

ASSAM ACT NO. XXI OF 2017

(Received the assent of the Governor on 6th April, 2017)

THE ASSAM STATE HIGHER EDUCATION COUNCIL ACT, 2017

AN ACT

to provide for the establishment of a State Higher Education Council to regulate, supervise and develop higher education in the State of Assam.

Preamble.

Whereas it is expedient to establish a State Higher Education Council for the State of Assam as a collective of the Government, Universities, Academies, Experts and People's Representatives in order to derive a synergic relationship among them by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies in the State of Assam.

It is hereby enacted in the Sixty-eight Year of the Republic of India as follows:-

Short title, extent and commencement.

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

Definitions.

2. In this Act, unless there is anything repugnant to the subject context,-
 - (a) "Council" means the Assam State Higher Education Council established under section 3 of this Act;
 - (b) "Government" means the State Government of Assam;
 - (c) "General Council" means the plenary body of the council headed by the Chief Minister of State of Assam under section 8;
 - (d) "Executive Council" means the body under the Chairmanship of Chief Secretary, Assam under section 20;
 - (e) "Director" means the Director of the Council appointed by the Government of Assam;
 - (f) "Officer and staff" means all whole time and part time functionaries of the Council engaged in any manner or taken on deputation and would include consultants, fellows and research staff;
 - (g) "Graduation" shall mean the courses of three years General Degree courses and four years Technical Degree courses;
 - (h) "Post Graduate" shall mean the courses of Master Degree;

- (i) "Higher Education" means education, whether professional, technical or otherwise leading to the obtaining of any degree or diploma from the University;
- (j) "Provincialised Colleges" means those Colleges for which the Government has taken liabilities for payment of salaries including dearness allowances, medical allowances and such other allowances admissible to the Government employees of similar category and gratuity, pension, leave encashment etc. as admissible under the existing rules, to the employees of the State Government serving under the Government of Assam;
- (k) "Principal" means the head of the teaching as well as non-teaching staff of a college;
- (l) "regulations" means the regulations framed by the Council under this Act ;
- (m) "rules" means rules made by State Government under this Act;
- (n) "Notification" means a notification published in the Official Gazette;
- (o) "prescribed" means prescribed by the rules made under this Act;
- (p) "State" means the State of Assam.

Constitution of the Council.

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

Responsibilities of the Council.

- 4. The following shall be the responsibilities of the Council, namely:-
 - (1) Strategic intervention for the improvement of access, equity and quality in higher education in the State;
 - (2) Ensuring the autonomy and accountability of all Institutions of Higher Education in the State;
 - (3) Promoting academic excellence and social justice by providing academic input to the State Government for policy formulation and perspective planning;
 - (4) Guiding the growth of Higher Education in accordance with the socio-economic requirements of the State ;
 - (5) To render advice to the Government, State Universities, Private Universities and other institution of Higher Education in the State;

- (6) To coordinate the roles of the Government, State Universities, Private Universities and apex level regulatory agencies in Higher Education within the State ;
- (7) To provide common facilities in Higher Education without impairing upon the autonomy of other institutions of Higher Education.

Functions of the Council.

5. The Council shall perform the following functions, namely:-
 - (1) Review and coordinate the implementation of policies in all Higher Education Institutions in the State of Assam including Universities, Research Institutions and Colleges;
 - (2) Network various programmes in Higher Education undertaken and promoted by National and International Institutions including Central and State Governments and by National level regulatory 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;
 - (3) Undertake independent work for the generation and dissemination of new ideas in Higher Education including innovative teaching and learning methodologies with the use of State-of-the-Art Technology;
 - (4) Provide common facilities for all Universities, Research Institutions, Colleges and other centers of Higher Education;
 - (5) Facilitate scientific survey, evaluation and monitoring process and to provide for the generation and optimum utilization of funds for the expansion and development of Higher Education;
 - (6) Undertake such other programmes for promoting the objectives of social justice and excellence in education;
 - (7) Formulate and evolve State Higher Education Plan (SHEP) for the development of higher education, *suomoto* or on the suggestion from Government or request from State Universities or other Institutions;
 - (8) Provide support to State Institutions and affiliated institutions for formulation production of their plans and implementing them;
 - (9) Monitor the implementation of State Higher Education Plan;
 - (10) Compile and maintain periodic statistics at state and institutional level and assist in All India Survey on Higher Education (AISHE);
 - (11) Evaluate Institutions on the basis of norms developed by national level higher education agencies;
 - (12) Suggest improvements in curriculum and syllabus in accordance with the changing societies and academic requirements and also maintain quality of curriculum;

- (13) To ensure quality of examinations and suggest reforms in examination;
- (14) Undertake necessary steps for establishing inter-linkage between research and learning process;
- (15) 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 formulation of statute, ordinance or regulations;
- (16) Provide approval to setting up new institutions of higher education;
- (17) Suggest accreditation reform measures in consultation with National Assessment and Accreditation Council (NAAC);
- (18) Advise State Government on strategic investments in higher education;
- (19) Evolve guidelines for linkages of an academic nature between higher education institutions in the State and institutions within and outside the country;
- (20) Make proposals for the generation and utilization of funds with the objective of this Act ;
- (21) 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);
- (22) Evolve methodology for timely transfer of the funds earmarked for the State Universities and other institution of higher education;
- (23) 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 proper implementation;
- (24) Provide a forum for the interaction among the academia, industries, agriculture and science sectors;
- (25) Co-ordinate various programmes being promoted and undertaken by Central and State Government and national level apex regulatory bodies in the territory of India.

**Composition of
the Council.**

6.

(1) The Council consists of three bodies, namely:-

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| (a) General Council | : | This is the plenary body of the Council headed by Hon'ble Chief Minister, Assam; |
| (b) Executive Council | : | This is a high-power, body under the Chairmanship of Chief Secretary, Assam; |

		(c) State Project Directorate	: This is the operational body which shall be Headed by the Director of the Council.
Organizational Structure of the Council.	7.	(a) Chairman, General Council	: Hon'ble Chief Minister, Assam;
		(b) Vice-Chairman, General Council	: Hon'ble Minister in Charge of the Higher Education, Assam;
		(c) Chairman, Executive Council	: Chief Secretary, Assam, Government of Assam.
Officers of the University.	8.	The General Council shall consists of the following members, namely :-	
		(1) The Chief Minister, Assam	: Chairman;
		(2) The Minister in charge of the Higher Education, Assam	: Vice Chairman;
		(3) Chief Secretary, Assam	: Member;
		(4) Vice-Chancellors of the state Universities	: Member;
		(5) The Senior most Secretary of Higher Education Department, Government of Assam	: Member;
		(6) A nominee of the University Grants Commission not below the rank of Joint Secretary	: Ex-officio member;
		(7) Six academicians of repute from different Academic disciplines of whom one shall be a woman, one belonging to the Scheduled Tribes nominated by the Government	: Member;
		(8) Three Members from the Faculties of Universities/ Colleges to be nominated by the Government	: Member;
		(9) One representative from the Principals of the Provincialized Colleges to be nominated by the Government	: Member;
		(10) One representative from the Principals of the Government Colleges to be nominated by the Government	: Member;
		(11) The Senior most Secretary to the Government	: Ex-officio member;
		(12) The Senior most Secretary to the Government of Assam, Health and family Welfare Department	: Ex-officio member;

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| (13) | The Senior most Secretary to the Government of Assam, Elementary Education Department | :Ex-officio member; |
| (14) | The Senior most Secretary to the Government of Assam, Secondary Education Department | :Ex-officio member; |
| (15) | The Secretary to the Government of Assam, Judicial Department | :Ex-officio member; |
| (16) | The Senior most Secretary to the Government of Assam, Agriculture Department | :Ex-officio member; |
| (17) | The Senior most Secretary to the Government of Assam, Co-operation Department | :Ex-officio member; |
| (18) | The Senior most Secretary to the Government of Assam,P.W.D.(Building), Assam | :Ex-officio member; |
| (19) | The Director of Higher Education, Assam | :Ex-officio member; |
| (20) | The Director of Technical Education, Assam | :Ex-officio member; |
| (21) | The Director of Medical Education, Assam | :Ex-officio member; |
| (22) | Director of the Council | :Member Secretary. |

Functions of the General Council.

9. The functions of the General Council shall be as follows:-

- (1) General Functions ; - The Council shall,-
 - (a) The Council shall render advice to the Government, Universities and other institutions of higher education in the State;
 - (b) co-ordinate the roles of the Government, Universities and apex regulatory agencies in higher education within the State;
 - (c) evolve new concepts, programmes and perspective plans for development of Higher Education as required or on the suggestion by the Government or requests from Universities or other institutions of the State;
 - (d) monitor the progress of implementation of the Developmental Programmes of the Universities and Colleges taken up in the State with the assistance of Regulatory Agencies / Expert Bodies;

- (e) promote co-operation and co-ordination among the educational institutions and explore the scope for interaction with industry and other related establishments;
- (f) prepare an annual report making self-appraisal and showing details of its performance;
- (g) suggest measures for the academic and financial accountability of the Universities and other institutions of higher education in the State;
- (h) examine and approve the annual budget and the audited statement of receipt and expenditure in such manner as may be prescribed;

(2) Academic Functions:- The Council shall,-

- (a) encourage and promote innovation in curricular development, restructuring of courses and updating of syllabi in the Universities and the colleges;
- (b) co-ordinate the programmes of autonomous colleges and monitor their implementation;
- (c) devise steps to improve the standard of examinations conducted by the universities, autonomous bodies and suggest necessary reforms;
- (d) facilitate training of teachers of the universities and colleges;
- (e) promote and monitor publication of quality text books, monographs and reference books, etc.
- (f) develop programmes for greater academic co-operation and interaction between university and college teachers and facilitate mobility of students and teachers within and outside the State;
- (g) advice on regulation of admission in universities, colleges and institutions of Higher Education in the State;
- (h) encourage and devise programmes for sports, games, physical education and socio-cultural activities in the universities and colleges;
- (i) review periodically the existing guidelines and furnish recommendations for regulating admissions to various courses and for appointments to the posts of teachers and teacher administrators in the universities, colleges and other institutions of higher education;
- (j) prepare an overview report on the working of the universities and colleges in the State and furnish a copy thereof to the Government and such other authorities as the Government may specify;
- (k) perform such other functions for the realization of the objectives of access, equity and quality in higher education of the State;

(3) Advisory Functions :- The Council shall advise the Government,-

- (a) regarding the norms, if any, relating to the establishment of new universities and colleges besides introduction of 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 the academic pursuits;
 - (c) on any university, college or institutions of Higher Education or any other matter relating to higher education and research activity which may be referred to the Council;
 - (d) In determining the infrastructure maintenance grants and to lay down the basis for such grants;
- (4) Any other Functions:- The Council shall perform any other functions necessary for the furtherance of Higher Education in the State.

**Powers of the
General Council.**

10. The General Council shall:-

- (a) prepare a perspective plan for implementation of the policies, evolve various programmes and determine the priorities of such programmes for implementation;
- (b) 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;
- (c) give such directions as may be necessary for effective functioning of the other bodies of the Council in accordance with its objectives;
- (d) have such other powers as may be prescribed for the effective implementation of the programmes for the furtherance of the objectives of this Act.

**Powers of the
Chairman of the
General Council.**

11. The Chairman of the General Council shall have the following powers, namely:-

- (a) to call for report on any matter pertaining to the affairs of the Council and offer suggestions for overall improvement of the functioning of the Council;
- (b) to preside over all meetings of the Council.

**Powers of the
Vice Chairman
of the General
Council.**

12. The Vice-Chairman shall have the following powers, namely:-

- (a) to preside over the meetings of the Council in the absence of the Chairman;
- (b) to call for report in any matter pertaining to the affairs of the Council as may appear to him to be necessary;

		(c) to exercise such other powers and perform such other functions as may be assigned by the General Council and/or the Chairman, as the case may be;
		(d) to exercise powers of superintendence /monitoring in all matters of functioning of the Council.
Publication of names of the members of the Council.	13.	The names of the persons appointed/nominated by the Government as members of the Council shall be published in the Official Gazette by the Government.
Terms of the Members.	14.	<p>Any member other than an ex-officio members shall be appointed by the Government ordinarily for a term of five years and shall not be eligible for re-appointment for a second term:</p> <p>Provided that the Government may, in exceptional circumstances for reasons to be recorded in writing, by notification in the Official Gazette, extend the term of such member for another period not exceeding six months.</p>
Meetings of the Council.	15.	<p>(1) The Council shall meet as often as may be necessary, but it shall meet at least once a year.</p> <p>(2) The Council shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, or otherwise had taken part in the proceedings of the Council.</p> <p>(3) The meeting of the Council shall be convened by the Director on the advice of the Chairman.</p> <p>(4) The quorum of the meeting of the Council shall be one third of the total existing roll of members of the Council.</p> <p>(5) In case of requirement, the decisions of the meeting may be taken by simple majority of those present and voting.</p>
Qualification, powers and functions of the Director.	16.	<p>(1) A senior administrative officer, serving or retired, not below the rank of Secretary to the State Government, having aptitude and experience in the field of education or an academician who is or has been a Vice Chancellor or a Professor with not less than ten years of experience shall be appointed by the Government as the Mission Director of the Council:</p> <p>Provided that a person who has not attained the age of sixty five years shall be eligible to be appointed as the Director.</p> <p>(2) The Director shall be appointed by the Government ordinarily for a term of five years and shall not be eligible for re-appointment for a second term.</p>

		(3) The Director shall be the Executive Officer and responsible for the co- operation of the functions of the Council.
		(4) The Director shall exercise such powers and perform such functions as may be prescribed by the General Council and Executive Council.
Terms and conditions of Director and Members.	17.	<p>(1) The Director or any Member, may in writing under his/her signature, addressing to the Chairman, resign his/ her membership to the Council :</p> <p style="padding-left: 40px;">Provided that he/she shall continue to hold such office until his/ her resignation is accepted and communicated in writing.</p> <p>(2) The salaries, allowances and other perquisites payable to the Director and other Office bearers shall be finalized by the General Council with the approval of the Government.</p> <p>(3) Subject to the pleasure of the Government, the Director shall hold the office for a term of five years or till the expiry of the term of the body represented by him whichever is earlier.</p> <p>(4) The other terms and conditions of service of the Director and Members shall be such as may be specified in the regulations.</p>
Removal from membership of the council.	18.	<p>(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 requires 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/ she 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/ her membership and in case of such removal from the membership of the Council, it shall be made by notification.</p> <p>(2) The Director shall not be removed except by an order of the State Government passed on the ground of willful omission or refusal to carry out the Rules or Regulations 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.</p>
Filling up of casual vacancy.	19.	If a casual vacancy arises 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 as the case may be and such Member shall hold office only for the remaining period of the term of the Member in whose place he was nominated or appointed.

**Constitution of
the Executive
Council.**

20. The Executive Council shall consists of:-
- (1) The Chief Secretary, Govt. of Assam : Chairman;
 - (2) Senior most Secretary of Higher Education Department, Government of Assam : Vice-Chairman;
 - (3) The Director of the Council : Member Secretary;
 - (4) Secretary to the Govt. of Assam (Higher/Technical) Education : Member;
 - (5) The Chief Engineer, P.W.D.(Building), Assam : Member;
 - (6) Director of Higher Education, Assam : Member;
 - (7) Director of Technical Education, Assam : Member;
 - (8) Director of Medical Education, Assam : Member;
 - (9) Director, Secondary Education, Assam : Member;
 - (10) Director, Elementary Education, Assam : Member;
 - (11) Four academicians of repute to be nominated for a period of three years by Government : Members;
 - (12) One of the Joint Secretary / Deputy Secretary/Under Secretary, Education Department, Government of Assam : Member;
 - (13) Two members to be co-opted by the Executive Council in its first meeting from amongst the Educationists / Academicians /Experts in the field of Higher Education.
21. The Executive Council shall exercise the powers and perform the functions as follows, namely:-
- (1) The Executive Council shall be competent to take decisions on behalf of the General Council, subject to the concurrence of the General Council in urgent matters relating to policy implications:

Provided that in case of urgent circumstances, the Executive Council may take administrative decisions subject to ratification by the General Council.

Provided further that the urgent matters having policy implications shall be placed for decision of the Executive Council with the approval of the Vice-Chairman of the General Council.

- (2) The Executive Council shall incur such expenses as may be necessary to fulfil the objectives of the Assam State Higher Education Council and carry out all decision taken by the General Council.
- (3) The Executive Council shall present before the General Council an Annual Budget and Academic and Financial Audit report of the Council for its approval.
- (4) The Executive Council shall have such other powers, functions and duties as may be specified in the regulations.

Meetings of the Executive Council.

22. (1) The meetings of the Executive Council shall be convened by the Mission Director on the advice of the Chairman and/or the Vice-Chairman.
- (2) The Executive Council shall meet as often as may be necessary, at least once in three months.
- (3) The quorum for the meetings of 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.

Staff Project Directorate.

23. (1) The Council shall, with prior approval of the Government, appoint such officers and staff as it deems necessary for the discharge of its functions.
- (2) The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations.

State Project Directorate.

24. The State Government will constitute a State Project Directorate (SPD) with following composition and functions:-
 - (1) The State Project Directorate shall be headed by the Director of the Council and such adequate support staff as may be required for the effective functioning of the State Project Directorate.
 - (2) The State Project Directorate shall:-
 - (i) oversee project implementation at the State level;
 - (ii) maintain statistical data and Management Information System (MIS) report; and
 - (iii) engage Project Auditors as required.

Technical Support Group.	25.	<p>(1) The State Higher Education Council may appoint a Technical Support Group consisting of experts.</p> <p>(2) The composition and term of the Technical Support Group shall be decided by the Council.</p> <p>(3) The function of the Technical Support Group shall be to:-</p> <p>(a) monitor flow of funds and information;</p> <p>(b) generate Management Information System (MIS) reports as required; and</p> <p>(c) provide operational support to the Council.</p>
Funds of the Council.	26.	<p>(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, the University Grants Commission or any other authority, institutions or persons.</p> <p>(2) In addition to the State share under Rastriya Uchchatar Shiksha Abhiyan (RUSA), 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.</p> <p>(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.</p>
Status of members and staff of council.	27.	The Chairman, Co-Chairman, Members, Officers and Staff of the Council when acting or purporting to act in pursuance of any of the provisions of this Order shall be deemed to be public servants.
Powers of the Government.	28.	<p>(1) On the recommendation of the Council suo-moto, the Government may direct any university and institutions of Higher Education 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 or the institution as the case may be, 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/institutions of the direction given by the Government.</p>

- (2) For any important policy decision, prior approval of the Government shall be taken by the Council. Council shall also implement its policy in consonance with the general Higher Education Policy of the Govt. and shall not work in contradiction to the Government policy.

Removal of difficulty.	29.	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 be necessary or expedient for the purpose of removing the difficulty.
Power to make regulations.	30.	The Council may, from time to time, subject to the previous approval of the State Government, make regulations consistent with the provisions of the Act and the rules, for the purpose of carrying out the provisions of this Act.
Power to make rules.	31.	<p>(1) The Government may make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in 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 followings, the Assam Legislative Assembly agrees in making any modification in the rule or the Assam Legislative Assembly agrees 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 any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.</p>

S. M. BUZAR BARUAH,
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