Haryana Government Gazette

EXTRAORDINARY

Published by Authority

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No. 71-2018/Ext.] CHANDIGARH, FRIDAY, APRIL 27, 2018 (VAISAKHA 7, 1940 SAKA)

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Corrigendum

The 27th April, 2018

In the Haryana State Higher Education Council Act, 2018 (Haryana Act No. 4 of 2018), published in the Haryana Government Gazette (Extraordinary), Legislative Supplement, Part-I, dated the 28th March, 2018, at page 31, in clause (xvii) of section 10, for "Acts;", read "Ordinances;".

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

56232—L.R.—H.G.P., Chd.

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Published by Authority

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No. 52-2018/Ext.] CHANDIGARH, WEDNESDAY, MARCH 28, 2018
(CHAITRA 7, 1940 SAKA)

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PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 28th March, 2018

No. Leg.7/2018.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 27th March, 2018 and is hereby published for general information:-

HARYANA ACT NO. 4 OF 2018

THE HARYANA STATE HIGHER EDUCATION COUNCIL ACT, 2018

AN

ACT

to promote academic excellence and social justice by obtaining academic input for policy formulation and perspective planning, ensuring autonomy and greater accountability 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 as per the requirement of Rashtriya Uchchtar Shiksha Abhiyaan and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-ninth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Haryana State Higher Education Council Act, 2018.

(2) It shall be deemed to have come into force with effect from the 28th February, 2018.

Definitions.

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

(a) "Chairperson" means the Chairperson of the Council;

(b) "college" means a college or institution including autonomous college maintained or approved or affiliated to any University which provides facility of studying in syllabi from admission till examination;

(c) "Commission" means the Haryana State Higher Education Commission constituted under section 12;

(d) "Council" means the Haryana State Higher Education Council constituted under section 3;

(e) "Higher Education" means any education stream whether financial, technical including research studies that leads to award of degree, diploma or certificate but does not include Medical, Agriculture, Animal Husbandry and Horticulture stream;

(f) "institution" means an academic institution of Higher Education maintained by, or admitted to the privileges of the University;

(g) "member" means a member of the Council and includes the Chairperson and Vice-Chairperson;

(h) "prescribed" means prescribed by the rules framed under this Act;

(i) "State" means the State of Haryana;

(j) "State Government" means the Government of the State of Haryana in the administrative department;

(k) "University" means any University established by an Act passed by the State Legislature;

(l) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central Act 3 of 1956);

(m) "Vice-Chairperson" means Vice-Chairperson of the Council.

Constitution of Council.

3. (1) The State Government shall, by notification in the Official Gazette, constitute the Haryana State Higher Education Council consisting of the following members, namely:-

(a) an educationist with proven leadership qualities or a famous intellectual – Chairperson;

(b) an education administrator of all India repute who is or has worked at least on the post of Professor or equivalent post – Vice-Chairperson;

(c) Principal Secretary, Higher Education- Member Secretary;

(d) State Project Director – Member;

(e) a representative of Higher Education Department not below the rank of Deputy Director – Member;

(f) a representative of Technical Education Department not below the rank of Deputy Director- Member;

(g) a representative of Finance Department not below the rank of Joint Secretary – Member;

(h) fifteen members from the field of art, science, technology, culture, social sector and industry and professional Education etc.- Member:

Provided that ten members of the Council shall be from the State and five members shall be from other States and shall be of national repute.

(i) Vice-Chancellors of any three Universities of the State – Member;

(j) two Principals of autonomous or affiliated colleges – Member;

(k) one member nominated by the Ministry of Human Resource Development, Government of India – Member.

(2) The Council shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The tenure of each nominated member shall be for a period of six years and one-third of the members shall retire after every two years. The Council shall nominate seven new members in every two years.

(4) The meeting of the Council shall be held once every three months.

(5) The quorum of the meeting of the Council shall be one-third of the total number of members including the Chairperson and the Member Secretary.

(6) The headquarter of the Council shall at such place, as may be specified by the State Government.

First Chiarperson.

4. The first Chairperson of the Council shall be appointed by the State Government and shall continue as such till the Selection Committee selects a Chairperson under the provisions of this Act.

Advisory committee.

5. (1) There shall be an advisory committee consisting of three members who shall be reputed academician or famous intellectuals for the selection of Chairperson of the Council.

(2) Out of the said three members, two members shall be nominated by the Council and one member shall be nominated by the State Government.

(3)The member nominated by the State Government shall be the Chairperson of the Advisory Committee.

Chairperson.

6. (1) The tenure of the Chairperson shall be for a period of five years.

(2) The Chairperson may be removed by the State Government, if his work and conduct is found unsatisfactory.

Selection Committee.

7. The Selection Committee consisting of the following members shall select the Chairperson on the recommendation of the Advisory Committee, namely:-

(a) the Speaker of the State Legislative Assembly;

(b) the Chief Minister;

(c) Leader of the Opposition in the State Legislative Assembly.

Vice-Chairperson.

8. (1) The Vice-Chairperson shall be appointed by a three member committee for a period of five years. The Chairperson of the Council shall be the Chairperson of this committee. One member of the committee shall be nominated by the Council and one member shall be nominated by the State Government.

(2) The Vice-Chairperson may be removed on the recommendation of the Council.

Removal of member.

9. (1) The State Government shall remove a member if he,-

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Council, absent from three consecutive meetings of the Council.

(2) On a controversy regarding the disqualification of a member, the decision of the Chief Minister shall be final.

(3) No person shall be eligible to be nominated as a member of the Council unless he is a graduate.

Duties and functions of Council.

10. The duties and functions of the Council shall be,-

(i) to implement the decisions of the Commission;

(ii) to frame policy of Higher Education for the State (Future Planning, Annual Planning and Budget);

(iii) to help the Higher Education Institutes of the State in planning and implementation;

(iv) to coordinate between the top institutes of education, regulatory bodies and State Government;

(v) to invigilate and implement the planning of Higher Education;

(vi) to manage, frame information system and its maintenance;

(vii) to collect data pertaining to Higher Education at Government level and institution level from time to time;

(viii) to evaluate the institutions of Higher Education in the State in accordance with the key performance indicators framed by National Higher Education Mission and if required, make parameters;

(ix) to plan and suggest measures for the continuous growth in teaching quality and research in the State;

(x) to suggest reforms in examination system;

(xi) to make syllabi contemporary and relevant;

(xii) to encourage innovation in research;

(xiii) to safeguard the autonomy of the institutions of Higher Education of the State;

(xiv) to grant permission for the establishment of new institutions, colleges;

(xv) to suggest measures to improve the procedures of the recognition;

(xvi) to advice the State Government on investments in Higher Education;

(xvii) to advice the universities in making Regulations and Acts;

(xviii) to manage the amount received as contribution of National Higher Education Mission through the State Government;

(xix) to make such procedures through which Grant in Aid of the State Government may be transferred to the institution of Higher Education;

(xx) to make and follow a transparent procedure to transfer the financial aid to universities and colleges under National Higher Education Mission.

Meetings of Council.

11. (1) The meetings of the Council shall be held as per requirement. However, it shall be mandatory to convene at least one meeting in three months.

(2) The Member Secretary of the Council shall convene the meeting of the Council on the advice of the Chairperson.

(3) The quorum of the meeting of the Council shall be one-third members of the total members of the Council.

Constitution of Commission.

12. (1) The State Government may, by notification in the Official Gazette, constitute the Haryana State Higher Education Commission under the Chairmanship of the Education Minister, Haryana and such other members, as the State Government may deem fit.

(2) The terms and conditions of the members of the Commission shall be such as may be specified in the notification.

(3) The Commission shall make recommendations and suggestions for academic excellence in the State.

Vacancy not to invalidate proceedings.

13. No act or proceedings of the Council shall be invalid merely on the ground of the existence of any vacancy, absence of member or defect in the constitution of the Council.

Resignation.

14. Any member may forward a resignation letter to the Chairperson but shall remain as a member till he is informed in writing that his resignation has been accepted by the Chairperson.

Allowances to members.

15. The members shall be entitled to receive such travelling allowances, daily allowances, local expenses and participation fees, as may be specified by the State Government.

Emergent vacancies.

16. (1) If any emergent vacancy occurs due to death, resignation, retirement or any other reason, the State Government shall nominate or appoint a member.

(2) The tenure of the new member shall be for the remaining tenure of that member against whom he is nominated or appointed.

Annual account and audit.

17. (1) The accounts of the Council and the annual report of accounts shall be maintained in such manner, as may be prescribed.

(2) The accounts of the Council shall be audited by an Auditor appointed by the Council.

(3) The Member Secretary shall be responsible for the publication of the annual report and make available the sealed copy of report to each member and presenting the same before the Council for approval.

(4) Mistakes and irregularities pointed out by the Auditor shall be rectified by the Council following due procedure.

(5) The audited report of the accounts of the Council shall be presented to the State Government within prescribed time limit alongwith the comments of the Council.

(6) After receiving the annual accounts and audit report, the State Government shall present it before the State Legislature as soon as possible.

Annual report.

18. (1) The Council shall present the annual report of its activities every year before the State Government.

(2) After receiving the annual report, the State Government shall present the same before the State Legislature at the earliest.

Protection of action taken in good faith.

19. No suit, prosecution or other legal proceedings shall lie against any public servant or the State Government in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Officers and employees of Council.

20. (1) The Council may appoint such officers and employees as may be deemed necessary for smooth functioning of the Council.

(2) The terms and conditions of the service of the officers and employees of the Council shall be such, as may be prescribed.

21. The members, officers and employees of the Council shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860). Members, officers and employees of Council to be public servants.

22. The Council may make such regulations which are not in contradiction of the provision of this Act and which are essential for the function of the Council. Power to make regulations.

23. The State Government may make rules to carry out the purposes of this Act. Power to make rules.

24. (1) If any difficulties arise in giving effect to the provisions of this Act, the Government may, by order, make such provisions, which are not relevant to the provisions of this Act, which appear necessary or expedient. Power to remove difficulties.

(2) Any order made under this section shall be placed before the State Legislature.

25. (1) The Haryana State Higher Education Council Ordinance, 2018 (Haryana Ordinance No.3 of 2018), is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

KULDIP JAIN,
SECRETARY TO GOVERNMENT HARYANA,
LAW AND LEGISLATIVE DEPARTMENT.

56150—L.R.—H.G.P., Chd.

Haryana Government Gazette

EXTRAORDINARY

Published by Authority

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No. 61-2020/Ext.] CHANDIGARH, WEDNESDAY, MAY 6, 2020
(VAISAKHA 16, 1942 SAKA)

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PART-I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 6th May, 2020

No. Leg.13/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th March, 2020 and is hereby published for general information:-

HARYANA ACT NO.12 OF 2020

THE HARYANA STATE HIGHER EDUCATION COUNCIL (AMENDMENT) ACT, 2020

AN

ACT

further to amend the Haryana State Higher Education Council Act, 2018.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

Short title.

1. This Act may be called the Haryana State Higher Education Council (Amendment) Act, 2020.

Amendment of section 2 of Haryana Act 4 of 2018.

2. In clause (f) of section 2 of the Haryana State Higher Education Council Act, 2018 (hereinafter called the principal Act), after the words "Higher Education", the words "including Government, Government aided, private colleges and universities" shall be inserted.

Amendment of section 3 of Haryana Act 4 of 2018.

3. In section 3 of the principal Act,-

(i) in sub-section (1),-

(a) in clause (c), the following clause shall be substituted, namely:-

"(c) State Project Director-Member Secretary;";

(b) clause (d) shall be omitted;

(c) for clause (e), the following clause shall be substituted, namely:-

"(e) Additional Chief Secretary/Principal Secretary, Higher Education Department, Haryana or his representative not below the rank of Director, Higher Education Department, Haryana-Member;";

(d) for clause (f), the following clause shall be substituted, namely:-

"(f) Additional Chief Secretary/Principal Secretary, Technical Education Department, Haryana or his representative not below the rank of Director, Technical Education Department, Haryana-Member;";

(e) in clause (h),-

(I) for the sign "." existing at the end, the sign ":" shall be substituted; and

(II) the following proviso shall be inserted, namely:-

"Provided further that the State Government on the recommendation of Chairperson of the Council may add additional members/special invitees, as may be required.".

(ii) sub-section (4) shall be omitted;

(iii) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) One-fourth members of the Council including the Chairperson and the Member Secretary present in person shall form the quorum at every meeting of the Council:

Provided that if within fifteen minutes from the time appointed for the meeting, no quorum is present, the meeting shall stand adjourned. The adjourned meeting may take place after two hours on that very day or as decided by the Chairperson. At such an adjourned meeting, no quorum shall be necessary and the members present may transact the business for which the meeting was called for.".

Amendment of section 4 of Haryana Act 4 of 2018.

4. In section 4 of the principal Act, after the words "selects a Chairperson", the words "to be appointed by the State Government" shall be inserted.

Amendment of section 5 of Haryana Act 4 of 2018.

5. In sub-section (1) of section 5 of the principal Act, for the words "the selection", the words "preparing a panel for the selection committee for the appointment" shall be substituted.

Amendment of section 8 of Haryana Act 4 of 2018.

6. In sub-section (1) of section 8 of the principal Act, after the words "appointed by", the words "the State Government on the recommendations of" shall be added.

Amendment of section 10 of Haryana Act 4 of 2018.

7. In section 10 of the principal Act,-

(i) for clause (vii), the following clause shall be substituted, namely:-

"(vii) to collect data pertaining to Higher Education from Government and institution from time to time;"; and

(ii) in clause (xiv), for the sign and word ", colleges", the words "of higher education" shall be substituted.

Amendment of section 11 of Haryana Act 4 of 2018.

8. In section 11 of the principal Act,-

(i) in sub-section (1), for the words "one meeting in three months", the words "two meetings in a year atleast once in six months" shall be substituted; and

(ii) sub-section (3) shall be omitted.

Amendment of section 15 of Haryana Act 4 of 2018.

9. In section 15 of the principal Act, after the words "State Government", the words "and adopted by the Council" shall be added.

BIMLESH TANWAR,
SECRETARY TO GOVERNMENT, HARYANA,
LAW AND LEGISLATIVE DEPARTMENT.

8758—L.R.—H.G.P., Pkl.