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NOTIFICATION

No.H.12018/244/2017-LJD, the 9th January, 2018. The following Act is hereby published for general information.

The Mizoram State Higher Education Council Act, 2017

(Act No. 11 of 2017)

(Received the assent of the Governor of Mizoram on
30.11.2017)

The Mizoram State Higher Education Council Act, 2017

AN
ACT

to provide for the constitution and establishment of the State Higher Education Council in Mizoram to advise the Government in matters relating to Higher Education in the State and to oversee its development with Perspective Planning and for matters connected therewith and incidental thereto:

WHEREAS the National Educational Policy, 1986 and the Rashtriya Uchchar Shiksha Abhiyan (RUSA) recommended that State Level Planning and Co-ordination of higher education shall be done through State Higher Education Council and that the University Grants Commission and this Council will develop coordinative methods to keep a watch on standards;

AND WHEREAS the University Grants Commission and Rashtriya Uchchar Shiksha Abhiyan (RUSA) constituted a Committee to make recommendations regarding setting up of the State Higher Education Council as per the aforesaid National Policy to function at an arm's length from the State as well as Centre;

AND WHEREAS the said Committee recommended that there is a pressing need for an effective machinery for promotion and co-ordination of Higher Education at the State Level and Co-ordination of State level programmes with those of the Rashtriya Uchchar Shiksha Abhiyan (RUSA) and University Grants Commission;

AND WHEREAS, it is expedient to establish a State Higher Education Council as a collective of the Government, Universities, academics, experts and people's representatives in order to forge a synergic relationship among them by occupying an operational space in between the Government and Universities/colleges and between Universities/colleges and apex level bodies, with the objects of;

- (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 socioeconomic requirements of the State;
- (iv) review and co-ordinate the implementation of policies in all higher education institutions in the State including Universities, research institution and colleges,
- (v) network various programmes in higher education undertaken and promoted by the Central and State Government and by National Level Regulatory Bodies including the Rashtriya Uchchatar Shiksha Abhiyan (RUSA), 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,
- (vi) undertake independent work for the generation and dissemination of new ideas in higher education,
- (vii) provide common facilities for all Universities, research institutions, colleges and other centers of higher education,
- (viii) provide for generation and optimum utilization of funds for the expansion and development of higher education.

Be it enacted by the Legislative Assembly of Mizoram in the sixty-eighth year of the Republic of India, as follows, namely:-

1. Short title, extent and commencement: –

- (1) This act may be called The Mizoram State Higher Education Council Act, 2017.
- (2) It extends to the whole state of Mizoram.
- (3) It shall come into force on such date as the State Government may, by publication in the Official Gazette, appoint.

2. Definitions: - In this Act, unless there is anything repugnant in subject or context :-

- (1) "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);
- (2) "Bar Council of India" means the Bar Council constituted under the Advocate Act, 1961 (Central Act 25 of 1961);
- (3) "Chairman" means the Chairman of the Council;
- (4) "College" means any Mizoram Higher Education Institution affiliated to a University;
- (5) "Council" means The Mizoram State Higher Education Council;
- (6) "Government" means the Government of Mizoram;
- (7) "Higher Education" means the education and research studies leading to the award of a degree or diploma or certificate by a University or an Institution approved by a University;
- (8) "Institution" means an academic institution of higher education and research, not being a college, associated with and admitted to the privileges of a University or maintained by a University;
- (9) "Medical Council of India" means the Council constituted under the India Medical Council Act, 1956 (Central Act 102 of 1956)

- (10) "Member" means a member of the Advisory Council or the Executive Council, as the case may be;
- (11) "Member Secretary" means the Member Secretary of the Council;
- (12) "National Council for Teacher Education" means the council constituted under the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993);
- (13) "Notification" means the notification published in the Official Gazette;
- (14) "Prescribed" means prescribed by rules made under this Act;
- (15) "Regular student" means a regular student of a University or a college affiliated to a University;
- (16) "Regulation" means the regulations made by the Council under this Act;
- (17) "State" means the State of Mizoram;
- (18) "Statutes", "Ordinances" and "Regulations" of a University means respectively, the Statutes, the Ordinances and the Regulations issued under the respective Acts of a University;
- (19) "Teacher" means any regular teacher working in a University, Government College or Government Aided College or Institution whose appointment has been made by a University or Government or approved by a University;
- (20) "University" means any University in the State established by an Act of the State Legislature;
- (21) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central Act 3 of 1956);
- (22) "Vice-Chairman" means the Vice-Chairman of the Council;

3. Composition of the Council:-

- (1) The Council shall comprise of the following bodies, namely:-
 - (a) The Advisory Council;
 - (b) The Executive Council;
- (2) **The Advisory Council:** The Advisory Council shall consist of the following members, namely:-

(i) The Chief Minister of the State	Chairman
(ii) The Minister, Higher & Technical Education.	Vice-Chairman
(iii) The Executive Director	Member-Secretary, SHEC
(iv) The M.P. Lok Sabha	Member
(v) The M.P. Rajya Sabha	Member
(vi) Three MLAs one from the Leader of Opposition	Member
(vii) The Vice-Chairman, State Planning Board.	Member
(viii) The Vice-Chancellors of the Central University	Member
(ix) The Chief Secretary	Member
(x) The Commissioner & Secretary , Higher & Technical Education	Member
(xi) The Secretary, Finance Department or his representative not below the rank of Joint Secretary.	Member
(xii) The Secretary, Planning & Implementation Department or his representative not below the rank of Joint Secretary.	Member
(xiii) The Secretary to Government, Law Department or his representative not below the rank of Joint Secretary.	Member
(xiv) The Principal Secretary, Health & Family Welfare or his representative not below the rank of Joint Secretary.	Member
(xv) The Secretary, Agriculture Department or his representative not below the rank of Joint Secretary.	Member

(xvi)	The Secretary to Government, School Education or his representative not below the rank of Joint Secretary.	Member
(xvii)	The Secretary to Government, Social Welfare or his representative not below the rank of Joint Secretary.	Member
(xviii)	The Secretary to Government, Horticulture Department or his representative not below the rank of Joint Secretary.	Member
(xix)	The Chairman, MBSE	Member
(xx)	The Director of Higher & Technical Education.	Member

(3) Powers and Functions of the Advisory Council:

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

(4) The Executive Council:

The Executive Council shall consist of the Chairman, Vice Chairman, Member Secretary and such number of members not exceeding twenty five.

The composition shall be as follows:

Sl.No.	Designation	Minister in charge Higher Education by virtue of his office or preferably an eminent Academic/Public intellectual with proven leadership qualities.
(i)	Chairman	
(ii)	Vice Chairman	He must be an eminent academic administrator with proven record (rank of a Professor – in case the chair is a non-academic person). In other case, it could be a professional from industry etc., with sufficient experience in the sector.
(iii)	Member Secretary	An eminent academic of the rank of Professor – Chief Executive.
(iv)	Member	Secretary, Higher & Technical Education Department.
(v)	Member	Director, Higher & Technical Education
(vi)	Member	State Project Director(RUSA)
(vii)	Member	Vice Chancellor of State/Central University
(viii)	Member	Two Principals of Affiliated Colleges
(ix)	Member	Representative from Civil Society (CYMA)
(x)	Member	Representative from Arts
(xi)	Member	Representative from Science & Technology (MSA)
(xii)	Member	Representative from Industries (MCI)
(xiii)	Member	Representative from Vocational Education and Skill Development
(xiv)	Member	Representative from College Faculty/Association (MCTA)
(xv)	Member	Representative of Women Organization (MHIP)
(xvi)	Member	Representative from Culture
(xvii)	Member	One nominee of the Government of India, MHRD
(xviii)	Member	Three Academicians from outside the state.

**4. Search cum Selection Process and Terms and Conditions:
Chairman of Executive Council:**

(1) Chairman, unless it is the Minister in charge of Higher Education will be selected by a Committee consisting of State Chief Minister, Speaker of the Legislative Assembly, and Leader of the Opposition on the basis of recommendation of shortlisted candidates made by the Search cum Selection Committee.

(2) The Search cum Selection Committee will be three members of very eminent academic/public intellectual with proven record and integrity. The Mizoram State Higher Education Council will nominate two members while the State Government will nominate one and the State nominee will be the chair.

(3) The Chairman shall hold office for the entire of five years. He shall be eligible for re-appointment or re-nomination or re-election for a further term of five years, as the case may be.

(4) The Chairman may be removed from office before the expiry of his term through a vote of no confidence. His removal will be through a vote of no confidence expressed by atleast two-third members presents and voting.

5. Vice Chairman:

A Search Committee of three members will appoint the Vice Chairman. The Committee will consist of Chairman of the Council (as a Chair) and two other members one nominated by the Council and one by the Government.

6. Member Secretary:

A Search Committee of three members will appoint the Member Secretary. The committee will consist of the Chairman of the Council (as a chair) and two other members one nominated by the Council and one by the Government.

7. Terms and Conditions of Vice Chairman, Member Secretary:

The Vice-Chairman, Member-Secretary and Members other than the member of the Executive Council nominated under section 5& 6, unless removed from the office in accordance with the provisions of this Act, shall hold office for the entire term of five years which they are appointed or nominated or elected as the case may be :

Provided that they shall continue to hold office of Vice-Chairman, 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 that the Vice-Chairman, Member-Secretary, and the Members shall be eligible for re-appointment or re-nomination or re-election for a further term of five years, as the case may be.

8. Members of the Council:

- (1) A Search Committee who appoints Member Secretary of the Council shall also appoint Members of the Council.
- (2) At any point of time, at least seven members of the Council should be from the State and three members must be individuals of national eminence (outside the State) and total numbers of member should not exceed twenty five.

- (3) Each member will have a term of six years, one-third of the members will retire every two years. The existing Council will nominate three members every two years.

Provided that in the absence of suitable person(s) for membership, the existing member(s) shall be eligible for re-appointment or re-nomination or re-election under Section 8(3) of this Act.

9. Termination or removal:

- (1) The Chairman, Vice-Chairman or a member (other than an ex-officio member), shall not be removed from his office except by an order of the Government passed on the ground of willful omission or refusal to carry out the provisions of this Act or abuse of the powers vested with him and after due inquiry as may be ordered by the Government, in which case Chairman or Vice Chairman or member shall have an opportunity of making his representation against such removal. Termination or removal from Council if any shall be made by notification.
- (2) The Vice-Chairman, Member-Secretary or Members, may in writing under his signature, addressed to the Chairman, resign his membership from the Council.

Provided that he shall continue to hold such office until his resignation is accepted and communicated in writing.

10. 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.

11. Special Invitees:

- (1) The Vice-Chairman 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 particular meetings of the Advisory Council and 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-Chairman.

12. Meetings:

- (1) the meetings of the Council shall be convened by the Member-Secretary on the advice of the Chairman/Vice-Chairman.
- (2) the quorum for the meetings of the Advisory Council and the Executive Council shall be one third of filled up membership in each body and decisions may be taken in the meetings by simple majority of those present and voting.

13. Council Secretariat and Administrative Staff

- (1) The Council must have its own Secretariat and administrative Staff. The Staff will not be permanent to the Council but brought on deputation from other institutions and State Government (for a maximum period of five years). Suitable talent may be drawn from the system or the industry and compensated adequately.

- (2) The salaries, allowances and other perquisites payable to the Vice-Chairman shall be the same as that of a 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.

14. Responsibilities and Functions of the Executive Council:

- (1) The Executive Council shall have the following general responsibilities and functions, namely:-
- (a) It shall be responsible for planned and coordinated development of higher education in the State and also to foster sharing of resources between universities, benefit from synergy across institutions, lead academic and governance reforms at the institution level, establish principles for funding institutions, maintain a databank on higher education and conduct research and evaluation studies;
 - (b) To render advice to the Government, Universities and other educational and research institutions on the matter higher education in the State;
 - (c) To co-ordinate the roles of the Government, Universities and apex regulatory agencies in higher education within the State;
 - (d) To evolve new concepts and programmes in higher education;
 - (e) To provide common facilities in higher education without impinging upon the autonomy of other institutions of higher education.
- (2) For the furtherance of the above responsibilities and functions, the Council shall specifically undertake the following, namely:-
- (a) 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 moto* or on the suggestion from Government or request from Universities or other institutions;
 - (b) undertake 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;
 - (c) undertake human resources development planning for the State and plan the growth and development of higher education in accordance with such planning;
 - (d) evolve guidelines for linkages of an academic nature among higher education institutions in the State and institutions within and outside the country;
 - (e) evolve programmes in order to promote the relevance of higher education for the economic, social and cultural development of the State;
 - (f) review existing guidelines and furnish recommendation for regulating admissions to various courses and for appointments to the posts of teachers and teacher-administrators in Universities, colleges and other institutions of higher education;
 - (g) 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 text books, educational software and elearning facilities in order to improve the quality of education;
 - (h) organize short term courses to train and update the knowledge and skills of higher education teaching personnel, education administrators and other similarly situated;
 - (i) advise the Government on the starting of new courses, colleges, and other higher education institutions in the State;
 - (j) make proposals for the generation and utilization of funds in accordance with the objectives of this Act;

- (k) evolve 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 Universities and other institutions of higher education;
- (l) evolve schemes for providing equitable opportunities for higher education and scholarships and free-ships and financial assistance to the needy student and co-ordinate implementation of Scheduled Caste and Scheduled Tribes and Other Eligible Backward Classes welfare programmes of the Central and the State Government and other Central and State Level funding Agencies;
- (m) 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;
- (n) provide common facilities for the entire State by establishing centers, namely:-
 - (i) Centre for Research on Policies in Higher Education;
 - (ii) Curriculum Development Centre;
 - (iii) Centre for Capacity Building in respect of faculty and educational administrators;
 - (iv) State Council for Assessment of Higher Education Institutions;
 - (v) Examination Reforms Cell;
 - (vi) Human Resources Development, Employment and Global Skills Development Cell;
- (o) 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;
- (p) facilitate the development of a synergic relationship among different agencies such as the State Government, Universities, colleges and other regulatory bodies at the national level;
- (q) 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 Teachers Education, Medical Council of India, Bar Council of India and other similar statutory bodies and state level institutions of higher education in the territory of India;
- (r) provide forum for the interaction among the academy, industries, agriculture and service sectors;
- (s) facilitate the conduct of workshops and seminars on questions of importance in higher education in different parts of the State;
- (t) undertake necessary steps for establishing inter-linkages between research and learning processes;
- (u) promote extension activities in colleges, institutions and Universities and encourage their integration into the curriculum so that the students and teachers become sensitive to social issues;
- (v) promote sports and cultural activities in the colleges, other institutions and Universities and integrate them with the cocurricular activities;
- (w) perform such other functions for the realization of the twin objectives of social justice and excellence in higher education;
- (x) suggest steps for promoting democratization and academic autonomy of Universities and other institutions of higher education;
- (y) evolve schemes to sensitize the students to environmental and gender issues.

15. 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 sum 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.

16. 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 Council for consideration at its next meeting.
- (6) The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.
- (7) The accounts as certified by the auditor(s) together with the audit report(s) along with the remarks of the 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.

17. 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.

18. Members and Staff of the Council to be public servants: The Chairman, Vice Chairman, Members, Officers and Staff of the Council, 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).

19. Overriding effect of the Act: The provisions of this Act 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.

20. Power to make Regulations: The Council may with the prior approval of the Government frame regulations in accordance with this Act and Rules made there under for carrying out all or any of the provisions of this Act.

21. Power to make rules :

The Government may by notification in the Official Gazette make rules for carrying out all or any of the provision of this Act. Every rule made under this Act shall be laid, as soon as may be after it is made before the Mizoram Legislative Assembly where it is in session for a total period of fourteen days which may be comprised in one or two successive sessions.

22. Power to remove difficulties:

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Governor may, by order, published in the Official Gazette, do anything not inconsistent with the provisions of this Act which appears to him to be necessary or expedient for the purpose of removing the difficulty;

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

- (2) Every order issued under sub-section (1) shall, as soon as may be after it is made be laid before the Legislative Assembly.

23. 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 there under.

24. Repeal and Saving :

- (1) The Mizoram State Higher Education Council Notification, 2014 (an Executive Order) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Notification, shall be deemed to have been done or taken under this Act.

Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.