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NOTIFICATION

No. H. 12018/244/2021-LJD, the 19th March, 2021. The following Act is hereby published for general information.

“The Mizoram State Higher Education Council (Amendment) Act, 2021”
(Act No. 4 of 2021)

(Received the assent of the Governor of Mizoram on 9.3.2021)

The Mizoram State Higher Education Council (Amendment) Act, 2021

AN
ACT

further to amend the Mizoram State Higher Education Council Act, 2017. It is enacted by the Legislative Assembly of Mizoram in the Seventy Second 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 (Amendment) Act, 2021.
 - (2) It extends to the whole State of Mizoram.
 - (3) It shall come into force on the date of publication in the Official Gazette.

2. Amendment of section 2:-

In section 2 of the Mizoram State Higher Education Council Act, 2017 (hereinafter referred to as the Principal Act):

 - (1) In sub-section (4), the word ‘Mizoram’ shall be omitted.
 - (2) sub-section (15) shall be substituted by the following, namely :-
“(15) ‘Student’ means an enrolled student in a Higher Education Institute affiliated to a University.”
 - (3) Sub-section (19) shall be substituted by the following, namely :-
“(19) Teacher’ means any teacher working in University, Government College or Government Aided College, or an Institution engaged by the College or by University.”

- (4) Sub-section (20) shall be substituted by the following, namely :-
“(20) ‘University’ means any University established by an Act of Parliament or by an Act of State Legislature, or any other University in the State recognised by the University Grants Commission.”
- (5) Sub-section (22) shall be substituted by the following, namely :-
“(22) Vice Chairman’ means the Vice Chairman of the Advisory Council or Vice Chairman of the Executive Council, as the case may be.”
- (6) After Sub-section (22), the following sub-section (23) shall be added, namely :-
“(23) ‘Secretary’ means the Secretary or Commissioner Secretary to the Government of Mizoram.”

3. Amendment of section 3:-

In section 3 of the Principal Act

- (a) In sub-section (2):-
 - (1) clause (iii) shall be substituted by the following namely:-
“(iii) The Member Secretary’ - ‘Member Secretary, SHEC’”
 - (2) clause (vi) shall be substituted by the following, namely: -
“(vi) Three MLAs, one of whom is the Leader of Opposition or Leader of Group’ - ‘Member’”
 - (3) clause (viii) shall be substituted by the following, namely: -
“(viii) The Vice Chancellors of the State and Central University’ - ‘Member’”
 - (4) clause (xv) shall be substituted by the following namely:-
“(xv) The Vice Chairman, Executive Council - Member”
- (b) In sub-section (2) of section 3 of the Principal Act, the words -
“or his representative not below the rank of Joint Secretary” wherever they appear shall stand omitted.
- (c) In sub-section (4) of section 3 of the Principal Act:-
 - (1) clause (i) shall be substituted by the following, namely:-
“(i) Chairman - Minister, Higher & Technical Education by virtue of his office.
 - (2) clause (ii) shall be substituted by the following, namely:-
“(ii) Vice-Chairman - An eminent Academician with proven leadership qualities (preferably rank of Professor in case the Chairman is a non-academic person”
 - (3) clause (iii) shall be substituted by the following, namely:-
“(iii) Member Secretary- An eminent Academician, preferably rank of Professor”
 - (4) clause (viii) shall be substituted by the following, namely:-
“(viii) Member - Two Principals of affiliated Government Colleges”
 - (5) clause (x) shall be substituted by the following, namely:-
“(x) Member - Representative from Women Organisation”
 - (6) clause (xii) shall be substituted by the following, namely: -
“(xii) Member - Two representative from College Faculty Association (MCTA)”

- (7) clause (xiii) shall be substituted by the following, namely: -
“(xiii) Member - One nominee of the Government of India, MHRD”
- (8) clause (xiv) shall be substituted by the following, namely:-
“(xiv) Member - Two Academician’s from outside the State”
- (9) clause (xv), (xvi), (xvii) and (xviii) shall be omitted.
4. Amendment of section 4:-
In section 4 of the Principal Act-
- (1) Sub-section (2) shall be substituted by the following, namely:-
“(2) The Search-cum-Selection Committee will be three Members of 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.”
- (2) Sub-section (3) shall be substituted by the following, namely:-
“(3) The Chairman shall hold office for a term 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.”
- (3) Sub-section (4) shall be omitted.
5. Amendment of section 5:-
Section 5 of Principal Act shall be substituted by the following, namely:-
“5. The Vice-Chairman : The Vice Chairman of the Executive Council shall be appointed by the Government from the panel of names suggested by the Search Committee from among scholars of eminence and standing in the field of academics and research, possessing leadership abilities understanding the issues of higher education policies and practices. The Search Committee will consist of Chairman of the Executive Council (as the Chair) and two other members, one nominated by the Council and one by the Government.”
6. Amendment of section 6:-
Section 6 of the Principal Act shall be substituted by the following, namely:-
“6. The Member-Secretary:
The Member Secretary of the Executive Council be appointed by the Government from the panel of names suggested by a Search Committee from among Scholars standing in the field of academics and research with proven leadership abilities. The Search Committee will consist of Chairman of the Executive Council (as the Chair) and two other members, one nominated by the Council and one by the Government.”
7. Amendment of section 7:-
In Section 7 of the Principal Act, the word in the first line of the first paragraph namely - “The Vice Chairman, Member-Secretary and Members other than the member of the Executive Council nominated under Section 5 & 6” shall be substituted by the following, namely:-
“The Vice Chairman and the Member- Secretary, nominated under section 5 & 6”.

8. Amendment of section 8:-
- In section 8 of the Principal Act:-
- 1) Sub-Section (1) shall be substituted by the following, namely: -
 “(1) Members of the Council shall be appointed by the Government from the selection made by the same Search Committee who selects the Vice-Chairman and Member- Secretary of the Council.”
 - (2) Sub-section (2) shall be substituted by the following, namely:-
 “(2) At any point of time, at least seven members of the Council should be from the State and two members must be individuals of national eminence (outside the State) and total numbers or member should not exceed twenty five.”
 - (3) Sub-section (3) shall be substituted by the following, namely:-
 “(3) Each member shall ordinarily be appointed for a period of five years, and any Council Member representing a particular body, shall cease to be a member as soon as the said representation in the body has ceased;
 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. Amendment of section 9:-
- Section 9 of the Principal Act shall be substituted by the following, namely:-
- “9. Termination or removal:
 - (1) The Chairman, Vice Chairman or a Member, shall not be removed from his office except by an order of the Government passed on the ground of wilful 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 the Chairman or Vice Chairman or the Member shall have an opportunity of making his representation against such removal. Termination or removal from Council, if any, shall be made by notification;
 Provided that, 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 at least two-third members presents and voting.
 - (2) The Chairman, if appointed by virtue of his Office, shall tender resignation to the Government in the event of termination of Office or change of portfolio;
 Provided that he shall continue to hold such office until his resignation is accepted and communicated in writing.
 - (3) The Vice Chairman, Member Secretary, or a Member 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. Amendment of section 13:-
- In section 13 of the Principal Act:-
- 1) sub-section (1) shall be substituted by the following, namely: -
 “(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 period of three years extendable for another term).”

- (2) sub-section (2) shall be substituted by the following, namely:-
“(2) The offices of the Chairman (unless it is the Minister of Higher & Technical Education), the Vice Chairman and the Member Secretary shall be salaried and subject thereto, the terms and condition as may be prescribed.”

11. Amendment of section 14:-

In section 14 of the Principal Act:-

- (1) clause (e) of sub-section (l) shall be omitted.
(2) In sub-section 2:-
(a) Clause (c) shall be omitted.
(b) In clause (h), the word ‘organise’ appearing in the first line shall be substituted by the word ‘facilitate’
(c) sub-clause (vi) of clause (n) of sub-section (2) shall be substituted by the following, namely:-
“(vi) Center for Human Resource Development”
(d) Clause (o) shall be substituted by the following, namely:-
“(o) organize consultation, workshops and seminars with experts and stakeholders, including organizations of students and teachers to formulate policies on higher education for proper implementation.”
(e) Clause (q), the word ‘co-ordinate various programmes’ appearing in the first line shall be substituted by the following, namely:-
“ promote various programmes”
(f) clause (s) shall be omitted.
(g) clause (w) shall be omitted.

12. Amendment of section 15:-

In section 15 of the Principal Act, sub-section (1) shall be substituted by the following, namely:-

“(1) The funds of the Council shall include all sums which may, from time to time, be paid to it by the Central or State Government or other agencies, and all other receipts including grants, loan or assistance in any form, together with income, if any, generated by the Council.”

13. Amendment of section 17:-

In section 17 of the Principal Act:-

- (1) Sub-section (1) shall be substituted by the following, namely: -
“(1) The Council shall prepare an annual report and submit the same to the Government.”
(2) Sub-section (2) shall be substituted by the following, namely :
“(2) The Government shall, on receipt of the report under sub-section (1), cause the same to be laid before the Legislative Assembly.”

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