

GOVERNMENT OF MEGHALAYA
EDUCATION DEPARTMENT

NOTIFICATION

Dated Shillong, the 6th August, 2013

No. EDN.17/2008/27 : The Governor of Meghalaya is pleased to make the following rules for regulating and overseeing the management of Meghalaya Deficit Aided Colleges namely :-

THE MEGHALAYA DEFICIT AIDED COLLEGES MANAGEMENT RULES, 2013

1. **Short title, extent and commencement:**
 - (1) These rules may be called the "the Meghalaya Deficit Aided Colleges Management Rules, 2013".
 - (2) They shall extend to the entire State of Meghalaya.
 - (3) They shall come into force with effect from the date as the State Government may by notification, specify.

2. **Definitions:** - In these rules, unless there is anything repugnant in the subject or context: -
 - (a) "Appointing Authority" means the "Governing Body" under these rules.
 - (b) "Deficit Aided Colleges" means a College receiving deficit maintenance grant from the State Government.
 - (c) "DHTE" means Director of Higher and Technical Education.
 - (d) "Employee" means every person employed in an Educational Institution whose entire salary is drawn from maintenance grants received from the State Government except menials, i.e. all employees covered by grant-in-aid.
 - (e) "Governing Body" means the "Body" constituted under the Meghalaya Education Department Rules and Orders.
 - (f) "Government" means Government of Meghalaya in the Education Department.
 - (g) "Year" means the academic calendar year.

3. Every Deficit Aided College shall be governed by a Governing Body, the constitution of which shall be approved by the Government on the recommendation of the DHTE

GOVERNING BODIES – COMPOSITION OF

4. Save in cases where the DTE sanctions a special Body under extraordinary circumstances, each Governing Body shall consist of one President and one Secretary both of whom shall be nominated by the Sponsoring Body or the Government with members as follows:

- (i) Two teachers to be elected by the teaching staff (excluding Principal and Vice Principals) of the Colleges from among themselves.
- (ii) Two representatives to be selected from the parents/guardians.
- (iii) One member to be elected by donors donating not less than Rs. 2500/- (Rupees Two thousand five hundred) and above annually.
- (iv) Four members to be nominated by the Government; provided that minimum one member should be a woman.
- (v) In an amalgamated college, not more than two additional members in excess of the number prescribed in this Rule may be nominated by the Government.
- (vi) The Principal shall be nominated as Joint Secretary of the Governing Body.
- (vii) In the event of the Principal being nominated as the Secretary, a Vice- Principal will be appointed as Joint Secretary.
- (viii) Where special circumstances so justify one of the senior teachers may be nominated as Assistant Secretary.

Note: (1) In a Special Body constituted under special circumstances, all members numbering between seven to ten shall be nominated by the government in addition to the members mentioned above.

(2) The nominated members may be either official or non-official but endeavor shall be made to select a person with sound academic background.

(3) In cases of section 4(iii) of this Rule, the seat shall remain vacant if there is no elector possessing the prescribed criteria. In the event of the number of such elector being limited to one number, he/she may be nominated for the seat in question.

5. In recognized Religious and linguistic minority colleges which receive grant-in-aid from Government, two Government representatives shall be nominated by the Government. The Sponsoring Body shall nominate the other members.

6. The power to dissolve a Governing Body of a college shall vest with the DHTE subject to the following conditions:
- (i) That this power will be exercised only in cases of extraordinary circumstances where the normal operation and activities of a college are disrupted over a significant period of time.
 - (ii) That the reasons for such dissolution shall be recorded in writing
 - (iii) That the principles of natural justice may be followed and adequate opportunity is to be provided to the Governing Body to present their case
 - (iv) In case where a Governing Body decides to dissolve itself by passing a resolution with a 2/3 majority.
7. The term of a Governing Body shall ordinarily be for a period of 3 years from the date of constitution. In the event that an existing Governing Body needs to be dissolved due to reason(s) indicated below, a Special Body will be constituted under extraordinary circumstances, the term of which will range between 3 to 6 months. The Body will take all steps to restore a normal academic environment in the Institution and will submit a detailed report to this effect to the DHTE. Extraordinary circumstances will be determined by the DHTE on the basis of the following factors:
- (a) Dispute within the sponsoring body.
 - (b) Mismanagement caused due to irresponsible decisions of Governing Body.
 - (c) Infighting amongst the members of Governing Body.
 - (d) Financial irregularities committed by Governing Body.
 - (e) Non-recommendation of candidates for President, Secretary and nominated member vacancies.
8. Not later than 3 months before the expiry of the term of a Governing Body, the Secretary will furnish the suggested panel of names with the countersignature of the President to the DHTE for the re-constitution of a Governing Body. The election for newly elected teachers' representatives, guardians' representative and donor member will need to be held well ahead of time. The names of such newly elected representative members shall be forwarded to the DHTE along with the suggested Panel of names for the President, Secretary and Joint Secretary of Governing Body. Failure to do so will attract action as per 7(e) above.

9. An ex-officio member of Governing Body shall automatically cease to be a member as soon as he/she vacates the particular office during the tenure of and by virtue of which he was appointed as such, and his/ her successor will be deemed to be appointed as ex-officio member of that Governing Body in the capacity of his/ her predecessor.
10. Nothing contained in Sub-Section (7) (a), (7) (b), (7) (c) and Section 8 shall apply to recognized minority colleges.

GOVERNING BODIES – RULES OF BUSINESS

11. No member of a Governing Body being an employee of the Institution shall attend any meeting in which any matter relating to his pay, promotion or conduct is under discussion. But it will be open to the President to call him for making any statement or representation on the subject but he shall leave the meeting immediately after doing so.
12. Any member who absents himself from three consecutive meetings of a Governing Body without the consent of the President or prior information to the Secretary shall cease to be a member of that Body and the Secretary shall report this fact immediately to the DHTE for confirmation.
13. The Principal of the Colleges wherever practicable shall be nominated by the Government as ex-officio Secretary of the Governing Body of the College subject to the condition that his name is being recommended in a manner as mentioned under Rule 9.
14. The Accounts of the college shall normally be operated jointly by the President and Secretary of the Governing Body.
15. Occurrence of any vacancy in a Governing Body shall be reported forthwith by the Secretary of the Body to the Director of Higher & Technical Education who shall then take steps to fill up the vacancy. The proceedings of a Governing Body during the continuance of such vacancy or vacancies shall not be void provided there is required quorum.

16. A meeting of the Body will be called by the Secretary at least once in a quarter. Not less than seven days' notice should be given before the meeting. The notice will set forth the business to be transacted at the meeting and no business other than that so stated will be transacted except with the consent of three-fourth of the members present. When any business of which notice has not been given, is considered at a meeting, the decision recorded or resolution adopted in regard to such business at the meeting will be communicated forthwith to all the members and action on it will be kept in suspension, pending re-consideration at a subsequent meeting which may be convened on a requisition made by not less than 3 members of the Body within seven days of the communication of the original resolution, failing which, the resolution or decision will be vitiated.
17. Before convening the meeting, Secretary should take the consent from the President of the Governing Body and fix a convenient date in consultation with the President. In an emergent meeting in the absence of the President, one of the members other than members of the teaching staff present will be elected to preside. An emergent meeting may be convened by the Secretary with short notice of one day under extra-ordinary situation.
18. The President will have a casting vote in addition to his ordinary vote in the event of a tie.
19. Under the direction of the Body, the Secretary will make correspondences with other authorities on behalf of the Body.
20. An annual report for the college will be prepared by the Secretary and submitted to the DHTE after being approved by the Governing Body within a period of two months of completion of the year.
21. A Governing Body will have the general direction and control over the current business of the college which shall be conducted by the Principal in accordance with rules and orders prescribed by the Government from time to time.
22. A Governing Body may frame further executive rules of business that may be necessary with intimation to DHTE.

GOVERNING BODIES - DUTIES AND FUNCTIONS

23. The following particular duties are assigned to the Governing Body: -

1. To ensure that the quality of education in the college is maintained as per universally accepted standards including training of all teachers.
2. To ensure that the college runs smoothly and it's academic performance is maintained in a sustained manner.
3. To ensure sound financial management of the college.
4. To ensure adherence to any standing guidelines, rules and regulations issued by Government of India and Meghalaya from time to time
5. To collect authorized subscriptions
6. To ensure the realization of all authorized fees and that exemption from payment of fees are not granted except in accordance with the rules that are in force.
7. To ensure the proper maintenance of college buildings, furniture, equipments and other infrastructures as per requirement and in case of requirement of fund to take such steps necessary to raise funds or contribution in term of money, labour or kind subject to prevailing government rules and regulations on the subject
8. To grant leave as admissible under the prescribed Rules.
9. To appoint staff and other persons that is necessary to run the affairs of the colleges after due advertisement and interview. All such appointments shall however be made in conformity with prevailing relevant rules governing appointments No such approval is necessary in case of appointment of substitute teacher maintained by the college from its own fund provided that such teacher possesses the required qualification. No such approval is necessary in case of appointment of persons in the menial category.
10. The Governing Body shall adhere all procedures prescribed under the relevant Employee Rules approved by Government in the matter of dismissal of any incumbent holding a post under the deficit funding system. In case of other categories of employees, the principles of natural justice and equity should be adhered to.
11. Employees whose salaries are borne from Government under the deficit funding system under Aided Colleges will be confirmed by the Governing Body after a normal probation period of two years subject to observing all formalities under prescribed rules.

24. The following duties shall be carried out by the Secretary of the Governing Body.

- (i) To conduct election of Teachers' representative, parents'/guardians' representative and donor' representative before 2 months of the completion of the term of Office.
- (ii) To forward the names of nominated members including the President and Secretary duly suggested by the outgoing Governing Body or the sponsor as follows: -
 - (a) For President – 2 (two) names are to be proposed at a meeting comprising of teachers of the college, parents/guardian and responsible persons of the locality of that area where the college is situated except where the college has its own Sponsoring Body which is a Religious Organization, a Local Durbar, a Registered Organization or Society or a Community, only one name is to be proposed by the Sponsoring Body for nomination as President by the Government.
 - (b) For Secretary – 2 (two) names are to be proposed including Principal in the same manner as indicated above for nomination as Secretary by the Government.
 - (c) For nominated members – 6 (six) names are to be proposed, 2 (two) from among the Officers of the Government of Meghalaya or Educationists, 1 (one) from among the Rangbah Shnong or Executive Member of Village Durbar and 3 (three) from among the respectable members of the society. Out of these the Government will nominate 4 (four) members to the Governing Body. The 6 (six) names are to be proposed in the same manner as indicated above for the President.
- (iii) To advise Governing Body on all standard procedures as prescribed by Government are followed in letter and spirit.
- (iv) To arrange for annual audit of all college funds and verification of stock and furniture.

25. Except where it is ordered otherwise by general or special orders of the Government, the Governing Body shall delegate to the Principal as the case maybe, all routine matters in connection with arrangement of classes, admission and transfer of students, settlement of class routine, periodical examinations, declaration of results, promotion and all routine matters relating to instruction, administration and discipline and control of the students and the staff.
26. The Governing Body will further perform duties assigned to them by any special or general orders which are issued under sanction of the Government through the DHTE.
27. If the Principal of a College of any Government aided College who is the ex-officio Secretary of the Governing Body is found to have committed any serious lapse and his continuance as Secretary of the Governing Body will jeopardize the very purpose of nominating him as Secretary of the College Governing Body, the President of Governing Body or DHTE may replace him as per rules and allow the Joint Secretary to function as Secretary till such time he is acquitted of all charges. The Secretary will be subject to disciplinary action against him under relevant provisions of the rules and any other rules framed from time to time on this behalf.

CONDITIONS FOR RELEASE OF GRANTS TO THE GOVERNING BODIES

28. The release of recurring grant is specifically meant only for payment of salaries and allowances of the teachers falling under deficit system of grant in aid on the revised UGC pay scale or State Scale of pay as the case may be. Moreover, the teacher falling under this system will be entitled to gratuity at the time of superannuation.
29. A statement of the expenditure and income with particulars of details appointments, approved enrolment and fee income should be submitted with monthly bills for countersignature. The amount of grant for each month shall be calculated according to the actual admissibility amount calculated on the basis of approved expenditure and income of that month

30. Any amount of saving not required for the purpose as per calculations should be intimated to this office for refund or readjustment.
31. Half yearly internal Audit Report of the College account should be submitted at the end of the 2nd Quarter of the financial year.
32. The deficit grant sanctioned shall be released to the Governing Body of the college only after the form prescribed for the purpose is completed and signed by the Secretary or the person authorized by the Governing Body and after acceptance of terms and conditions which shall be specified by Government from time to time.
33. The accounts of the institution in so far as they relate to funds sanctioned by Government will be opened to audit by the Examiner of Local Accounts Meghalaya at his discretion or any officer authorized by Education Department.
34. The institution shall be liable to be inspected by the Inspectorial staff of DHTE for the purpose of ensuring proper utilization of the grant.
35. The institution should ensure regular attendance of the teachers who should stay in the college for a minimum period of 4 hours on a working day. In respect of those teachers who are availing of UGC scale of pay, the relevant norms and guidelines of the UGC are to be enforced by the management. No teacher shall be allowed to work more than one shift without the prior permission of the governing body.
36. The institution should strive to maintain standards in quality in respect of all academic activity including Board or University exams. The performance of an institution shall be reviewed periodically by the office of the DHTE. If the performance is found to be deficient, the DHTE may suspend the grant in aid till such time as the DHTE finds it fit. Procedure in this regard shall be laid down by the Government.
37. No teaching or non teaching staff shall resort to any kind of unauthorized absence from duty. If he or she resorts to any kind of unauthorized absence from duty the government shall deduct the pay for such unauthorized absence. The Governing Body is also authorized to deduct the same and adjust the balance in the next monthly pay bill.

38. The Governing Body shall ensure that its employees refrain from any agitation directed against the Government and its agencies. The Governing Body may deal with any indiscipline in the college and to see that the academic performance of the college is not affected by any situation that may arise due to strikes and non-cooperation movements.

39. In case of any dispute, misunderstanding or misinterpretation of the Rules duly framed, as above the Government in Education Department shall be the final authority to decide and such decision shall be final and binding on all concerned.

Sd/-(P.S Thangkhiew, IAS)
Principal Secretary to the Govt. of Meghalaya,
Education Department

Dated Shillong, the 6th August, 2013

Memo. No. EDN.17/2008/27 -A

Copy to:-

1. P.S to Chief Minister, Meghalaya for information of the Hon'ble Chief Minister.
2. P.S to Deputy Chief Minister, in-charge Education for information of the Hon'ble Deputy Chief Minister.
3. P.S to Chief Secretary, Meghalaya for information of the Chief Secretary.
4. The Director of Higher and Technical Education, Meghalaya, Shillong for necessary action. He should Circulate the Notification to all Deficit Aided Colleges.
5. The Director of Printing and Stationery, Meghalaya, Shillong for publication in the Gazette of Meghalaya.
6. Cabinet Affairs, Department.
7. Finance EC.II Department.
8. Personnel & AR(A) Department.
9. Law Department(B)
10. Web administrator, Office of Director of Higher and Technical Education, Meghalaya, Shillong for necessary action.

By Order etc.,


Under Secretary to the Government of Meghalaya,
Education Department.

8/7/2013 4:11 PM A.P Subject: Notification (Governing Body Rules)

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