

Jharkhand State Higher Education Council Act, 2016

JHARKHAND

India

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Act 17 of 2016

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Jharkhand State Higher Education Council Act, 2016(Act No. 17 of 2016)[Dated 25.5.2016.]PreambleAn Act to make suitable provisions for enforcing & planning, monitoring and evaluation, quality assurance, advisory and funding functions in Universities and other Technical Higher Educational institutions of the state.Whereas it is expedient to establish a State Higher Education Council as a collective of Government, Universities, Academics and Experts in order to forge a synergetic relationship among them by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies with the object of (i) promoting academic excellence and social justice by the Government in policy formulation and perspective planning, (ii) ensuring the autonomy, accountability and coordination among all institutions of higher education in the state, and (iii) guiding the harmonious growth of higher education in accordance with the socio-economic requirement of the state.Be it enacted by the legislature of the State of Jharkhand in the Sixty Seventh Year of Republic of India as follows.

1. Short title, extent, and commencement.

- (i) This Act may be called the Jharkhand State Higher Education Council Act, 2016.(ii)It shall extend to the whole of the State of Jharkhand.(iii)It shall come into force on such date the State Government may, by notification in the official Gazette, appoint.

2. Definitions.

- In this Act unless the context otherwise required:-(i)"Council" means the Jharkhand State Higher Education Council established by State Legislature.(ii)"Higher Education" means education, whether professional, technical, or otherwise leading to the obtaining of any degree or diploma from the University.(iii)"State Universities" means the Universities run, managed and controlled by the State Government.(iv)"Private Universities" means University in the state established according to the "Model Guidelines for the establishment and incorporation of Private Universities in the State of Jharkhand".(v)"Technical University" means University established with the objectives for value

creation and welfare in society through technical education and training, research, innovation, public and private sector consultancy, entrepreneurship, continuing education programmes,' autonomous Colleges/Institution and affiliating constituent and private Colleges/Institutions.(vi)"Affiliated Institutions" means the institutions which are run and controlled by their own Governing Bodies.(vii)"Institution" means an institution with offers various kinds of courses or training programme.(viii)"Member" means a member of the State Higher Education Council and includes the Chairman and Vice-Chairman.(ix)"Chairman" means the Chairman of the Council appointed as per State Higher Education Council Act.(x)"Vice-Chairman" means the Vice-Chairman of the Council appointed as per State Higher Education Council Act.(xi)"Executive Director" means Member Secretary of the Council appointed under the provisions laid down by State Higher Education Council Act.(xii)"Government" means the Government of Jharkhand.(xiii)"Apex Regulatory Institutions" means the regulatory Institutions created by the Act of Parliament for the governance of institutions of a particular nature.(xiv)"Statutes", "Ordinances", "Regulations" of a university means the Statutes, the Ordinances, and the Regulations issued under the respective Acts of a University.(xv)"Regulations" of the Council means the regulations made by the State Higher Education Council,(xvi)"Rules" means the rules made by the State Higher Education Council,(xvii)"AISHE" means the All India Survey on Higher Education initiated by the Ministry of Human Resource Development, Government of India,(xviii)"NAAC" means the National Assessment and Accreditation Council, established for rating the "quality status" of a particular higher education institution.(xix)"MIS" (Management Information System) means management information systems to provide efficiency and effectiveness of strategic decision making.

3. Constitution of the Council.

- (i) The Government may by notification, constitute, with effect from such date as may be specified therein, a council to be called the Jharkhand State Higher Education Council.(ii)The Council shall be a body corporate having perpetual succession and a common seal and shall by that name sue and be sued.(iii)The Council shall have the power to acquire and hold, both movable and immovable property and subject to the provisions of this Act, and the rules made there under to transfer any property held by it and to contract and to do all other things necessary for the purpose of this Act.(iv)The headquarter of the council shall be located at Ranchi.

4. Responsibilities and functions of the Council.

- (i) The Council shall have the following responsibilities and functions, namely:-(a)To render advice to the Government, State Universities, Private Universities, and other institutions of higher education in the state:(b)to coordinate the roles of the Government, State Universities, Private Universities, and Apex Regulatory Agencies in higher education within the state;(c)to provide common facilities in higher education without impairing upon the autonomy of other institutions of higher education;(ii)For the furtherance of the above responsibilities and functions, the Council shall specifically undertake the following:-(a)formulate and evolve State Higher Education plan (SHEP) for the development of higher education, suo moto or on the suggestion from Government or request from State Universities or other Institutions;(b)provide support to State Institutions and

affiliated institutions for formulation production of their plans and implementing them;(c)monitor the implementation of State Higher Education Plan;(d)compile and maintain periodic statistics at state and institutional level and assist in All India Survey on Higher Education (AISHE);(e)create and maintain Management Information system; (MIS);(f)evaluate Institutions on the basis of norms developed by national level higher education agencies;(g)suggest improvements in curriculum and syllabus accordance with the changing societies and academic requirements and maintain quality of curriculum;(h)to ensure quality of examinations and suggest reforms in examination;(i)undertake necessary steps for establishing inter -linkage between research and learning process;(j)protect the autonomy of state institutions and review periodically the statutes, ordinances and regulations of the Universities in the state and suggest appropriate improvement for the realization of the objects of social justice and academic excellence in education, and advise the universities or other institute of higher education on statute, ordinance or regulation formulation;(k)provide approval to setting up new institutions of higher education;(l)suggest accreditation reforms measures in consultation with National Assessment and Accreditation Council (NAAC);(m)advise state government on strategic investments in higher education; State and institutions within and outside the country;(o)make proposals for the generation and utilization of funds with the objective of this Act;(p)evolve general guidelines for the release of grants by the Government or any agency authorized by the government and disburse funds to the universities and colleges on the basis of State Higher Education Plan (SHEP);(q)evolve methodology for timely transfer of the funds earmarked for the State Universities and other institution of higher education;(r)hold discussions, conduct workshops, seminars with the objective of facilitating the widest possible consultancies with experts and stakeholders for formulating the policies and on higher education and facilitating them proper implementation;(s)provide a forum for the interaction among the academy, industries, agriculture and science sectors,(t)co-ordinate various programmes being promoted and undertaken by Central and State Government and national level apex regulatory bodies in the territory of India.

5. Composition of the council.

- The Council shall consist of the following members, namely:(i)The Chairman(ii)The Vice Chairman(iii)Executive Director (Member Secretary)(iv)The Principal Secretary, Department of Higher & Technical Education;(v)Five members to be nominated by the Chancellor who are persons of scholarly pursuit, one each belonging from the field of art& culture, science& technology, civil society, industry, and vocational field.(vi)Five members to be nominated by the Government who are persons of scholarly pursuit, one each belonging from the field of art& culture, science& technology, civil society, industry, vocational field.(vii)Three Vice-Chancellors of the state universities to be nominated by the Chancellor in rotation of three years.(viii)One Vice Chancellor of Private University established in the State.(ix)One Vice Chancellor of Technical University established in the State.(x)Two Principals of Autonomous Colleges to be nominated by the Chancellor in rotation of two years.(xi)Three members co-opted by the Council who are persons of scholarly pursuit.(xii)One nominee of the Government of India to be nominated by the Ministry of Human Resource Development.

6. The Chairman.

- (i) The Chairman will be preferably an eminent academic or public intellectual with proven leadership qualities.(ii)The Chairman will be selected by a committee consisting of Chief Minister, Speaker of the Legislative Assembly, Leader of the Opposition, on the basis of recommendation of short-listed candidates made by a three - member search-cum-selection committee constituted by the State Higher Education Council. The Council shall nominate two eminent academic / public intellectual with proven record while the State will nominate one person. The State nominee will chair.(iii)The Chairman shall be appointed by the Government as whole time officer.(iv)The Chairman will have a non-extendable term of five years or till he attains an age of 70 years whichever is earlier.(v)The Chairman may be removed through a vote of non-confidence expressed by at least two - third members present and voting with a quorum of three - fourth members.(vi)The Chairman shall have the right to call for report on any matter pertaining to the affairs of the council and offer suggestions for the improvement of the functioning of the Council.(vii)The Chairman shall preside over the meetings of the Council and the Executive Committee.(viii)The salaries and allowances payable to the Chairman shall be the same as that of Vice -Chancellor of University. If he is a retired person, his pay shall be reduced to that of his pension.

7. The Vice Chairman.

- (i) The Vice Chairman shall be an eminent academic administrator with proven record. In case of non-academic person, the Vice Chairman could be a professional from industry etc. with sufficient experience in the sector.(ii)The Government will appoint the Vice Chairman on the recommendation of a Search Committee consisting of Chairman of the Council (as Chair) and two other members, one nominated by the Council and one by the Government.(iii)The Vice- Chairman will have one non-extendable term of five years or till he attains an age of 70 years.(iv)The Vice -Chairman may be removed by the Chairman or by the recommendation of the Council.(v)The Vice Chairman shall preside over the meetings of the Council in the absence of the Chairman.(vi)The salaries and allowances payable to the Vice Chairman shall be the same as that of a Professor of a University. If he is retired person, his pay shall be reduced to that of his pension.

8. The Executive Director.

- (i) The State Project Director of Rashtriya Uchhtar Shiksha Abhiyan will be ex officio Executive Director of the Council.(ii)The Executive Director will be the Member Secretary of the Council and shall be responsible for coordination of the functioning of the council,(iii)The Executive Director shall exercise such other powers and perform such other functions as may be prescribed.

9. Officers of the Council.

- The following shall be the officers of the Council namely:-i. The Chairmani. The Vice Chairmani. The Executive Director,iv. Administrative Officer, Finance Officer

10. Administrative Officer.

- (i) The Administrative Officer shall be a whole-time officer of the Council and will be a person on deputation from University.(ii)The Administrative Officer shall be a person having at least fifteen years experience in teaching in a college or post graduate department of university and at least five years experience in University administration.(iii)The Administrative Officer shall be appointed by the Council.(iv)The Administrative Officer shall be in charge of general administration and shall exercise such powers and perform such duties as may be assigned to him by the Chairman.(v)The Administrative Officer shall be entitled to receive deputation allowance over and above his pay and allowances which he was drawing in his parent University.

11. Finance Officer.

- (i) The Finance Officer shall be a whole-time officer of the Council and will be a person on deputation from University.(ii)The Finance Officer shall be a person having fifteen years of teaching experience and financial administration, and sound knowledge of accountancy, auditing and budgetary procedures.(iii)The Finance Officer shall be appointed by the council.(iv)The Finance Officer shall be In-charge of Accounts Department and will be responsible for maintaining the accounts of the council and shall exercise such powers and perform such duties as may be assigned to him/her by the Chairman.(v)The Finance Officer shall be entitled to receive deputation allowance over and above his pay and allowances which he was drawing in his parent University.

12. State Project Directorate (SPD).

- The State Government will constitute a State Project Directorate with following composition.(i)Composition: The SPD will consist of State Project Director and such adequate support staff as may be required for the effective functioning of the State Project Directorate.(ii)Functions: The SPD will perform the following functions-• Overseeing project implementation at the State level;• Maintain statistical data and MIS report; and• Engage Project Auditors as required.

13. Technical Support Group.

- (i) The State Higher Education Council may appoint a Technical Support Group consisting of experts.(ii)The composition of the Technical Support Group will be decided by the Council.(iii)The function of the Technical Support Group will be to (a) monitor flow of funds and information, (b) generate MIS reports as required, and (c) provide operational support to the Council.

14. Terms and Conditions of nominated members.

- (i) Each nominated and co-opted member will normally have a term of six years, provided that one - third of the members will retire every two years on the basis of age, and the vacancy will be filled by the Chancellor, if the retiring member is Chancellor's nominee, or by the Government, if the

retiring member is a Government nominee, or by the council, if the retiring member is a co-opted member.(ii)At any point of time, twenty members of the Council should be from the state and five members must be individual of national eminence (outside the State).(iii)The nominated and co-opted member may by writing under his hand addressed to the Chairman of the Council resign his membership but he/she shall continue to remain member until his/her resignation is accepted in writing by the Chairman of the council.(iv)The nominated and co-opted member shall be eligible for such rate of traveling allowance, daily allowance and sitting fee as may be prescribed.(v)Subject to the provision of this section the other terms and condition of the service shall be such as may be prescribed.

15. Disqualifications.

- (i) No person shall be qualified for nomination or to continue as a member of the Council, if on the date of such nomination he is:(a)of unsound mind;(b)adjudicated as an un-discharged solvent;(c)sentenced by a criminal court to imprisonment for any offence involving moral turpitude;(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;(e)a person who has been terminated from any Government or University Services on grounds of misconduct or negligence.(ii)In case of dispute or doubt as to whether a person is disqualified under sub-section (1) the decision of the Chairman shall be final.(iii)Save as otherwise pointed 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.

16. Meeting of Council.

- (i) The Council shall meet as often as may be necessary at such time and place and observe such rules of procedures as may be provided in regulation, but it shall meet at least once in three months.(ii)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, had attended, or otherwise had taken part in the proceedings of the council.(iii)The meeting of the Council shall be convened by the Executive Director on the advice of the Chairman.(iv)The quorum of the meeting of the council shall be one third of the total members of the council and division may be taken in the meetings by simple majority of those present and voting.

17. 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.

18. Funds of the Council.

- (i) 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, or any other authority, institutions or persons.(ii)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.(iii)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.

- (i) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed,(ii)The Council shall prepare an annual statement of accounts in such form and in such manner as may be prescribed,(iii)The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint or depute in this behalf,(iv)The Executive Director to the Council shall cause the annual audit report to be printed and shall place such report before the council for consideration at its next meeting,(v)The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report,(vi)The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Council there on shall be forwarded to the Government within such time as may be prescribed.

20. Annual Report.

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

21. Members and Staff of the Council to be public servants.

- The Chairman, Vice Chairman, Executive Director, Member, Officers and Staff of the Council shall be deemed, when acting or purporting to act in pursuance of any provisions of this Act or any rule or regulations 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 XLV of 1860).

22. Power to make regulations.

- The Council with prior approval to the Government may make regulations not inconsistent with the provisions of this Act and rules made there under for carrying out all or any of the purposes of this Act.

23. Power to make rules.

- (i) The Government may, by notification, make rules, for carrying out all or any purposes of this Act. (ii) Every rule made under this Act shall be laid as soon as may be after it is made before the state legislature while it is a 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 or the session immediately following, the Legislature 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 form 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.

24. Power to remove difficulties.

- (i) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion may require, do nothing not inconsistent with the provisions of this Act which appears to them to be necessary or expedient for the purpose of removing the difficulty. (ii) Every order issued under the sub section (1) shall, as soon as may be after it is made laid before the legislative Assembly.