

**THE NATIONAL COMMISSION FOR HIGHER EDUCATION AND  
RESEARCH BILL, 2010.**

**No. \_\_\_\_ of 2010.**

**AN ACT** to provide for the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research, including university education, technical and professional education other than agricultural [**and medical**] education, and for that purpose, to establish the National Commission for Higher Education and Research.

**AN ACT** further to promote the autonomy of higher educational institutions for the free pursuit of knowledge and innovation, and for facilitating access, inclusion and opportunities to all, and providing for comprehensive and holistic growth of higher education and research in a competitive global environment through reforms and renovation; and to provide for an advisory mechanism of eminent peers in academia .

**BE** it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:-

**CHAPTER I**

**PRELIMINARY**

**1. Short title and commencement.** - (1) This Act may be called the National Commission for Higher Education and Research Act, 2010.

(2) It extends to the whole of India.

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

**2. Applicability of Act.** - The Act shall apply to all higher educational institutions other than such institutions engaged mainly in agricultural education [**and medical education**].

**3. Definitions.** - In this Act, unless the context otherwise requires,—

(a) “academic quality” means the quality of teaching, learning and research and consequently their contribution to enhancement of knowledge and includes physical infrastructure, human resources (including faculty), administration, course curricula,

admission and assessment procedures, governance structures, of the higher educational institution;

(b) "accreditation" with its grammatical variations means the process of quality control in higher education, whereby, as a result of evaluation or assessment or by any method specified under the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2010 [\_\_\_of 2010], a higher educational institution or any programme conducted therein is recognised as conforming to parameters of academic quality and benchmarking of such academic quality determined by the Commission under this Act;

(c) "Accreditation Agency" means an agency registered under the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2009 [\_\_\_of 2010];

(d) "Act" means National Commission for Higher Education and Research Act, 2010 [\_\_\_ of 2010];

(e) "affiliation" together with its grammatical variations, includes, in relation to a college or institution,—

(i) recognition of such college or institution by a university; or

(ii) association of such college or institution with a university; or

(iii) admission of such college or institution to the privileges of a university;

(f) "Authorisation" means authorization granted by the Commission, under sub-section (1) of section 34, to a university or other higher educational institution empowered, by or under law, to award any degree or diploma to commence its first academic operations;

(g) "Central University" means a university, or constituent units thereto, promoted and maintained by the Central Government, either directly or indirectly, and established or incorporated by or under a Central Act;

(h) "Chair" means the Chair of the Collegium;

(i) "Chairperson" means Chairperson of the National Commission for Higher Education and Research;

(j) "college" means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as

competent to provide for such course of study and present students undergoing such course of study for the examination, conducted by or on behalf of the university, for the award of such qualification;

- (k) "Collegium" means the Collegium established under section 17 of this Act;
- (l) "Commission" means the National Commission of Higher Education and Research established under section 4 of this Act;
- (m) "Co-opted Fellow" means such fellow referred to in sub-section (4) of section 17 to represent the States and Union Territories;
- (n) "Core Fellow" means such fellow referred to in sub-section (3) of section 17;
- (o) "degree" means an award, granted by a university or institution empowered by or under law to do so, certifying that the recipient has successfully completed a course of study;
- (p) "diploma" means such award, not being a degree, granted by a higher educational institution, other than a polytechnic, certifying that the recipient has successfully completed a course of study of not less than nine months duration;
- (q) "distance education systems" means the distance education systems as defined in clause (e) of section (2) of the Indira Gandhi National Open University Act, 1985 [50 of 1985];
- (r) "Fellow" means a member of the Collegium and includes the Chair and Co-Chair;
- (s) "first academic operations" means the start of the process of admissions (including the publication of prospectus), for the first time by a university or institution empowered, by or under law, to award any degree or diploma, after its establishment, in respect of any course or programme of study;
- (t) "higher education" means such education, imparted by means of conducting regular classes or through distance education systems, beyond twelve years of schooling leading to the award of a degree or diploma; but does not include [**medical education or**] agricultural education in institutions other than universities;
- (u) "higher educational institution" means an institution of learning including an university, an institution deemed to be university, a college, an institute, an institution of national importance declared as such by an Act of Parliament, or a constituent unit of such institution, which is imparting by means of conducting regular classes or through distance education systems, higher education or research therein;

- (v) "Institution deemed to be University" means an institution declared as such, by notification, by the Central Government, before the commencement of this Act;
- (w) "Institution of national importance" means an institution declared as such by a Central Act;
- (x) "Overseas citizen of India" means such person registered as an overseas citizen of India under the Indian Citizenship Act, 1955 [Act No. 57 of 1955], as amended from time to time;
- (y) "Member" means a member of the National Commission for Higher Education and Research and includes the Chairperson;
- (z) "National Education Tribunal" means National Educational Tribunal established under the Educational Tribunals Act, 2009;
- (ab) "National Research Professor" means such person appointed, by the Central Government, under the National Research Professorship Scheme;
- (ac) "notification" means a notification published in the Official Gazette and the expression "notify" with its cognate meanings and grammatical variations shall be construed accordingly;
- (ad) "prescribed" means prescribed under rules made by the Central Government;
- (ae) "programme" means a course or programme of study leading to the award of a degree or a diploma in a higher educational institution;
- (af) "prospectus" includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to a higher educational institution, to the general public (including to those seeking admission in such institution) by the management of such institution or any authority or person authorised by such institution to do so;
- (ag) "regulations" means regulations made by the Commission under this Act;
- (ah) "State Educational Tribunal" means State Educational Tribunal established under the Educational Tribunals Act, 2009 [\_\_\_ of 2010];
- (ai) "State University" means a university, or constituent units thereto, promoted and maintained, either directly or indirectly, by a State Government, and established or incorporated by or under any State Act;
- (aj) "University" means a University established or incorporated by or under a Central Act or a State Act and includes an institution deemed to be University;

(ak) "Vice Chancellor" means the chief executive of a university;

(al) "Whole-time Members" means the members of the National Commission for Higher Education and Research referred to in sub-section (2) of section 5, and includes the Chairperson.

(2) Words and expressions used and not defined herein but defined elsewhere in any law enacted by Parliament or in the General Clauses Act, 1897 [10 of 1897], and not inconsistent with this Act shall have the meanings respectively assigned to them in such law or in the General Clauses Act, 1897 [10 of 1897].

## **CHAPTER II**

### **NATIONAL COMMISSION OF HIGHER EDUCATION AND RESEARCH**

**4. Establishment of National Commission of Higher Education and Research.** - (1) The Central Government shall, by notification, establish, for the purposes of this Act, a Commission to be called the "National Commission for Higher Education and Research".

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose off property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Commission shall be at New Delhi.

**5. Appointment of Chairperson and Members of Commission.** – (1) The Commission shall consist of a Chairperson and six other Members.

(2) The office of the Chairperson and three other Members shall be whole-time and salaried.

(3) The Chairperson and the other whole-time Members shall be scholars being persons of eminence and standing in the field of academics and research possessing leadership abilities, proven capacity for institution building and governance of institutions of higher learning and research.

(4) The Members other than the whole-time Members shall be persons of eminence with high academic credentials with proven contribution to economic and social

development and experience of engagement with institutions of higher learning and research.

(5) The Chairperson and other Members shall be appointed by the President on the recommendation of a Selection Committee consisting of—

- (i) the Prime Minister, who shall be the Chairperson of the Committee;
- (ii) the Speaker of Lok Sabha; and
- (iii) the Leader of Opposition in Lok Sabha; and
- (iv) [the Minister in charge of Higher Education in the Government of India;
- (v) the Minister in charge of Medical Education in the Government of India].

*Explanation.*—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Lok Sabha has not been recognised as such, the Leader of the single largest group in opposition to the Government in the Lok Sabha shall be deemed to be the Leader of Opposition.

(6) The Selection Committee shall make its recommendation from a panel of three names, submitted by the Collegium under clause (c) of sub-section (1) of section 19, for each vacancy.

(7) The Selection Committee shall devise its own procedure for assessing the suitability of the person from the panel of names referred to in sub-section (6) to be recommended to the President for appointment.

(8) Every appointment under this section shall take effect from the date on which it is notified in the Official Gazette by the Central Government.

(9) The Chairperson or other Member shall, before entering office make and subscribe before the President or some other person appointed by the President in that behalf, an oath of affirmation.

**6. Resignation and removal of Chairperson and Members.** - (1) The Chairperson or any Member may, by notice in writing under his hand addressed to the President, resign from office.

- (2) The President may remove from office the Chairperson or any Member, who—
- (a) has been adjudged an insolvent; or
  - (b) has engaged, at any time during his term of office, in any paid employment outside the duties of his office; or

(c) has become physically or mentally incapable of acting as such Chairperson or other Member; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or other Member; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(h) has been guilty of proved misbehavior; or

(i) has such other disqualifications as may be prescribed:

Provided that the disqualification under clause (b) shall not apply to the Members referred to in sub-section (4) of section 5.

(3) Notwithstanding anything in sub-section (2), the Chairperson or a Member shall not be removed from his office on the grounds specified in clause (g) or clause (h) or clause (i) of sub-section (2), except by an order made by the President after an inquiry made in this behalf by the Chairperson of the National Educational Tribunal, in which such Chairperson or such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(4) In the event of inquiry instituted under sub-section (3), the President may suspend such Chairperson or other Member against whom an inquiry has been instituted for a period not exceeding six months if it consider necessary in public interest.

(5) The Central Government may, by rules, regulate the procedure for the inquiry referred to in sub-section (3).

**7. Term of office of Chairperson and Members.** - (1) A person appointed as Chairperson and other Members shall hold office for a term of five years from the date on which he enters upon his office:

Provided that whole-time Members shall cease to hold office on attaining the age of seventy years.

(2) The Central Government shall, to the extent possible, initiate the process of appointment in respect of any vacancy due to arise on the post of Chairperson or other Member before a period of six months from the date of arising of such vacancy.

(3) The Central Government shall ensure that the process of appointment in respect of any vacancy on the post of Chairperson or other Members is completed within a period of six months from the date such vacancy had arisen.

**8. Prohibition as to holding of office by Chairperson or other Member on ceasing to be such Chairperson or Members.** - On ceasing to hold office, the Chairperson or other Member shall be ineligible, for a period of five years from the date on which they cease to hold office, for further employment in, or, in matters related to, any higher educational institution under the Central Government or a State Government or any private higher educational institution.

**9. Member to act as Chairperson or to discharge his functions in certain circumstances.** - (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the President may, by notification, authorise one of the other whole-time Members, to act as the Chairperson until the appointment of a person to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the other whole-time Members, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

**10. Chairperson or Member not to participate in meetings in certain cases.** – The Chairperson or any other Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Commission, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Commission, and the member shall not take any part in any deliberation or decision of the Commission with respect to that matter.



**11. Declaration by Chairperson and other Member.** – (1) The Chairperson or other Member shall, immediately after entering office and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution or in **any other professional or financial activity.**

(2) The declaration so made under sub-section (1) shall be placed on the website of the Commission.

**12. Terms and conditions of service of Chairperson and Members.** – (1) The salaries and allowances payable to, and the status and other terms and conditions of service of, the Chairperson of the Commission shall be the same as that of the Chief Election Commissioner.

(2) The salaries and allowances payable to, and the status and other terms and conditions of service of, the whole-time Members other than the Chairperson, shall be the same as that of an Election Commissioner.

(3) The Chairperson or other whole-time Member, if at the time of his appointment is in receipt of a pension in respect of any previous service under the Government of India or the Government of a State, his salary in respect of the service as the Chairperson or such Member shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided that if the Chairperson or such whole-time Member, if at the time of his appointment is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government Company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chairperson or Member shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided further that neither the salary and allowances nor the status or other terms and conditions of service of the Chairperson or such whole-time Member shall be varied to his disadvantage after his appointment.

(4) The status and privileges accorded to Members, other than whole-time Members, shall be the same as that of an Election Commissioner; and only such sitting fees and

other allowances, as the Commission may decide from time to time, shall be payable to such Members.

*Explanation:* The words “Chief Election Commissioner” and “Election Commissioner” refers to the Chief Election Commissioner and the Election Commissioner respectively of the Election Commission of India established by Article 324 of the Constitution of India.

**13. Vacancies, etc., not to invalidate the proceedings of the Commission. -**

No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Commission; or
- (b) any defect in the appointment of a person acting as a Member of the Commission; or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

**14. Officers and other staff of the Commission. –** (1) The Commission may, for the efficient performance of its functions under this Act, appoint, in such manner and with such qualifications, [**Executive Directors**] and such other officers and employees, as may be specified by regulations.

(2) The number of, the salaries and allowances payable to, and the other terms and conditions of service of, the [**Executive Directors**] and other officers and employees of the Commission, shall be such as may be specified by regulations.

(3) The Commission may appoint, in such manner for such temporary period and on such terms and conditions as may be specified by regulations, such other academic, management, accounting, technical and scientific experts as it may consider necessary for the efficient performance of its functions.

(4) Every appointment under sub-section (3), including the qualifications of the person so appointed and the manner, the terms and conditions and the period of such appointment, shall be disclosed on the website of the Commission.

**15. Procedure to be regulated by the Commission. -** (1) The Commission may delegate such of its powers, not being matters of policy or relating to exercise of its

regulatory functions provided under this Act, to a Committee of Chairperson and the other whole-time Members.

(2) Subject to the provisions of this Act, the Commission shall have the power to lay down, by regulations, its own procedure for the conduct of its business and the exercise of its powers and functions.

(3) All orders and decisions of the Commission shall be authenticated by an [Executive Director] or any other officer of the Commission duly authorised by the Chairperson in this behalf.

**16. General superintendence, direction and management of affairs of the Commission.** – Subject to the other provisions of this Act, the general superintendence, direction and management of the day-to-day administrative affairs of the Commission shall vest in the Chairperson.

### CHAPTER III

#### COLLEGIUM

**17. Collegium.-** (1) There shall be established, a “Collegium” consisting of core Fellows and co-opted Fellows, being persons of eminence and integrity in academia in higher education and research.

(2) No person shall be eligible for appointment as a Fellow of the Collegium unless he -

- (a) is a citizen or an Overseas citizen of India; and
- (b) has made substantial contribution to the advancement of knowledge demonstrated through publications which are internationally acknowledged and peer-reviewed.

(3) A core Fellow of the Collegium shall be a person

- (a) who is, or has been, a National Research Professor; or
- (b) who is a recipient of the Nobel Prize or Field Medal; or
- (c) who is a recipient of the Jnanpith award; or
- (d) who is a Member of an Academy of international standing.

(4) The co-opted Fellows shall be chosen by the core Fellows, to represent each State and each Union Territory, in the manner provided in sub-section (5), from a panel of five persons of comparable eminence and integrity in academia in higher education and research recommended by the Government of each such State or Union Territory, as the case may be.

(5) Every co-opted Fellow shall be appointed in the manner provided hereinafter; namely,

(a) The qualifications of and the contribution made to the advancement of knowledge demonstrated through publications or other scholarly activities, of every person in the panel of names recommended by each State Government or Union Territory, as the case may be, shall be made available on the website of the Collegium, for scrutiny of the core Fellows until the day of co-option.

(c) On the date and time so specified, the core Fellows shall proceed to co-opt to the Collegium, one person, from amongst the panel of five persons recommended by each State and Union Territory, to represent each such State or Union Territory, in the same manner as provided for election of a person to the Council of States:

Provided that the number of first preference votes cast in favour of a candidate shall not be less than two-thirds of the core Fellows present and voting:

Provided further that the total number of votes cast shall not be less than one-half of the number of core fellows of the Collegium on the date of such co-option:

Provided also that in the process of co-option, the core Fellows may, to the extent possible, ensure representation to persons with expertise in such field of knowledge which, in their opinion, is not adequately represented in the Collegium.

(d) The person co-opted under clause (c) shall be notified by the Commission as a Fellow, and on such notification, such Fellow shall be eligible to participate in the deliberations of the Collegium.

(6) Every Fellow of the Collegium shall, as soon as may be after notification of his appointment, and every year thereafter, make a declaration on the extent of his

interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution:

(7) The declaration so made under sub-section (6) shall be placed on the website of the Commission.

(8) Every core Fellow shall, except on account of death, resignation or otherwise, continue as such.

(9) Every co-opted Fellow shall, except on account of death, resignation or otherwise, continue as such for a period of five years from the date of his notification as Fellow.

(10) No Fellow shall receive any remuneration except such sitting fees or allowances, as may be prescribed, for attending the meetings of the Collegium.

**18. Resignation of Fellow.-** A Fellow may, by notice in writing under his hand addressed to the Chair of the Collegium, resign his membership.

**19. Functions of Collegium.-** (1) The Collegium shall -

- (a) aid, advise and make recommendations to the Commission for the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research therein;
- (b) recommend to the Commission a vision on the emerging trends in different fields of knowledge;
- (c) when called upon to do so and in respect of appointments of Members and Chairperson of the Commission, recommend a panel of three persons for each post to the Selection Committee constituted under sub-section (4) of section 5;
- (d) recommend for inclusion in the National Registry, referred to in section 20, of persons eligible and qualified to be appointed as Vice Chancellor of a university or the head of an institution of national importance;
- (e) make observations and suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) and advise on the adequacy of funding for higher education and research regarding the report prepared

by the Commission under sub-section (1) of section 27 on the state of higher education and research in India and its relation to global trends;

- (f) make observations and suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) on the report prepared by the Commission under sub-section (5) of section 27 on the vision for higher education and research.

(2) The Collegium shall act collectively in the performance of its functions, and decisions in such meetings shall be taken, by resolution, by majority arrived at in the manner provided in section 21.

(3) The meeting of the Collegium shall be convened annually and at such other times as may be required by the Chair:

Provided that a meeting of the Collegium shall also be convened if at least one-third of the total strength of the Collegium express to the Chair, the desire to convene such meeting to deliberate on such matter as may be expressed.

(4) The Fellows of the Collegium shall constitute themselves into Advisory Committees on matters referred for advise to the Collegium by the Commission.

**20. Preparation of National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance.-**

(1) The Collegium shall recommend, from time to time and in such manner as may be prescribed in concurrence with the Commission, for inclusion in the National Registry, names of persons eligible and qualified for appointment as Vice Chancellor of a university or the head of an institution of national importance.

(2) The Central Government, State Governments, universities and higher educational institutions may refer, from time to time, names of suitable persons, to the Commission, for inclusion in the National Registry of persons eligible and qualified for appointment as Vice Chancellor of a university or the head of an institution of national importance:

Provided that the Commission shall forward the names of such person referred by the Central Government, State Governments and universities and higher educational institutions, along with the credentials of such person referred, to the Collegium for

assessing the suitability and competence of such person in the manner provided under sub-section (1).

(3) A person shall be eligible for inclusion in the National Registry of persons eligible and qualified for appointment as Vice Chancellor of a university or the head of an institution of national importance only if he satisfies the minimum eligibility conditions specified under regulations for such appointment.

**21. Procedure for taking decisions by Collegium.-** (1) Subject to the provisions of this Act, the Collegium shall take decisions, by resolution, on matters for consideration before it.

(2) Each Fellow of the Collegium shall have the right to cast one vote.

(3) No resolution of the Collegium shall be considered as adopted unless supported by at least one half of the number of Fellows, present and voting:

Provided that, no resolution of the Collegium shall be considered as passed unless at least one half of the number of core Fellows and one half of the number of co-opted Fellows, present and voting, have respectively supported such resolution.

(4) Subject to the provisions of this Act, the Collegium shall have the power to lay down its own procedure for the conduct of its business and the exercise of its functions.

*Explanation:* For the purposes of this section, the word "present" shall not be interpreted to be limited to physical presence of the Fellow but shall be construed in a broader sense in being available to cast a vote by such means, including electronic methods, as the Collegium may deem fit.

**22. Executive Council of Collegium.-** (1) The Collegium shall have an Executive Council consisting of the Chair and four other Councillors, elected by majority from amongst Fellows of the Collegium, for a tenure of one year.

(2) The election for the membership of the Executive Council shall be held in the Annual Meeting of the Collegium.

(3) The Chair shall preside over all meetings of the Collegium.

(4) Where a vacancy has arisen, on account of death, resignation, removal or otherwise, on the post of Chair or in his absence, the senior-most Fellow of the Executive Council, shall perform the duties of the Chair.

(5) The Executive Council shall perform such functions for carrying out the purposes of this Act, as the Collegium may, by resolution, deem fit.

**23. Funds and Administrative support to Collegium.-** (1) The Commission shall provide funds and administrative support and assistance to the Collegium in the discharge of its functions under this Act.

(2) The Collegium may obtain the services of such number of experts in management of, or in, organizations, with such qualifications and on such terms and conditions, as may be prescribed.

#### CHAPTER IV

#### POWERS AND FUNCTIONS OF THE COMMISSION

**24. Powers and functions of the Commission. –** (1) The Commission shall, subject to the provisions of this Act and regulations made thereunder, take measures to promote the autonomy of higher educational institutions for the free pursuit of knowledge and innovation, and for facilitating access, inclusion and opportunities to all, and providing for comprehensive and holistic growth of higher education and research in a competitive global environment, through reforms and renovation.

(2) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (1), may, *inter alia*, provide for all or any of the following matters, namely;

(a) specify norms and standards for grant of authorization, to a university or an higher educational institution empowered, by or under law, to award any degree or diploma, to commence its first academic operations;

(b) develop, from time to time, a national curriculum framework with specific reference to new or emerging or inter-disciplinary fields of knowledge and to provide a vision and guide universities in recognizing and revising course curricula;

(c) specify requirements of academic quality for the award of any degree or diploma in any field of higher education and research;



- (d) specify norms of academic quality for accreditation and benchmarking of higher educational institutions;
- (e) specify norms and processes for establishment and winding up of a university;
- (f) specify norms of academic quality for a university to affiliate colleges;
- (g) specify norms and mechanisms to measure the productivity of research programmes funded by the Commission;
- (h) encourage joint and cross-disciplinary programmes between and amongst Universities and other higher educational institutions;
- (i) promote synergy of research in universities and higher educational institutions with research in other agencies or laboratories;
- (j) develop measures required to lighten the work load of universities in regard to their routine functions and to enhance the quality of time available to universities for research and teaching, and take such measures including schemes for gradually enabling colleges affiliated to universities to function in an autonomous manner independent of such affiliation;
- (k) specify norms and mechanisms for transparent, efficient and accountable governance in universities and other higher educational institutions;
- (l) specify minimum eligibility conditions for appointment of Vice Chancellor of any university or head of an institution of national importance;
- (m) maintain a National Registry of persons eligible and qualified for appointment as Vice Chancellor of a university or the head of an institution of national importance, prepared by the Collegium;
- (n) encourage universities to formulate a Code of Good Practices in administrative matters and to develop a framework Code to guide universities in formulating such Code of Good Practices;
- (o) encourage, through the creation of an enabling environment, universities to become self-regulatory bodies for the maintenance of academic quality in higher education and research and in colleges affiliated to it;
- (p) develop policies and processes that would create an enabling environment for eligible youth to take up teaching and research as occupation and career;

- (q) develop policies and processes that would enable qualitative and meaningful interaction between students and teachers in higher educational institutions;
- (r) establish, as may be specified by regulations, institutions for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and disbursing such grants as the Commission may deem necessary;
- (s) advise, when called upon to do so, the Central Government and State Governments, as the case may be, on policies relating to higher education and research in any field of knowledge therein;
- (t) specify sources, norms and mechanisms for financing higher educational institutions;
- (u) specify norms and principles for allocation of grants, for the maintenance and development or for any other general or specific purpose of a Central University or an institution of national importance;
- (v) specify norms and principles for allocation of grants for the development or for any other general or specific purpose of a State University or an institution deemed to be university supported by the Central Government;
- (w) disburse grants to higher educational institutions in accordance with norms and principles established by regulations;
- (x) specify norms and principles for allocation and disbursement of grants for research in any field of knowledge in an higher educational institution;
- (y) cause to be undertaken policy research in higher education to identify future directions and processes in higher education;
- (z) cause to be undertaken research to assess future knowledge manpower requirements, both in the short-term and in the long-term, in different fields of knowledge for meeting the needs of the economy;
- (aa) cause to be undertaken research to develop a vision on future trends in knowledge.
- (ab) monitor, through a national database, all matters concerning the development of emerging fields of knowledge, balanced growth of higher

educational institutions in all spheres and academic quality in higher education and research;

(ac) develop mechanisms for social audit of the processes in the Commission and obtain public feedback on its performance and achievements;

(ad) discharge such other functions in relation to the promotion, coordination and maintenance of standards in higher education and research as the Central Government may subject to the provisions of this Act, prescribe.

**25. Role of Commission to guide and advise in establishment of university.-**

The Commission shall guide and advise a body or institution, seeking such guidance or advice, in regard to a proposal for the establishment of a university, in accordance with the norms and standards specified by it.

**26. National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance.-** (1) The

Commission shall maintain a National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance, prepared by the Collegium from time to time under sub-section (1) of section 20.

(2) When called upon to do so by the Central Government or a Central University or an institution of national importance, as the case may be, the Commission shall recommend a panel of five names from the National Registry maintained under sub-section (1) for appointment to the post of Vice Chancellor of such Central University or head on such institution.

(3) When called upon to do so by a State Government or a State University, as the case may be, the Commission shall recommend a panel of five names from the National Registry for appointment to the post of Vice Chancellor of such State University.

(4) No person shall be eligible for appointment as Vice Chancellor of any University or head of an institution of national importance unless his name is included in the National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance maintained by the Commission under sub-section (1).

**27. Reports of the Commission.-** (1) The Commission shall, annually and such other times as it deems fit, prepare a report on the state of higher education and research in India and its relation to global trends and the status of adherence to standards of academic quality; and such report shall be provided to the Collegium to enable Fellows of the Collegium the opportunity to offer comments or suggestions (including an assessment of the performance the Commission and recommendations to be taken on measures to enhance such performance) on the report, or any part of it thereof:

(2) The Commission shall, after considering such comments or suggestions (including the assessment of performance of the Commission and recommendations on measures to be taken to enhance such performance) received on the report under sub-section (1), and after making such modifications and amendments as it may deem fit, present to the President, the report:

Provided that the report presented to the President shall include the comments or suggestions or recommendations received under sub-section (1).

(3) The Commission shall, in respect of every State and Union Territory, before the expiration of a period of five years from the date of commencement of this Act and at an interval of every five years thereafter, and such other times as it deems fit, prepare a report on the state of higher education and research in such State or Union Territory and its relation to national trends.

(4) The Commission shall present to the Governor of such State or the administrator of an Union Territory, as the case may be, such report prepared under sub-section (3) on the state of higher education and research in a State or Union Territory and its relation to national trends.

(5) The Commission shall present to the President, before the expiration of a period of five years from the date of commencement of this Act and at an interval of every five years thereafter, a report on the vision of higher education and research in the forthcoming decade; and shall make in such report, recommendations as to the measures that ought to be taken for renovation and rejuvenation of higher education and research, including the following; namely,

(a) vision and strategy for emerging fields of knowledge and norms for developing requirements of such fields of knowledge; and

(b) development of curricular framework to reflect the vision of higher education and research.

(c) norms and mechanisms for evaluating cost and price of higher education and research; and

Provided that before the report is presented to the President, the Commission shall provide such report to the Collegium to enable Fellows of the Collegium the opportunity to offer comments or suggestions (including an assessment of the performance the Commission and recommendations to be taken on measures to enhance such performance) on the report, or any part of it thereof; and such comments or suggestions received thereon shall be appended to the report presented to the President.

(6) The President shall cause to be laid before both Houses of Parliament, such reports prepared by the Commission under sub-section (2) and sub-section (5), along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission or the Collegium.

(7) The Governor of every State shall cause to be laid before the Legislative Assembly of such State, the report prepared by the Commission under sub-section (4) concerning the state of higher education and research in such State, along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission.

**28. Review of performance of Commission.-** (1) The President shall, within five years from the commencement of this Act and thereafter at the expiration of every fifth year, constitute a Committee to evaluate and review the performance in the said period of the Commission, and consisting of persons, being citizens of India or otherwise, of international eminence and standing, to be appointed by the President on the basis of a panel of names to be submitted by the Collegium .

(2) The Committee referred to in sub-section (1) shall evaluate and review the performance of the Commission and make recommendations to the President as to –

- (a) the extent of fulfillment of the goals and objectives of the Commission stated in the Preamble to this Act, as demonstrated by the state of higher education and research;
  - (b) the interface between the Commission and the Collegium;
  - (c) such other matters referred to the Committee by the President in the interests of the development and promotion of the advancement of knowledge and learning in universities and other institutions of higher education and research and the role of the Commission thereto.
- (3) The President shall cause to be laid before both Houses of Parliament, the report of the Committee constituted under sub-section (1) along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation of the Committee.

**29. Powers of Central Government to frame National Policy.-** The Central Government shall, at such times as it deems appropriate, prepare in consultation with the State Governments and the Commission, a national policy for the development of higher education and research, which shall guide the Commission in the exercise of its powers and functions under this Act.

**30. Central Government to inform Commission of decisions on matters of Policy.-** (1) The Central Government shall inform the Commission of all decisions taken by it on matters of policy concerning higher education and research.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy, the decision of the President shall be final.

**31. Procedure in making regulations. –** (1) The Commission shall issue a public notice, in such manner and form as may be specified by regulations, regarding a draft of regulation and a copy of the draft of regulation shall be placed on the website of the Commission for a period of thirty days from the date of issue of the public notice to enable Universities, State Higher Education Councils, Fellows of the Collegium and the general public the opportunity to offer comments or suggestions, as the case may be, on the draft of regulation, or any part of it thereof.

(2) The Commission shall, after considering such comments received hereinabove, and after making such modifications and amendments as it may deem fit, notify the regulations in the Official Gazette.

(3) Every regulation, along with all comments or suggestions received to the draft of regulation and an explanatory memorandum on the action taken thereon with reasons for such action, shall be laid before both Houses of Parliament.

## CHAPTER V

### AUTHORISATION FOR COMMENCEMENT OF FIRST ACADEMIC OPERATIONS

**32. Authorisation to University or institution empowered to award degree or diploma to commence first academic operations.-** No university or institution empowered, by or under law, to award any degree or diploma established after the coming into force of this Act shall commence its first academic operations unless it is so authorized, in accordance with such norms as may be specified by regulations:

Provided further than a university or institution deemed to be university existing before the commencement of this Act shall deemed to have been authorised under this Act unless revoked in accordance with the provisions of section 36.

**33. Application for grant of authorization.-** (1) Every application for grant of authorization shall be made, by an institution or a University, to the Commission in such form and manner and accompanied by such other documents and on payment of such fees as may be specified by regulations.

(2) Every application shall be accompanied with an assessment report prepared in a manner, specified under regulations, from a registered accreditation agency.

**34. Procedure for grant of authorisation. –** (1) The Commission shall examine the application and the assessment report referred to in sub-section (2) of section 33, to ensure that it complies with the norms of academic quality specified under regulations for grant of authorization.

(2) The Commission shall, within a period of thirty days from the date of application and after such examination referred to in sub-section (1), -

(a) decide to declare its intent to grant authorization if the application complies with the norms of academic quality, specified under regulations for grant of authorization; or

(b) return, for reasons to be recorded in writing, the application if such application does not comply with the norms of academic quality, specified under regulations for grant of authorization:

Provided that the return of the application along with the reasons so recorded shall be published on the website of the Commission.

(3) The Commission shall, if it has decided to declare its intent to grant authorization under clause (a) of sub-section (2), issue a public notice, in such form and manner as may be specified by regulations, and place such application together with all documents received with the application, for a period of sixty days from the date of issue of the public notice, on the website of the Commission.

(4) Any person may, within a period of said sixty days referred to in sub-section (3), submit his comments or objections, if any, on the application or part thereof, to the Commission.

(5) The Commission may, within the period of sixty days referred to in sub-section (3), require the applicant to furnish such other information or clarification as it may consider necessary.

(6) The applicant shall be afforded an opportunity to submit his response on the comments or objections received under sub-section (4) or clarifications sought under sub-section (5):

Provided that such response shall be submitted within a period of thirty days from the expiry of the period of sixty days referred to in sub-section (4).

(7) The Commission shall consider all comments or objections or clarifications, and the response of the applicant thereto, including any other matter as the Commission may deem fit for such consideration, before the grant of authorization to such institution or university, as the case may be.

**35. Grant of Authorisation.** – (1) The Commission shall, as far as practicable within a period of four months from the receipt of such application, after considering the comments or objections or clarifications under sub-section (7) of section 34,



- (a) issue, by notification, authorisation to such institution or university, as the case may be, subject to the provisions of this Act and regulations made thereunder; or
  - (b) reject, by notification, the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act and regulations made thereunder:
- (2) The Commission shall, while issuing the authorisation, validate, periodically at such times as may be specified by regulations, the standards of academic quality to be achieved over the next ten years, by the institution or university, as the case may be, so authorised.
- (3) The notification of the Commission under sub-section (1), along with reasons therefor, and the standards of academic quality to be achieved by the applicant university or institution over the next ten years under sub-section (2), shall be published on the website of the Commission.

**36. Revocation of Authorisation.** - (1) If the Commission, after making such enquiry as may be specified by regulations, is satisfied that public interest so requires, it may revoke, by notification, the authorization granted to as institution or university in any of the following cases, namely: -

- (a) where the institution or university, in the opinion of the Commission, makes wilful or continuous default in doing anything required of it by or under this Act or rules or regulations made thereunder;
  - (b) where the institution or university fails, within the period fixed in this behalf by its authorisation, or any longer period which the Commission may have granted therefor, to show, to the satisfaction of the Commission, that such institution or university is in a position fully and efficiently to discharge the duties and obligations imposed on it by its authorisation; or
  - (c) where the institution or university has ceased to exist.
- (2) No authorisation shall be revoked under sub-section (1) unless the Commission has given to the institution or university, as the case may be, not less than sixty days notice, in writing, stating the grounds on which it is proposed to revoke the

authorisation, and has considered any cause shown by the institution or university, as the case may be, within the period of that notice, against the proposed revocation.

(3) Where the Commission revokes authorisation under this section, it shall serve an order of revocation upon the institution or university, as the case may be, as the case may be, and fix a date on which the revocation shall take effect; and such revocation shall be without prejudice to the action that may be taken against it under any other law for the time being in force:

Provided that the Commission may, instead of revoking the authorisation, permit it to remain in force subject to such further terms and conditions as they think fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the institution or university, as the case may be, and shall be of like force and effect as if they were contained in the authorisation.

(4) The Commission shall publish on its website any action initiated under this section and the final decision on the revocation of the authorisation or otherwise together with all documents and reasons for such decision.

(5) The Commission shall, while revoking an authorisation, take, or cause to be taken, such measures which may be necessary to protect the academic interests of students in such institution or university.

**37. Powers of Civil Court vested in Commission.** - The Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, (5 of 1908) while trying a suit in respect of the following matters, namely—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing an application for default or deciding it ex-parte;

(h) setting aside any order of dismissal of any application for default or any order passed by it ex-parte; and

(i) any other matter which may be prescribed by the Central Government.

**38. Appeal.** — Any person aggrieved by an order of the Commission, for the grant or refusal, or revocation of authorisation under this Chapter, may prefer an appeal, in such form and manner and accompanied by such fees as may be prescribed, against such order to the National Educational Tribunal within ninety days of such order:

Provided that the National Educational Tribunal may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of ninety days.

**39. Duties and obligations of University in maintenance of standards of academic quality.** – (1) Each University shall maintain standards of academic quality in higher education and research, as may be specified by regulations, in such University and in colleges and institutions affiliated to it.

(2) Each affiliating University shall take measures to support and develop academic quality in such colleges and institutions with due respect to the autonomy of such colleges and institutions in its administrative and financial matters.

**40. University to be public authority under Right to Information Act.** – The provisions of the Right to Information Act, 2005 [22 of 2005] shall apply to each University as if it were a public authority defined in clause (h) of section 2 of Act No. 22 of 2005.

**41. Rights and Prohibitions.** – (1) The right to confer or award degrees or diplomas shall be exercised only by an institution or university, as the case may be, authorized, under section 38 of this Act.

(2) Save as provided in sub-section (1), no person, institution, organization or agency shall confer, or award, or hold himself or itself out as entitled to confer or award, any degree or diploma.

## CHAPTER VI

### FINANCE, ACCOUNTS AND AUDIT.

**42. Fund of Commission.** - (1) The Commission shall have its own Fund; and all sums which may, from time to time, be paid to it by the Central Government and all other receipts of the Commission shall be carried to the Fund and all payments by the Commission shall be made there from.

(2) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Commission.

**43. Grants by Central Government.**- (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and Members, the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Commission and the administrative expenses of the Collegium.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as are required for causing to be undertaken policy research to aid the Commission in the exercise of its powers and performance of its functions under this Act.

**44. Annual Financial Statement on Higher Education and Research.**- (1)

The Commission shall, in respect of each financial year, provide to the Central Government a statement of the estimated expenditure on development of higher education and research for that year, referred to as the "annual financial statement on higher education and research" comprising the "annual financial support plan for higher education" and the "annual financial support plan for research" for that year;

(2) The estimates of expenditure on development of higher education and research under sub-section (1), shall be based on norms, principles and criteria specified under regulations.

(3) The Commission shall provide, that part of the estimated expenditure planned to be appropriated towards research, along with an explanatory memorandum on the

research programmes proposed to be funded and an assessment of the productivity of research programmes funded in the past five years.

(4) The assessment of the productivity of research programmes under sub-section (3) shall be based on norms as may be specified by regulations.

(5) The Central Government shall cause the annual financial statement on higher education and research, with such modifications as it may recommend, to be laid before Parliament.

(6) The Central Government shall, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as are required for supporting the promotion and development of higher education and research.

**45. Annual Funding Support Plan for higher education.-** (1) The Commission shall, by regulations, establish principles, norms and criteria that would govern the block grants to be provided by it to support universities and other higher educational institutions for their general development and maintenance.

(2) The Commission shall, in respect of each financial year on the basis of grants provided to it under sub-section (6) of section 44, prepare a "annual funding support plan for higher education" detailing the universities and other higher educational institutions proposed to be supported and the grants proposed in respect of each university and other higher educational institution, along with an explanatory memorandum specifying the reasons thereto.

(3) The annual financial support plan for higher education as soon as may be after it is made, be published on the website of the Commission and laid before both Houses of Parliament.

**46. Annual Funding Support Plan for research.-** (1) The Commission shall, by regulations, establish principles, norms and criteria that would govern the grants to be provided by it to support or supplement research in higher educational institutions.

(2) The Commission shall, in respect of each financial year on the basis of grants provided to it under sub-section (6) of section 44, prepare a "annual funding support plan for research" detailing the research programmes in universities and other higher

educational institutions proposed to be supported, along with an explanatory memorandum specifying the reasons thereto and the expected outcomes.

(3) The annual financial support plan for research as soon as may be after it is made, be published on the website of the Commission and laid before both Houses of Parliament.

**47. Accounts and Audit.** - (1) The Commission shall cause to be maintained such books of account and other books in relation to its account in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Commission shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General by such date, as the Commission may, in consultation with the Comptroller and Auditor-General, determine.

(3) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such times and in such manner as she thinks fit.

(4) The President shall, in respect of each financial year, cause to be laid before both Houses of Parliament, the annual accounts of the Commission together with the audit report thereon.

## **CHAPTER VII MISCELLANEOUS.**

**48. Returns and information by Commission.** - The Commission shall furnish to the Central Government such returns or other information with respect to its regulations, policies or activities as the Central Government may, for the purpose of reporting to Parliament or for the making of policy, from time to time, as may be prescribed.

**49. Returns and information by Commission.**- Each university and each institution empowered by or under law to award any degree or diploma, shall furnish to the Commission at such time and in such form and manner as may be specified by regulations or as the Commission may seek, such returns and statements and such particulars concerning the financial position of the University or the studies in the

various branches of learning undertaken in that University, and its rules and regulations concerning standards of teaching and examination in that University in respect of each such branch of learning or in such other matters, as the Commission may, from time to time, require.

**50. Act to have overriding effect :** The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**51. Power to remove difficulties.** - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central 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 removing the difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**52. Review of Act and its provisions by Parliament.**- (1) Parliament may, at the expiration of ten years from the commencement of this Act and every ten years thereafter and on the basis of the recommendations made by the Collegium from time to time and the Committee constituted under sub-section (1) of section 28, review the Act and its provisions recognizing the continuous growth in all fields of knowledge and acknowledging the need to provide a responsive framework to adapt to the changing needs.

(2) Nothing in sub-section (1) shall be construed as restricting the power of Parliament to amend the provisions of this Act from time to time.

**53. Power of Central Government to make rules.**- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, matters, namely:–

- (a) the other disqualifications for removal of the Chairperson or other Members under clause (j) of sub-section (2) of section 6;
- (b) the procedure for the inquiry under sub-section (4) of section 11;
- (c) the sitting fees and other allowances payable to a fellow of the Collegium for attending its meeting under sub-section (8) of section 17;
- (d) the manner of investigation of a charge brought against a fellow of the Collegium under sub-section (4) of section 18;
- (e) the manner of preparation of a National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance under sub-section (1) of section 20;
- (f) the manner of passing of resolution by the Collegium under sub-section (1) of section 21;
- (g) the number of experts in management of, or in, organizations, and their qualifications and terms and conditions on which their services shall be obtained by the Collegium under sub-section (2) of section 23;
- (h) the other functions in relation to the promotion, coordination and maintenance of standards of higher education and research to be entrusted to the Commission under clause (ab) of sub-section (2) of section 24;
- (i) the other matters under clause (i) of section 37 in respect of which the Commission shall have the powers under the Code of Civil Procedure, 1908 while trying a suit;
- (j) the form and manner in which an appeal may be preferred and the documents to be accompanied with it and the fees payable therewith under section 38;
- (k) the form and manner in which the books of accounts of the Commission shall be maintained under section 47;
- (k) the returns or other information with respect to its regulations, policies or activities required to be provided to the Central Government by the Commission under section 48;
- (l) any other matter which has to be, or may be, prescribed.



**54. Power of the Commission to make regulations.**-(1) The Commission may, by notification in the Official Gazette, make regulations to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for the following matters, namely:-

(a) the qualifications and manner of appointment of the Executive Directors and the number, qualifications, and manner of appointment of other officers and employees of the Commission under sub-section (1) of section 14;

(b) the number of, salaries and allowances payable to, and other terms and conditions of service of the Executive Directors, other officers and employees of the Commission under sub-section (2) of section 14;

(c) the terms and conditions, the qualifications and the period of appointment of other academic, administrative, accounting, technical and scientific experts as may be considered necessary by the Commission under sub-section (3) of section 1;

(d) the procedure for the conduct of its business and the exercise of its powers and functions under sub-section (2) of section 15;

(e) the norms and standards for grant of authorization, to a university or an institution empowered, by or under law, to award any degree or diploma, to commence its first academic operations under clause (a) of sub-section (2) of section 24;

(f) the development, from time to time, of a national curriculum framework with specific reference to new or emerging or inter-disciplinary fields of knowledge and to provide a vision and guide universities in recognizing and revising course curricula under clause (b) of sub-section (2) of section 24;

(g) the requirements of academic quality for the award of any degree or diploma in any field of higher education and research under clause (c) of sub-section (2) of section 24;

(h) the norms of academic quality for accreditation and benchmarking of higher educational institutions clause (d) of sub-section (2) of section 24;

- (i) the norms and processes for establishment and winding up of a university under clause (e) of sub-section (2) of section 24;
- (j) the norms of academic quality for universities to affiliate colleges under clause (f) of sub-section (2) of section 24;
- (k) the norms and mechanisms to measure the productivity of research programmes funded by the Commission under sub-section (g) of section 17;
- (l) the development of measures required to lighten the work load of universities in regard to their routine functions and to enhance the quality of time available to universities for research and teaching, and take measures including schemes for gradually enabling colleges affiliated to universities to function in an autonomous manner independent of such affiliation under clause (j) of sub-section (2) of section 24;
- (m) the norms and mechanisms for transparent, efficient and accountable governance in universities and higher educational institutions under clause (k) of sub-section (2) of section 24;
- (n) the minimum eligibility conditions for a person to be qualified for inclusion in the National Registry of persons eligible and qualified for appointment as Vice Chancellor or head of institution of national importance under clause (l) of sub-section (2) of section 24
- (o) development of a framework Code of Good Practices to guide universities in formulating their Code of Good Practices under clause (n) of sub-section (2) of section 24;
- (p) the development of policies and processes that would create an enabling environment for eligible youth to take up teaching and research as occupation and career under clause (p) of sub-section (2) of section 24;
- (q) the development of policies and processes that would enable qualitative and meaningful interaction between students and teachers in universities and other higher educational institutions under clause (q) of sub-section (2) of section 24;
- (r) the establishment of institutions for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and

disbursing grants to such institutions under clause (r) of sub-section (2) of section 24;

(s) the sources, norms and mechanisms for financing of higher educational institutions under clause (t) of sub-section (2) of section 24;

(t) the norms and principles for allocation of grants for the maintenance and development or for any other general or specific purpose of a Central University or an institution of national importance under clause (u) of sub-section (2) of section 24;

(u) the norms and principles for allocation of grants for the development or for any other general or specific purpose of a State University or an institution deemed to be university supported by the Central Government under clause (v) of sub-section (2) of section 24;

(v) the norms and principles for allocation and disbursement of grants for research in any field of knowledge in an higher educational institution under clause (x) of sub-section (2) of section 24;

(w) development of mechanisms for social audit of the processes in the Commission and obtain public feedback on its performance and achievements under clause (ac) of sub-section (2) of section 24

(x) the form and manner of issue of public notice on draft of regulations under sub-section (1) of section 31;

(y) the form and manner in which an application may be made for grant of authorization and the documents to be accompanied with it and the fee payable therewith under sub-section (1) of section 33;

(z) the manner of preparation of the assessment report by a registered accreditation agency and the norms on which such report shall be based, to be submitted with the application for grant of authorisation under sub-section (2) of section 33;

(aa) the form and manner in which the public notice may be issued under sub-section (3) of section 34;

(ab) the standards of academic quality to be achieved over the next ten years after the grant of authorization and the period at which achievement of such shall be validated to be specified under sub-section (2) of section 35;

- (ac) the manner of conduct of enquiry under sub-section (1) of section 36;
  - (ad) the standards required to be maintained in affiliated colleges and the manner in which such standards are to be maintained by a university under sub-section (1) of section 39;
  - (ae) the norms, principles and criteria for preparation of estimates of expenditure on development of higher education and research under sub-section (2) of section 44;
  - (af) the principles, norms and criteria that would govern the block grants to be provided to support universities and institutions of national importance for their general development and maintenance under sub-section (1) of section 45;
  - (ag) the principles, norms and criteria that would govern the grants to be provided on competitive basis to support and supplement research under sub-section (1) of section 46;
  - (ah) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.
- (3) No regulation shall be made under clause (b) of sub-section (2) except with the prior approval of the Central Government.
- (4) The first regulations under sub-section (2), after the coming into force of this Act shall be notified by the Commission expeditiously and not later than one year from the date of coming into force of this Act.

**55. Laying of rules, regulations and notifications.-** Every rule or regulation or notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification 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 under that rule or regulation or notification.

**56. Repeal and Savings** – (1) The University Grants Commission Act, 1956 [3 of 1956], the All India Council for Technical Education Act, 1987 [52 of 1987], the National Council for Teacher Education Act, 1993 [73 of 1993] are repealed with effect from such date, not later than one year from the date of coming into force of this Act, as the Central Government may, in consultation with the Commission, notify.

Provided that in the period between the date of coming into force of this Act and the date of repeal of the enactments mentioned in this sub-section, the University Grants Commission, the All India Council of Technical Education and the National Council of Teacher Education, shall not take any decision or action, except with the prior approval of the Commission, on any matter as specified by the Commission.

(2) Notwithstanding anything contained in the Architects Act, 1972 [20 of 1972] and the Advocates Act, 1961 [25 of 1961], the provisions of this Act shall apply to any matter concerning the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research:

Provided that nothing contained in this section shall be construed as restricting the power of the Bar Council of India to specify standards **[of higher education]** concerning practice in courts:

Provided further that nothing contained in this section shall be construed as restricting the power of the Council of Architecture to specify standards **[of higher education]** concerning professional practice:

(3) Notwithstanding anything contained in the Indira Gandhi National Open University Act, 1985, [50 of 1985], the provisions of this Act shall apply to the co-ordination, determination and promotion of standards in distance education systems.

(4) The repeal of the enactments mentioned in sub-section (1), hereinafter referred to as the said enactments, shall not affect proceedings pending in various courts immediately before the commencement of this Act, under either of the said enactments, which shall be continued and disposed of as if this Act had not been passed.

(5) Any rule or regulation made under the said enactments shall continue to remain in force after coming into force of this Act as if such rule or regulation has been made under this Act except in so far as it is inconsistent with the provisions of this Act till such time as any rule or regulation under this Act overriding such earlier rule or regulation is notified in the Official Gazette.

(6) Any act done or purported to be done under the said enactments or rules and regulations made thereunder before the coming into the force of this Act shall continue to have effect irrespective of the fact that such act done or purported to be done is inconsistent with the provisions of this Act

(7) On and from the date of repeal of the said enactments, -

(a) any reference to the said enactments in any law for the time being in force shall be construed to be a reference to this Act;

(b) any reference to the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education, in any law or rule or regulation for the time being in force or any contract or other instrument, shall be construed as a reference to the Commission established under this Act.

(c) all property, movable and immovable, of or belonging to the University Grants Commission, the All India Council of Technical Education and the National Council of Teacher Education shall vest in the Commission;

(d) all rights and liabilities of the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education shall be transferred to, and be the rights and liabilities of, the Commission;

(e) any reference, by whatever form of words, to the Chairman of the University Grants Commission, the Chairman of the All India Council of Technical Education or the Chairman of the National Council of Teacher Education in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Chairman of the Commission.

(f) The Chairman and other Members of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education shall be considered to have demitted office from the date of such repeal.

(8) On the dissolution of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education on repeal of the said enactments, the Central Government, by notification, shall take consequential action in regard to officers and staff in the regular service of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education.

(9) Save as otherwise provided elsewhere in this section, the mention of particular matters in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.