

The Goa State Higher Education Council Bill, 2018

(Bill No. 11 of 2018)

A BILL

to provide for the constitution of the Goa State Higher Education Council.

BE it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:-

1. Short title, extent, and commencement. – (1) This Act may be called the Goa State Higher Education Council Act, 2018.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions.- In this Act unless the context otherwise requires,-

(a) “AISHE” means the All India Survey on Higher Education initiated by the Ministry of Human Resource Development, Government of India;

(b) “Affiliated Institutions” means the institutions which are run and controlled by their own governing bodies, affiliated to the Goa University and recognized by Government of Goa;

(c) “Apex Regulatory Institutions” means the regulatory Institutions created under the Act for the governance of institutions;

(d) “Chairperson” means the Chairperson of the Council;

(e) “Council” means the Goa State Higher Education Council constituted under section 3;

(f) “Official Gazette” means the Official Gazette of the Government;

(g) “Executive Director” means Executive Director appointed under section 8;

- (h) "Government" means the Government of Goa;
- (i) "Higher Education" means an education, whether professional, technical, or otherwise leading to the award of a degree or diploma by a University or an institute approved by the institution;
- (j) "Institution" means an academic institution of higher education which offers various kinds of courses or training programme;
- (k) "Member" means a member of the Council and includes the Chairperson and Vice-Chairperson;
- (l) "MIS" means management information system to provide efficiency and effectiveness of strategic decision making;
- (m) "Prescribed" means prescribed by rules made under this Act;
- (n) "Regulations" means the regulations made by Council;
- (o) "Rules" means the rules made under this Act;
- (p) "State" means the State of Goa;
- (q) "State University" means the university run, managed, controlled and formed by the State Government under the Act;
- (r) "Statutes", "Ordinances", "Regulations" of a university means the Statutes, the Ordinances, and the Regulations of a University;
- (s) "Vice-Chairperson" means the Vice-Chairperson of the Council.

3. Constitution of the Council.- (1) The Government may, by notification in the Official Gazette constitute a Council to be called the Goa State Higher Education Council.

(2) The Council shall consist of the following members, namely:-

- (a) The Chief Minister of Goa, who shall be the ex-officio Chairperson thereof;

- (b) An eminent academic administrator with proven record or a professional from industry or Administration with sufficient experience in the academic sector, who shall be the Vice-Chairperson thereof;
 - (c) the Minister for Education, Government of Goa; Finance Secretary, Government of Goa; Secretary, Department of Education, Government of Goa; Director of Higher Education, Government of Goa; and Director of Technical Education, Government of Goa shall be ex-officio members;
 - (d) five members to be nominated by the Government who are persons of scholarly pursuit, one each belonging from the field of art and culture, science and technology, civil society, industry and vocational field;
 - (e) Vice-Chancellor of the Goa University, ex-officio member;
 - (f) two Principals of the Colleges to be nominated by the Government in rotation of two years;
 - (g) five members co-opted by the Council who are persons of scholarly pursuit;
 - (h) one nominee of the Government of India to be nominated by the Ministry of Human Resource Development;
 - (i) Executive Director, who shall be the ex-officio member Secretary thereof.
- (3) The Council shall by the name of the Goa State Higher Education Council be a body corporate, and have perpetual succession and a common seal, and shall by that name sue and be sued.
- (4) The Council shall have the power to acquire and hold property, both movable and immovable. Subject to the provisions of this Act and the rules made thereunder, to transfer any property held by itself and to enter into contracts and to do all other things necessary for the purpose of this Act.

(5) The headquarter of the Council shall be located at the place decided by the Government from time to time.

4. Disqualifications.- (1) No person shall be qualified for nomination or to continue as a member of the Council, if he is,-

- (a) of unsound mind; or
- (b) adjudicated as an un-discharged insolvent; or
- (c) sentenced by a criminal court to imprisonment for any offence involving moral turpitude; or
- (d) directly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Council; or
- (e) a person who has been terminated from any Government or University service on ground of misconduct or negligence.

(2) In case of dispute or doubt as to whether a person is disqualified under subsection (1), the decision of the Government shall be final.

(3) Save as otherwise provided in this Act, no person who is not a graduate of any University established by law shall be eligible for nomination as a member of the Council under this Act.

5. Responsibilities and functions of the Council.- (1) The Council shall,-

- (a) advice the Government, University and other institutions of higher education in the State;
- (b) co-ordinate the roles of the Government, University and Apex Regulatory Institutions in higher education within the State;
- (c) provide common facilities in higher education.

(2) For furtherance of the above responsibilities and functions, the Council shall,-

- (a) formulate and evolve State Higher Education Plan for the development of higher education, *suomoto* or on the direction from the Government or on request from the University or other Institution in the State;
- (b) provide support to State Institutions and affiliated institutions for formulation, production and implementation of their plans;
- (c) monitor the implementation of State Higher Education Plan;
- (d) compile and maintain periodic statistics relating to various parameters of Higher Education at State and institutional level and assist in All India Survey on Higher Education;
- (e) create and maintain Management Information System;
- (f) evaluate institutions on the basis of norms developed by national level higher education institutions;
- (g) suggest improvements in curriculum and syllabus in accordance with the changing society's and academic requirements and maintain quality of curriculum;
- (h) 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 University in the State and suggest appropriate improvement for the realization of the objects of social justice and academic excellence in education, and advise the university or institution of higher education on Statutes and Ordinances;
- (k) provide approval for setting up new institutions of higher education;
- (l) suggest accreditation reform measures in consultation with National Assessment and Accreditation Council;

- (m) advise Government on strategic investments in higher education;
- (n) evolve guidelines for linkages of an academic nature between higher education institutions in the State and institutions within and outside the country;
- (o) make proposals for the generation and utilization of funds in accordance with the objectives 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 University and colleges on the basis of State Higher Education Plan;
- (q) evolve methodology for timely transfer of the funds earmarked for the State University and other institutions 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 on higher education and facilitating their 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 Governments and National level apex regulatory institutions in the territory of India.

- 6. The Chairperson.-** (1) The Chairperson shall preside over the meetings of the Council;
- (2) The Chairperson shall not be deemed to hold any office of profit by reason only that he is the Chairperson of the Council.

- 7. Appointment of the Vice-Chairperson.-** (1) The Vice-Chairperson shall be appointed on the recommendation of a search committee consisting of Chairperson of the Council and two other members, one nominated by the Council and one by the Government;
- (2) The Vice-Chairperson shall have one non-extendable term of five years or till he attains the age of 70 years;
- (3) The Vice-Chairperson may be removed by the Government on the recommendation of the Council;
- (4) The Vice-Chairperson shall preside over the meetings of the Council in the absence of the Chairperson;
- (5) The salary and allowances payable to the Vice - Chairperson shall be such as may be specified by the Government, from time to time, by Notification in the Official Gazette.
- 8. The Executive Director.-** (1) The Government shall appoint the Executive Director who shall be the Member Secretary of the Council and he be responsible for co-ordination and the functioning of the Council;
- (2) The Executive Director shall exercise such other powers and perform such other functions as may be prescribed.
- 9. Officers and Staff of the Council.-** (1) The Government shall appoint one Administrative Officer and one Finance Officer for the Council.
- (2) The Council may, with prior approval of the Government, appoint such number of employees as it deems necessary for the efficient performance of its functions under this Act. The terms and conditions of service of the employees of the Council shall be such as may be specified in the regulations to be framed by the Council.
- 10. Administrative Officer.-** (1) The Administrative Officer shall be a whole-time officer of the Council and shall be a person on deputation from University, College or from recognized Educational Institution;

- (2) The Administrative Officer shall be a person having at least fifteen years experience of teaching in a college or post graduate Department of University;
- (3) 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 Chairperson;
- (4) The Administrative Officer shall be entitled to receive deputation allowance over and above his pay and allowances which he was drawing in his parent organization.

11. Finance Officer.- (1) The Finance Officer shall be a whole-time officer of the Council and shall be a person on deputation;

- (2) The Finance Officer shall be a person having fifteen years of experience in financial administration, and sound knowledge of accountancy, auditing and budgetary procedures;
- (3) The Finance Officer shall be In-charge of Accounts Department and shall 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 Chairperson;
- (4) The Finance Officer shall be entitled to receive deputation allowance over and above his pay and allowances which he was drawing in his parent Institution.

12. State Project Directorate.- (1) The Government shall by notification in the Official Gazette constitute a State Project Directorate.

- (a) The State Project Directorate shall consist of the State Project Director and such adequate support staff as may be required for the effective functioning of the State Project Directorate.
- (b) The State Project Directorate shall,-

- (i) oversee project implementation at the State level;
- (ii) maintain statistical data and Management Information System report; and
- (iii) engage Project Auditors and Consultants as required.

13. Technical Support Group.- (1) The Council may by notification in the Official Gazette constitute a Technical Support Group consisting of such experts as may be decided by the Council.

- (2) The Technical Support Group shall,- (i) monitor flow of funds and information; (ii) generate Management Information System reports as required; and (iii) provide operational support to the Council.

14. Terms and Conditions of the nominated members.- (a) Each nominated and co-opted member shall normally have a term of six years, provided that one - third of the members shall retire every two years on the basis of age, and the vacancy shall be filled by the Government, if the retiring member is a Government nominee, or by the council, if the retiring member is a co-opted member;

- (b) 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);

- (c) The nominated and co-opted member may by writing under his hand addressed to the Chairperson of the Council resign his membership but he/she shall continue to remain member until his/her resignation is accepted in writing by the Chairperson of the Council;

- (d) The nominated and co-opted member shall be eligible for such rate of travelling allowance, daily allowance and sitting fee as may be prescribed;

- (e) Subject to the provision of this section the other terms and condition of the service shall be such as may be prescribed.

15. Meetings of the Council.- (1) 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 the regulations, but it shall meet at least once in six months.

- (2) 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.
- (3) The meeting of the Council shall be convened by the Executive Director on the advice of the Chairperson.
- (4) The quorum of the meeting of the Council shall be one third of the total members of the Council. The decision of the meetings may be taken by simple majority of those present and voting.

16. 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, or any other authority, institutions or persons.

- (2) The Government may pay to the Council for 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 under this Act.
- (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.

17. 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 maybe prescribed.
- (3) 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.
- (4) 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.

- (5) The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.
- (6) The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Council there on shall be forwarded to the Government within such time as may be prescribed.
- 18. 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.
- 19. Chairperson, Vice-Chairperson, Executive Director, Members, Officers and Staff of the Council to be public servants.-** The Chairperson, Vice-Chairperson, Executive Director, Member, Officers and Staff of the Council, when acting or purporting to act in pursuance of any provisions of this Act or any rule 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).
- 20. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against the Government or the Council, or any officer of the Government or any member, officer or employee of the Council in respect of anything which is in good faith done or intended to be done under this Act.
- 21. Act to have overriding effect.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 22. Power to make rules.-** (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for the purpose of carrying out the provisions of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

23. Power to make regulations.- (1) The Council may, with the previous approval of the Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made there under to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

24. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Goa.

STATEMENT OF OBJECTS AND REASONS

The Ministry of Human Resource Development, University Grants Commission and Rashtriya Uchhatar Shiksha Abhiyan, 2013 have recommended that the State level planning and co-ordination of Higher education including University Education shall be done through an independent, autonomous Council for Higher Education. Accordingly, in order to bring out better excellence, inclusiveness and accessibility in the Higher Education Sector, the State Government has decided to constitute the State Level Higher Education Council to be known as Goa State Higher Education Council. The Council shall function in order to forge synergic relationship amongst the State Government, Universities, academics and experts by occupying an operational space between the Government and Universities on one hand and between Universities and apex level regulatory institutions on the other. The main objects of the Council includes planned and co-ordinated development of Higher education in the State, promoting academic excellence and social justice by obtaining academic input for policy formulation and perspective planning, ensuring autonomy, accountability and co-ordination of all institutions of higher education in the State and guiding the growth of higher education in accordance with the socio-economic requirements of the State.

The Bill seeks to achieve the aforesaid objects.

FINANCIAL MEMORANDUM

The expenditure involved cannot be quantified at this stage. However, during initial years an expenditure of Rupees Five Crores approximately would be required per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves delegation of legislature powers in the following respect.

Clause 1 - sub-clause (iii) of this clause empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act came into force.

Clause 3 – sub-clause (i) empowers the State Government, by notification in the Official Gazette, to constitute the Goa State Higher Education Council.

Clause 3 – sub-clause (iv) of this clause empowers the State Government to notify the headquarter of the Council.

Clause 21 – This clause empowers the Council to make regulation not inconsistent with the provisions of the Act with the approval of the State Government.

Clause 22 – This clause empowers the State Government to make rules, by notification, to carry out all or any purposes of the Act.

Clause 23 – This clause empowers the State Government to remove difficulty if arises in giving effect to the provisions of this Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Porvorim – Goa.
23rd July, 2018

MANOHAR PARRIKAR
Education Minister/Chief Minister

Assembly Hall
Porvorim – Goa.

N. B. SUBHEDAR
Secretary to the
Legislative Assembly of Goa

**Governor's Recommendation under Article 207 of the Constitution of
India**

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, The Goa State Higher Education Council Bill, 2018.

RAJ BHAVAN
Date: 19th July, 2018

MRIDULA SINHA
Governor of Goa