers, functions and duties as may be prescribed.

## **18. Special Invitees.**

(1)The Vice-Chairperson of the Council may, for the purpose of carrying out the objectives of this Act, invite in writing any person who is not a member of the Council to take part in the deliberations of meetings of the Executive Council 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.(2)The special invitees shall be paid from and out of the funds of the Council such sums as may be approved by the Vice-Chairperson. - ·

## **19. Meetings.**

(1)The meetings of Executive Council shall be convened by the Member-Secretary on the advice of the Vice-Chairperson.(2)It shall take all policy decisions by holding at least two meeting in a calendar year.(3)The quorum for the meetings of the Arunachal Pradesh State Higher Education Council and the Executive Council shall be one third of the filled up membership in each body and decisions may be taken in the meetings by simple majority of those present and voting.

## **20. Terms and Conditions of Service of the Vice-Chairperson, Member Secretary and Members.**

(1)The Vice-Chairperson, Member Secretary and Members other than the Member of the Executive Council nominated' under section 16 (4), unless removed from the office in accordance with the provisions of this Act, shall hold office for an entire term of the Body of Council to which they are appointed or nominated or elected as the case may be:Provided that they shall continue to hold office of Vice-Chairperson, Member Secretary and Members respectively for a further period of six months or till further appointment or nomination or election is made to the respective offices, whichever is earlier:Provided further that Vice-Chairperson, Member Secretary and members shall be eligible for re-appointment or re-nomination or reelection for a further term of four years, as the case may be.(2)The Vice-Chairperson, Member-Secretary or Members, may in writing under his signature, addressed to the Chairperson, resign his membership from the.Council: Provided that he shall continue to hold such office until his resignation is accepted and communicated in writing.(3)The salaries, allowances and other perquisites payable to the Vice Chairperson shall be



the same as that of Vice chancellor of a University and that payable to the Member Secretary shall be the same as that of a Pro-Vice- Chancellor of a University.(4)Subject to the provisions of this section, the other terms and conditions of service of the Vice-Chairperson, Member Secretary and Members shall be such as may be prescribed.

## **21. Academic Functions.**

(1)The academic functions are those areas in which the major activities of the Arunachal Pradesh State Higher Education Council transpire, specifically, instruction and research, as well as various supporting activities. · (2)Any other instruction from the Ministry of Human Resource Department, Government of India, New Delhi for the development and growth of academic related matter in the country shall be taken up.

## **22. Removal from Membership of the Council.**

- If, at any time, it appears to the Government that a member appointed or nominated or elected Member has proved himself to be unfit to hold such 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.

## **23. Filling up of casual vacancy.**

- 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 shall be filled up by the Government by nomination or appointment and such Member shall hold office only for the remaining term of the Member in whose place he was nominated or appointed, as the case may be.

## **24. Protection of acts done in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the Council or any member or officer or employee 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 thereunder.

## **25. Staff of the Council.**

- The Council shall, with prior approval of the Government appoint 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 specified in the regulations to be framed by the Council.

## **26. Funds of the Council.**

(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, any State 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 refunded to the State in such manner as may be prescribed.

## **27. 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 auditor appointed under sub-section (3) shall, for the purposes of audit, have such rights, privileges and authority as may be prescribed.(5)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 Arunachal Pradesh State Higher Education Council for consideration at its next meeting.(6)The Arunachal Pradesh State Higher Education Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.(7)The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Arunachal Pradesh State Higher Education Council thereon shall be forwarded to the Government within such time as may be prescribed.(8)The Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (7), cause the same to be laid before the Legislative Assembly.

## **28. Annual Report.**

(1)The Council shall prepare for every year a report on its activities under this Act during that year and submit the report to the Government in such form as may be prescribed.(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 Legislative Assembly.

## **29. Members and Staff of the Council to be public servants.**

- The Chairperson, Vice-Chairperson, 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 45 of 1860).

### **30. Overriding effect of the Act.**

- The provisions of this Act or any rule made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law, for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court or other authority.

### **31. Power to make rules.**

(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 Legislative Assembly, while it is in the session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid of the session immediately following, the Legislative Assembly makes any amendment in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such from as amended or be of no effect, as the case may be so, however, that any such amendment or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **32. Power to make regulations.**

- The Arunachal Pradesh State Higher Education Council may with prior approval of the Government frame regulations in accordance with this Act and Rules made thereunder for carrying out all or any of the purposes of this Act.

### **33. 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 the provisions of this Act which appears to them to be necessary or expedient for the purpose of removing the difficulty.(2)Every order issued under sub-section (1) of Section 35 shall, as soon as may be after it is made be laid before the Legislative Assembly.