



# **PARLIAMENT OF INDIA RAJYA SABHA**

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**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

**TWO HUNDRED FORTY EIGHTH REPORT**

**ON**

**THE UNIVERSITIES FOR RESEARCH AND INNOVATION BILL, 2012**

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**(PRESENTED TO THE RAJYA SABHA ON 26<sup>TH</sup> FEBRUARY, 2013)  
(LAID ON THE TABLE OF LOK SABHA ON 26<sup>TH</sup> FEBRUARY, 2013)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI**

**FEBRUARY, 2013/ MAGHA, 1934 (SAKA)**

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**COMPOSITION OF THE COMMITTEE ON HRD  
(2012-13)**

1. Shri Oscar Fernandes — **Chairman**

**RAJYA SABHA**

2. Shri Rama Chandra Khuntia
3. Dr. Bhalchandra Mungekar
4. Shri Avinash Rai Khanna
5. Shri Tarun Vijay
6. Shri Derek O' Brien
7. Chaudhary Munabbar Saleem
8. Dr. Janardhan Waghmare
9. Shri Baishnab Parida
10. Shri N. Balaganga

**LOK SABHA**

11. Shri Suresh Angadi
12. Shri P.K. Biju
13. Shri Jeetendra Singh Bundela
14. Shri Sivasami C.
15. Shrimati Helen Davidson
16. \*Smt. Deepa Dasmunshi
17. @Shri Mahadev Singh Khandela
18. Dr. Charles Dias
19. Shri Kapil Muni Karwariya
20. Shri Virender Kashyap
21. Shri N. Peethambara Kurup
22. Shri Prasanta Kumar Majumdar
23. Shri Raghuvir Singh Meena
24. Capt. Jai Narayan Prasad Nishad
25. Shri Sis Ram Ola
26. Shri M.K. Raghavan
27. Shri K. Chandra Shekar Rao
28. Shri M.I. Shanavas
29. Shri Balkrishna K. Shukla
30. Shri Bhoopendra Singh
31. Shri Kunwar Rewati Raman Singh
32. Shri Manicka Tagore

**SECRETARIAT**

Smt. Vandana Garg, Additional Secretary  
Shri N.S. Walia, Director  
Shri Arun Sharma, Joint Director  
Smt. Himanshi Arya, Assistant Director  
Smt. Harshita Shankar, Assistant Director

@ Nominated as a member of the Committee w.e.f 09.01.2013

## P R E F A C E

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Forty Eighth Report of the Committee on the Universities for Research and Innovation Bill, 2012.\*

2. The Universities for Research and Innovation Bill, 2012 was introduced in the Lok Sabha on 21 May, 2012. In pursuance of Rule 270 relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha in consultation with Speaker, Lok Sabha referred \*\* the Bill to the Committee on 30 May, 2012 for examination and report.

3. The Bill is a major policy initiative for the establishment of Universities for Research and Innovation having wide implications for high quality research and innovation in the country. The Committee held extensive interactions with a large number of stakeholders which included the Secretary, Department of Higher Education, Chairman, UGC, Chairman, AICTE, Vice Chancellors of Delhi University, IGNOU, HNB Garhwal University, Panjab University, Jawaharlal Nehru University, Delhi Technological University, Guru Gobind Singh Indraprastha University and Jamia Milia Islamia, Amity University, Professors of JNU, representatives of Delhi University Teachers Association, Indian Council of Universities, Education Promotion Society for India and Delhi Science Forum.

4. The Committee, while drafting the Report, relied on the following:

- (i) Background Note on the Bill received from the Department of Higher Education;
- (ii) Note on the clauses of the Bill received from the Department of Higher Education;
- (iii) Summary of consultation held with the stakeholders;
- (iv) Verbatim record of the oral evidence taken on the Bill;
- (v) Presentation made and clarification given by the Secretary, Department of Higher Education;
- (vi) Replies to questionnaire and comments on areas of concern on the Bill received from the Department of Higher Education; and
- (vii) Replies to questionnaire received from the stakeholders.

5. The Committee considered the Bill in eight sittings held on 6 November, 19 December, 2012 and 3, 11, 22 and 30 January and 7 and 21 February, 2013.

6. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on 21 February, 2013.

7. One Note of dissent given by Shri P. K. Biju is appended to the Report.

8. For facility of the reference, observations and recommendations of Committee have been printed in bold letters at end of Report.

NEW DELHI  
February 21, 2013  
Magha 1, 1934 (Saka)

OSCAR FERNANDES,  
*Chairman*

*Department-related Parliamentary  
Standing Committee on Human Resource Development*

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\*Published in Gazette of India Extraordinary Part-II Section 2 dated the 21<sup>st</sup> May, 2012

\*\*Rajya Sabha Secretariat Parliamentary Bulletin Part II No.49716 dated the 30<sup>th</sup> May, 2012

## REPORT

### **I. INTRODUCTION**

- 1.1 The Universities for Research and Innovation Bill, 2012 was referred to the Department related Parliamentary Standing Committee on Human Resource Development by the Hon'ble Chairman, Rajya Sabha on 30 May, 2012 for examination and report.
- 1.2 The Universities for Research and Innovation Bill, 2012 seeks to provide for the establishment and incorporation of universities for research and innovation and for enabling them to emerge as centres for ecosystems to develop as hubs of education, research and innovation and to promote research and innovation in learning and design, development and delivery of solutions and for matters connected therewith and incidental thereto.
- 1.3 The Statement of Objects and Reasons to the Bill reads as follows:

*“Innovation carries spin-off benefits and yields social dividends for the society through reduction in poverty, improved health, greater education, wealth creation, empowerment of women and vulnerable groups. Universities are places where ideas germinate, applications emerge from ideas, and innovation flourished in an atmosphere of intellectual challenge and freedom. Universities where the faculty and students constantly challenge existing boundaries of knowledge, amidst a prevailing culture of creativity, are ideally positioned to be the powerhouse of an innovation led knowledge economy.*

*There is also a growing realization that if India has to achieve a leadership role in the future global knowledge economy, mere public expenditure on higher education is not going to be sufficient and a substantial part of the funding must flow into the education sector through not-for-profit private participation.*

*The “Universities for Research and Innovation Bill, 2012” provides for establishment and incorporation of Universities for Research and Innovation which would be at the fount of making India the global knowledge hub and set benchmarks for excellence for other institutions of higher learning through path-breaking research and promoting synergies between teaching and research to create institutions universally recognized for quality in teaching, learning and research. The Bill aims to lay down an enabling legislative framework for establishment of Universities for Research and Innovation. The Bill provides for setting up of Universities for Research and Innovation both in the private sector and the public sector. Presently, there is no central law which provides for this framework, hence the need for a central legislation”.*

1.4 Giving a background of the Bill, the Department of Higher Education submitted that despite having one of the largest higher education systems in the world with 600 Universities and 33000 colleges-publicly and privately funded, only a few Indian institutions of learning like IITs, IIMs and IISCs have been able to make a mark on the global stage. There was a growing realization that if India had to achieve a leadership role in the future global knowledge economy, mere public expenditure on higher education was not going to be sufficient and a substantial part of the funding must flow into the education through not-for-profit private participation. India, having the largest highest education systems in the world, was positioned to adopt a leadership role in the global knowledge economy of the future, provided it was able to reap benefits of creative knowledge organizations, both existing as well as new. Universities are places where ideas germinate, applications emerge from ideas and innovation flourishes in an atmosphere of intellectual challenge and freedom. Such universities where faculty and students constantly challenge existing boundaries of knowledge, amidst a prevailing culture of creativity are ideally positioned to be the powerhouse of an innovation led knowledge economy. In order to foster the spirit of innovation, the establishment and incorporation of Universities for Research and Innovation were proposed which would be at the forefront of making India a global knowledge hub and set benchmarks for excellence for other institutions of higher learning. These Universities would be embedded in ecosystems developed for promoting synergies among education, research and incubation centres or industry and to create institutions universally recognized for research and innovation experience embedded in learning and design, development and delivery of solutions.



1.5 The Secretary, Department of Higher Education in his deposition before the Committee on the Universities for Research and Innovation Bill, 2012 said that the existing structure of universities was not conducive to research and innovation as there was lack of autonomy in these universities. There was weak industry-university interface in research and innovation, lack of international mix of students and faculty and absence of inter-disciplinary learning and research. He submitted that there was a need for a new class of universities devoted to innovation and research which would provide space to private and top class universities. These would be completely free from governmental control and would be free to determine their standards.

1.6 Committee's attention was drawn to the fact that as per the data given by UNESCO Institute for Statistics, India's position in the share of world researchers was quite low. Compared to other countries like US (20.3%) and China (20.1%), India only has 2% of the share of world researchers. India's share in R&D investment is also quite low. The challenge for India was to create opportunities to pursue high education and research and job prospects at par with destinations favoured by the Indian diaspora.

1.7 Tracing the evolution of the proposed universities, the Secretary informed the Committee that the Planning Commission had recommended for setting up of 16 Central Universities and 14 Universities aiming at world class standards. NDC approved setting up of 14 World class Universities during the Eleventh and Twelfth Plan. Sixteen Central Universities were set up through the Central Universities Act, 2009. However, the so called 'World class' Universities could not be set up since the concept of what constituted a 'World class' university had to be developed. The Approach Paper to Twelfth Plan mentions internationalization of education as one of the aims of the plan period. With higher education becoming an increasingly global enterprise, Indian institutions needed to embrace internationalization that could provide them with new opportunities. Against this background, the draft legislation had been introduced, aiming to provide for establishment and incorporation of Universities for Research and Innovation which would be making India, the global knowledge hub and set benchmarks for excellence for other institutions of higher learning through path-breaking research and promoting synergies between teaching and research to create institutions universally recognized for quality in teaching, learning and research.

1.8 On a specific query about the global scenario in the context of research universities, the Committee was given to understand that in most of the developing countries, universities can be broadly categorised into two categories, those which focus on teaching and learning

for undergraduate and postgraduate classes and those which are oriented more towards undertaking research in basic and fundamental disciplines, in turn creating a corpus of new knowledge which can be subsequently converted into economic gains.

1.9 The Californian System of Education laid down in 1960 envisaged a three tier structure of tertiary educational institutions, the first tier being elite and merit based universities which contribute towards new knowledge creation. Most of the research universities existing in the world today were public funded universities. Research universities were a category created by the '[Carnegie Classification of Institutions of Higher Education](#)' in 1973 to indicate [universities](#) in the United States that engage in extensive research activity. Universities in the USA have had very strong elements of research and innovations in their higher education system. Australia has the Innovative Research Universities (IRU), which is a network of seven comprehensive universities conducting research of national and international standing. It pursues the objective, *inter alia*, of creating opportunities for students and stakeholders through collaboration and partnership. China launched the 'Project 211', as part of its national priority in the 21<sup>st</sup> century, involving important universities and colleges in 1995 with the intent of raising the research standards of high-level universities and cultivating strategies for [socio-economic development](#). It subsequently launched the 'Project 985' in 1998 to further promote the development and reputation of the [Chinese higher education system](#). The project involves large allocations of funding to select universities in order to build new research centres, improve facilities, attract world-renowned faculty and visiting scholars etc. As a result of 'Project 985', nine universities in China were converted into Research Universities. The progress of these universities in R&D was so immense that most of them now were recognised world over for their research output. The Committee was given to understand that while the exact nomenclature may not exist elsewhere, higher education systems abroad were replete with initiatives that emphasised and promoted collaborations, inter-disciplinary approach aimed at creating new knowledge, research resulting in innovations which would benefit society. The present legislation draws from this international experience to create universities with similar objectives.

1.10 Giving an idea about the structure of the proposed universities, the Department submitted that these universities would concentrate less on teaching and more on research and innovation. These universities would also be non-affiliating universities and enrolments would mostly be at the postgraduate (PG) and post-PG level. These universities would provide for the knowledge needs of the country, in training professionals, specialists,

scientists and researchers needed by society and the economy, in generating new knowledge to support national innovation systems, and to nurture, develop and evolve values of humanism for a better citizenry. Each university would focus on one area or problem of significance to India and build an ecosystem of research and teaching around different related disciplines and fields of study, which were relevant thereto, and search for solutions that were globally valid and in the process develop education at under-graduate and higher levels. Theme based research was expected to yield significant dividends in terms of intellectual property due to focused and inter-disciplinary research in an area of study. These universities would also be instrumental in building innovation clusters in the country by promoting co-location of relevant institutes, industry and incubation centres etc. These universities would have to structure a governance framework that would not only promote autonomy but also inculcate the spirit of accountability. There would be autonomy in matters of academics, faculty, personnel, finances and administration; assignment of appropriate incomes by the Central Government, through grants or otherwise, commensurate with the expenditure responsibilities, ability of the university to raise additional sources of incomes at its level, including the ability to adjust its fee structure and clarity in division of functional responsibilities at various levels of the university.

**1.11 The Committee understands that traditional universities in our country are so over-burdened with imparting undergraduate and postgraduate education and managing the affiliation system that they are not able to focus on research and innovation. Problems arising out of prevalent legacy systems, governance structures and the socio-cultural milieu of the existing institutions do not make room for a conducive environment for world-class research and innovation. In such a scenario, especially in the global context, the proposed legislation for setting up universities for Research and Innovation is a long-awaited and welcome step. These universities would be at the fount of making India the global knowledge hub and set benchmarks for excellence for other institutions of higher learning through path-breaking research and promoting synergies between teaching and research quality in teaching, learning and research.**

**1.12 The Committee notes that the proposed universities would have complete autonomy in design of programmes. They would be structured around Schools/Faculties, cutting across disciplines and decision-making on academic matters would be devolved to School/Faculty. Introduction of courses would be decided at School/Faculty level based on Peer Group Academic Audit. School/Faculty would have**

**freedom to prescribe fee structure, provide scholarships to students based on academic performance as well as fellowships for research programmes.**

**1.13 While agreeing that the proposed universities will give great impetus to quality research in the higher education sector, the Committee is also aware about the likely impact on the existing universities, two different categories of universities, one autonomous and free from any control or monitoring as envisaged for the other category of universities, having better service conditions for their faculty as compared to the existing universities. Not only this, establishment of the proposed universities is to be through an altogether different mechanism, doing away with the scrutiny of Parliament or in other words through a mechanism where Executive has an upper hand over the Legislature. The Committee is of the view that the proposed legislation has to be considered, taking care of all the aspects, leaving no doubts or grey areas unaddressed. The Committee, has, accordingly, made every effort to examine the proposed legislation thoroughly, which is reflected in the succeeding paragraphs through its observations and recommendations.**

## **II. CONSULTATION PROCESS**

2.1 Keeping in view the initiative of the Department of Higher Education for the establishment of Universities for Research and Innovation, the process of consultations assumes immense importance. The Committee was informed by the Department that a national level interactive session to discuss the draft legislation on the proposed legislation was held on 28 August, 2010 where academics, scholars and representatives from industry were present. Several members of the academics and industry like Prof Yashpal, Prof Jain (VC, BITS), Prof Deepak Pental, Mr Analjit Singh, Prof Ananth, Prof. Nayanjot Lahiri, Prof B.B.Bhattacharya, Prof S. Iyengar, Prof Srinath Reddy, Prof Sanjay Dande, Prof Khole etc attended the interactive session. An overwhelming majority was of the view that while the proposed legislation was welcome, it should be ensured that the existing universities and institutions were also facilitated for adopting world class standards and for undertaking innovation and research.

2.2 The various points raised by the members of the academia were:-

- The new universities should not contribute to further fragmentation of knowledge and ensure that spirit of enquiry was not curbed or discouraged.
- Caution against these universities doing innovation only in applied sciences at cost of disciplines of arts and humanities.
- Apprehension was expressed that these universities would concentrate only an applied research at the cost of pure theoretical research. Pure research should be strongly built in the proposed structure.
- It was not advisable to have universities devoted to one or more disciplines and that they should provide holistic learning.
- There should be an endeavour to encourage inter-disciplinary research wherein the academics and industry should come together and special Inter-University Centres (IUCs) may be set up.
- Young talent should be encouraged rather than always harping upon Research Professors or Nobel Laureates to take up leadership positions.
- Universities were suffering from resource crunch, autonomy issues, bureaucratization and excessive control and there was a need to better the quality of research in existing universities rather than setting up new universities. While promoting new universities, care should be taken to strengthen the existing universities and institutions like IITs and IIMs.
- There was a need to study best global practices.
- Apprehensions about what kind of degrees would be given by these universities were expressed and whether these degrees would be regular degrees or have the flavour of thematic degrees.
- A review mechanism should be built into the legislation which can provide for review of the work of Innovation Universities after every ten years. Encouragement should be given to indigenous innovation and not merely focus on utilization aspects of innovation.

2.3 While the views of the academia supported making existing institutions stronger in terms of autonomy and innovation, the industry representatives were of the view that this legislation created an excellent facilitating framework for research and innovation in areas which were generally neglected by the regular programmes of regular universities.

2.4 The Committee was also informed that all the concerned Ministries and Departments of the Central Government were consulted. Some of the important observations/comments of the Ministries are as follows:

**Ministry of Finance, Department of the Expenditure:**

- Existing universities/institutions are already having infrastructure for research and teaching and Government is spending a considerable amount of money for the same. Instead of having another set of universities, a few potential existing universities/institutions may be identified for the purpose of high quality research and teaching.
- It is important to find out why the existing system of Universities/Institutions is not generating world class research and innovations. Without identifying the underlying reasons behind such under-performances, decision to set up new universities for innovations may not be advisable.]
- It would be difficult to support the proposal to make privately funded universities eligible for public funding for research unless the results of such research are accessible to Government for public good.
- Shortage of qualified faculties has reportedly been a major hurdle faced by the Ministry of Human Resource Development in implementing its various on-going schemes. The shortage of qualified faculties is an issue which needs attention, especially in view of the critical role of research in the current Bill.

### **Ministry of Labour and Employment**

- Since privately funded universities are proposed to be made eligible for public funding for research activities and student scholarships but from the contents of the Bill, it is noted that issues of private and PPP mode universities have not been covered appropriately.
- As an amount of ₹2800 crores for establishing publicly funded universities has been earmarked for 11<sup>th</sup> Plan, therefore, mentioning that no financial implication is involved does not seem to be appropriate.
- Universities are to be a distinct legal entity not for profit. How the private universities and PPP mode universities would be covered by the Bill?
- “Autonomy to University”: Autonomy to “invest and manage moveable property” has been mentioned. Perhaps it would be appropriate that immovable property is managed by the public university totally in consultation with the appropriate Government and it is not to be given a complete autonomy.
- It is proposed that the Bill for “Establishment of Universities for Innovation” may also be reviewed with the existing Universities Bill and be analyzed by the Ministry of HRD to avoid any negative impact on each other or clashing of interest on each other.

### **Ministry of Personnel, Public Grievances and Pensions**

- It is suggested that a transparent method of appointment, as is done in public appointments, like open advertisement etc. may be followed and appointment on invitation.

### **Ministry of Development of North Eastern Region**

- It would be desirable if a few areas are prioritized by Government so that research is directed towards the areas where it is most needed.

### **Ministry of Health and Family Welfare**

- Clarity on the nature of the innovation proposed to be fostered by the new universities and whether the innovation is in the structure and governance of the new universities or the output expected to be generated by them.
- Since these new universities could be either private or public, the law should possibly differentiate between the governance and financing structures in public and private universities. Section 8(1) requires that a university for innovation shall be a non-profit entity. It is not clear, given this condition, how private players will be attracted to this field.
- The issue of faculty shortage, as is the case in institutions of medical education and central universities, needs to be addressed.

### **Planning Commission**

- Creating new universities may not make them world-class and innovative. Innovation Universities need not be planned from scratch. We should concentrate our efforts on making the existing institutions attain world class standards rather than creating new ones.
- When some universities are given superior status at the cost of existing universities, it may send wrong signals to existing universities and create a pre-determined hierarchical structure of universities. Expansion of universities should be within the framework of national university system.
- MHRD could initially take the more pragmatic way of upgrading/converting a few universities as the collaborative mode of establishing new Innovation Universities.
- There are almost no world class universities which have been set up on a thematic basis. There is a need to identify a broad list of emerging knowledge domains which have global relevance so that multi-disciplinary programmes can be offered rather than specializing in a single discipline
- There should be provisions for accountability based on outcomes.
- Salary differential between these universities and others may set off an exodus of good faculty and aggravate the faculty shortage problems in existing institutions.
- It is also not clear whether any reservations will be applicable to these universities.

### **Ministry of Urban Development**

- It is felt that the requirement of universities desiring to be promoters for setting up of a UIF to be in existence for 50 years and prescribing no such condition for others, takes away the level-playing field for newer universities, both national and international that have come up after 1960 vis-à-vis private companies/trusts/societies.

### **Ministry of Earth Sciences**

- An appropriate co-ordinating mechanism may be considered for the proposed universities.

### **Ministry of Agriculture**

- Age restriction (25 years/50 years) is unclear as some old universities may become 'business-as-routine' over time and on the other hand, some relatively new universities may have excellent vision and performance.

### **Ministry of Minority Affairs**

- While financial autonomy is no doubt desirable for setting up a world-class university, there must be inbuilt provisions for scholarships/exemption of fees on merit-cum-means basis so that poor students who are otherwise bright, are not put to any difficulty.

2.5 The Department also submitted that the Bill was examined by a Committee of Secretaries based on whose recommendations, the following actions were taken:-

- (a) the preamble to the Bill was re-drafted to capture the intent and objects of the proposed legislation.
- (b) the name of proposed universities was changed from the earlier 'Universities of Innovation' to Universities for Research and Innovation
- (c) the provisions of the Bill were modified to enable existing institutions also to be declared as Universities for Research and Innovation
- (d) it was explicitly stated in the Bill that provisions of this chapter will be in addition to and not in derogation of any law for the time being in force relating to intellectual property.

2.6 On a specific query of the Committee regarding consultations with State Governments, the Department submitted that the legislative proposal was discussed in 55<sup>th</sup> and 57<sup>th</sup> meetings of CAGE held on 10 February, 2009 and 19 June, 2010. The meetings were attended by HRD Minister and other Ministers in charge of Education of State Governments. The Committee was given to understand that no State had opposed the proposal. The proposal was also placed in the meeting of the State Secretaries of Higher and Technical Education on 13 April, 2012. In addition, the Human Resource Development Minister wrote to the Chief Ministers of fourteen States (Kerala, Rajasthan, Andhra Pradesh, Tamil Nadu, Karnataka, Madhya Pradesh, Punjab, Bihar, Gujarat, Maharashtra, West Bengal, Assam, Orissa and Uttar Pradesh) in 2009, outlining the proposal to set up world class universities and requesting them to earmark land for the establishment of publicly funded Universities for Research and Innovation. The Governments of Madhya Pradesh, Punjab, Bihar, Gujarat, Maharashtra, West Bengal, Assam, Orissa and Uttar Pradesh responded by supporting the proposal. No response was received from the remaining five states.

**2.7 The Committee is constrained to observe that no serious efforts have been made by the Department of Higher Education to have wide-ranging consultations with all the stakeholders. State Governments are the most crucial stakeholders when such a path-breaking initiative in the higher education sector is being proposed. Discussions with the Education Ministers in the CAGE meetings cannot be considered enough. The Committee is aware that fourteen states were approached by the Government in 2009, outlining the proposal to set up world class universities and requesting them to earmark land for the establishment of publicly funded Universities for Research and Innovation. The Committee would like to point out that these states were approached in 2009. Since**



then, the proposed legislation has seen some modifications. Details of the meeting held with State Secretaries of Higher and Technical Education held on 13 April, 2012 have not been shared with the Committees. Not only this, out of the 14 states, major states like Kerala, Andhra Pradesh, Tamil Nadu, Karnataka, Madhya Pradesh and Rajasthan failed to respond. States representing North-Eastern Region, Jammu & Kashmir, Himachal Pradesh and all the UTs have been kept out of this exercise. Apparently, the main objective behind approaching these states was for earmarking land for the proposed universities. The Committee is of the firm view that a national consensus on such a major initiative has to be built upon without any hindrance.

2.8 The Committee finds it very strange that a major segment of stakeholders having rich experience of running universities and also well-known education experts and academicians, has not been involved in the consultation exercise. Nobody can deny the fact that their views would have benefited the Government in formulating the proposed legislation. Interactive session with academicians, scholars and representatives from industry was definitely not enough. The Committee feels that the Department should have elicited the views of all the concerned stakeholders before introducing the Bill. Another major area not explored by the Department is the global scenario with respect to these universities. A study of the experiences and outcomes of Universities for Research and Innovation in countries like Australia, America, Germany and China should have been undertaken in order to have a fair idea of running successfully such universities which would have helped in promoting innovation and research in the country and also adopted/adapted the best global practices in research and innovation.

2.9 In order to have a broad-based consultation on the proposed legislation, the Committee decided to hear the views of as many stakeholders it could in the short period of time available to it. The Committee heard the views of many stakeholders in interactions spread over in eight meetings. These included the Department of Higher Education, Delhi University, IGNOU, Jawaharlal Nehru University, Delhi Technological University, Indraprastha University, Jamia Milia Islamia, Panjab University, HNB Garhwal University, Amity University, Indian Council of Universities, Education Promotion Society for India, UGC, AICTE, academicians of JNU, Delhi Science Forum and ex-President, DUTA. The Committee began this exercise by issuing a Press Release on 8 June, 2012 inviting comments on the Bill from all concerned. Unfortunately, it failed to receive the desired response. The Committee concluded its extensive deliberations by sharing the areas of concern highlighted by various stakeholders with the Secretary, Higher Education. Besides that, questionnaire were sent to the Department and all the stakeholders for their written comments thereon.

Feedback received and the issues that emerged from the deliberations proved of immense help to the Committee and enabled the Committee to understand the ramifications of the proposed legislation and formulate its views/recommendations on various provisions of the Bill.

2.10 The Committee started its interactions by hearing the views of the Vice-Chancellor of IGNOU and representatives of Amity University on the Bill in its meeting held on the 19 December, 2012. The Vice-Chancellor, IGNOU supported the introduction of the Bill and pointed out that there was lack of competition that should have come in research and innovation among the universities competing for finding a space and building of the knowledge base. He informed the Committee that IGNOU had made provisions for offering fellowship from its own funds to students for research and had more than 700 scholars with it. IGNOU was associated in major innovative projects to give a thrust to research output in the country. The Director, IGNOU placed on record their appreciation of the fact that open and distance learning had been recognized as a research-oriented system and had, accordingly, been included in the Bill. He also added that incorporation of traditional knowledge systems and their relationship with innovation should be widened. It was also emphasized that like IGNOU, universities should be in a position to generate their own funds.

2.11 The representative of Amity University submitted before the Committee that instead of starting new universities for research and innovation, existing universities in the country which were doing good work should be identified and given more autonomy. Expressing concern about the proposed establishment of Universities for Research and Innovation by a MOA, he pointed out that universities had to be established by Central or State Act. He further added that there was no provision for measuring the outcome of these universities and emphasized the need for the same through continuous internal review and self-correction. He also highlighted that since the Bill allowed branch campuses and offshore campuses outside the country and distance learning, universities might start investing the funds which they received in building infrastructure and campuses across the country and outside and on distance learning. These universities should be unitary universities with focus on research. In the age of inter-disciplinary research across the world, all the departments worked together and if the universities would focus on one specific area, it might be detrimental to research. He also added that by defining just a very few universities as research and innovation universities, research and innovation being done in the existing universities would be undermined. It was also submitted that private universities needed more funds for research as they funded research only to a limited extent because they had to provide for fellowships from their own resources.

2.12 In its interaction with the Vice Chancellor, JNU, the Committee was informed by him that there was a need to expand excellence in the higher education system. The proposed Bill was one such model for doing so by creating new Universities for Research and Innovation. But it was also pointed out that there was a tremendous need that the existing Universities, both Central and State, also received the attention of the Government in terms of creating innovation. Another suggestion was that the existing universities which had already shown better performance in terms of academic output and their commitment to the society could be considered as innovation universities. It was mentioned that during the last Plan, creation of 15 universities resulted in almost 50 per cent cut in the budget of the existing universities. It was emphasized that excellence of the existing universities, their growth and development should not be hampered. It was also submitted that the broader aims and objectives of all the existing universities were not totally different from those suggested for the proposed universities. It was also suggested that the governance structure, the financial autonomy structure and the kind of programmes to be taken up by them needed to be spelt out. Lastly, it was advocated that only a few such universities, that too in the public sector may be set up initially.

2.13 The Vice-Chancellor, Delhi Technological University submitted before the Committee that the proposed legislation was being introduced at a highly opportune time as India was currently in search of quality, relevance and excellence in the higher education system. There was a tremendous amount of pressure for creation of knowledge and excellence in the university system. India's higher technical education system was on the threshold of major institutional reforms. It was, therefore, important that a University for Research and Innovation should have a different structure and design as compared to conventional universities. In order to succeed in ensuring that a University for Research and Innovation comes up to the expectations of a world quality university to compete with top ten universities of the world, it was essential to re-design the laboratories which needed to be world class research centres. Accordingly, the whole structure of such universities needed to be tuned to the higher objectives of creation of knowledge which could be of direct relevance to the society and industry. Committee's attention was also drawn to the fact that while the objects of the Bill were very well and carefully drawn, it would require tremendous amount of detailing in terms of working out the structure of these universities. A positive aspect in the Bill highlighted was that it linked research at the undergraduate level itself. Percolating research culture right down to undergraduate level was the surest way to reach higher levels of research and innovation. It was also suggested that well-established research and development organizations, corporates and leading industries, which have shown their

vibrancy at the national and international level may be motivated to come forward and set up universities for research and innovation. Corporates like BHEL, NTPC, IOC, Infosys, Tata, Wipro, HP, Microsoft Samsung and research and development organizations, like ISRO, DRDO, BARC could be given opportunity through the proposed legislation.

2.14 The Vice Chancellor, Jamai Milia Islamia presented a very critical view of the proposed legislation. It was pointed out that the philosophy of allowing the private sector into establishing Universities for Research and Innovation needed to be looked into or reviewed. This was so because ideologically, private participation would not ever mean 'not for profit'. There were underlying dangers to the affirmative action that the Government believed in. Further, the freedom to pay enhanced salaries also meant that fees of private institutions would be higher. Apprehensions were also expressed that the Bill may dissipate funds for the existing universities on many fronts. Availability of good quality faculty was yet another problem. It was urged that the existing universities needed to be strengthened. The idea to establish new universities was good but it should not be at the cost of the existing universities into which enormous investment had been made by the Government and which provided cost-subsidized advanced education so as to empower all sections of the society. The need was to improve and expand the existing system of higher education. Also, by suitably modifying the present system, the aims of the Bill could be achieved even in the existing system without creating a new structure by giving them more autonomy, better governance structure and reorientation etc. Innovation and research in the social sectors was very critical for the healthy growth of the country. The Bill in its present form was not acceptable and it needed redrafting after wide consultation with real stakeholders i.e. the academic community.

2.15 The Committee also heard the views of Vice-Chancellor, Indraprastha University on the Bill. The Vice Chancellor supported the Bill and highlighted the fact that there was a need to create an appropriate structure for managing these Universities. Complete synchronization of the systems, processes and structures in place was required, if these universities were to excel. It was pointed out that the Bill did not have a focus in terms of specific provisions that would facilitate a culture of research and innovation in the proposed universities. It was required to use technology foresight to select critical technologies in the national perspective and receive proposals for establishment of universities accordingly. It was also emphasized that the proposed Universities for Innovation and Research should not undertake undergraduate programmes and focus on post graduate programmes and doctoral research programmes. Further, an alternative governance structure, different from that in the traditional universities had to be there for these universities. Liberal funding provisions to

attract foreign scholars and faculty to these universities as visiting faculties was also suggested.

2.16 The Committee had the opportunity to interact with representatives of the Indian Council of Universities and Education Promotion Society for India which represented many of the existing private universities in the country. The representative of ICU welcomed the proposed legislation as a great initiative of the Government to create universities and empower them to perform independently and allow them to go beyond the rigid standards so that universities of the country could excel in research and innovation. However, it was suggested that each university should be established only by an Act of Parliament and not by MOA. It was also pointed out that the Bill should not be an attempt for the backdoor entry of foreign universities and sufficient care needed to be taken in this regard. Committee's attention was also drawn to some inherent contradictions in the proposed legislation when compared with other laws including those at the finalization stage dealing with higher education. The most crucial aspect of the proposed legislation was giving autonomy to the new category of universities which was not enjoyed by the traditional universities.

2.17 While deposing before the Committee, the Chairman, UGC, submitted that India had one of the largest system of higher educations in terms of number of institutions. Having set up such a massive system, one of the inadequacies of the system was that most of the universities and colleges fell in the category of learning system, wherein the knowledge was transmitted and certified but the knowledge was created elsewhere. Very few institutions in the country belonged to the category of knowledge systems. The biggest challenge was to transform the existing institutions into knowledge systems. Uptill now, there was no Central law that provided for setting up of a private university and a public and private university together. The requirements of the present system were such that the State was not able to fulfill that obligation. Therefore, there was a need for ensuring harmonious co-existence of both, public and private partnership. Also, there were some inherent problems in converting existing institutions into Universities for Research and Innovation. It was pointed out that one of the serious inadequacies of the existing system was the question of autonomy, as most of the time, autonomy was confined only to academics and not given to the governance and administration. It was felt that the Bill was a new initiative as it provided complete autonomy in matters pertaining to academics, governance, administration, hiring of teachers and supporting staff required for the Universities for Research and Innovation. These universities were expected to create knowledge, technology and unique applications of knowledge coupled with the technology that would lead to innovation and inclusive development of the

society. This Bill would provide greater resources to the institutions which would be able to solve the problems and challenges facing the society.

2.18 The Chairman, AICTE, in his deposition before the Committee, while endorsing the proposed legislation submitted that such an effort to create a University for Research and Innovation would do a lot of good to the current educational system. In all the educational systems, there was a synergy needed between the teaching processes, society and industry. All the educational systems have to be industry-relevant as all the job opportunities happened there and also freedom should be given for linkages with other institutions. It was pointed out that for promoting research and innovation in a society, it was necessary to provide autonomy. In order that the country become a knowledge-based economy, it needed to contribute significantly to research in the world which meant certain value addition in the existing body of knowledge. That would come through research and innovation and it would happen only when there would be research done in relevant areas and relevant disciplines. It was submitted that all universities were set up as multi-discipline institutions where different departments ran courses together and created inter-disciplinary research but somewhere along the way, universities had got into an affiliation system where they had a lot of other institutions to take care of and most of their time was being spent on conducting examinations, declaration of results etc. Also, currently the existing structures in universities seemed to be restrictive due to lack to sufficient autonomy and too many decision-making bodies within the universities. However, there were several provisions in this Bill which allowed the institutions to come up and explore new areas like green technology, environment etc.

2.19 In their presentation before the Committee, the representatives of Education Promotion Society for India submitted that they appreciated the noble cause of promoting research and innovation in the higher education sector. However, they were of the view that the Bill was based on a premise that by creating huge elite Research and Innovation Universities, the whole problem would be solved but attention was not being given to dealing with problems which were being faced by universities spread across the country. The existing universities were suffering from lack of equipment, funds, teachers and resources. Even though infrastructure development was being witnessed in the country, it was essential to see what went wrong in developing research and innovation in the country. It was pointed out that research and innovation was needed at all levels which required long-term vision, direction and supporting environment along with investment at all levels of higher education and research. It was, however, emphasized that any university created by an Act of Parliament or by executive order would not become a research and innovation university

from day one. It was believed that the kind of autonomy as suggested in the Bill to existing institutions would completely transform the vast ground of research work. It was also a fact that funds for high end research always posed a problem. Therefore, existing infrastructure, physical and human resources should be harnessed to get greater value of scarce resources rather than creating a new structure of universities with lot of investment. Another serious apprehension expressed was that the proposed Bill might provide a backdoor entry to foreign universities and big business houses to set up institutions without being regulated, monitored or assessed for quality by existing constitutionally mandated bodies for regulation.

2.20 The Vice-Chancellor, Delhi University in his presentation before the Committee submitted that there was a need for some path-breaking models for research and innovation. The proposed Bill with its structure would allow these universities a certain degree of freedom to pick and employ faculty of high calibre. It was, therefore, required that the top leadership that would be put in place to set up the whole structure should also be of high calibre. The existing universities had many restrictions imposed on them as they enjoyed no freedom to start a socially relevant course or programme of study, bring people of eminence into the structure or set up campuses abroad. Endorsing the proposed legislation, he believed that the freedom and autonomy to be given to these universities would be productive.

2.21 The Committee also heard the views of Vice Chancellors of the Central Universities of Garhwal and Panjab. The Vice Chancellor of HBN Garhwal University was of the view that the Bill would provide greater autonomy in the management of the university which would have enough flexibility compared to what the present universities had. It was a desirable legislation which would create new universities with the basic structures as was prevalent in the country with respect to IIMs and IITs. This was the first time that a Bill had been brought forward which provided for open co-operation and participation by industry and private enterprises which were rich in knowledge, finances and resources. Also, the proposed legislation was an attempt to make it mandatory that the fruits of knowledge reached the university or the people of the country so that all the segments of the society were benefitted. The main aim of the universities to be established under the Bill was to go for inclusiveness in the gamut of excellence which was a very difficult job. The existing universities were already lacking in infrastructural and other resources even at the undergraduate level. It was also emphasized that practical problems in converting an existing university into a university for research and innovation needed to be taken into account. He also shared his views on some of provisions of the Bill but on the whole, he welcomed the proposed legislation which would provide greater autonomy in management and enough flexibility in the structure of governance to allow for creation of knowledge, its dissemination

and application to find solutions for various problems facing our society, especially the deprived and under-privileged sections.

2.22 The Vice-Chancellor, Panjab University was of the view that the proposed Bill was an attempt to create model universities in large numbers, maybe one in every state. He believed that gradually even the existing universities could be made free from the current rules and regulations of UGC and move to a regime where there would be one University for Research and Innovation in each state. The Bill was a step forward to move towards a system where there would be high class faculties selected in an objective manner and selected in a way that would be free from the current bureaucratic controls. It envisaged the process of recruitment in a different way which was a positive move as it would give autonomy to make appointment of qualified persons.

2.23 The Committee interacted with members of the academia from JNU to garner their views on the Bill. Shri C.P Chandrashekhar from the School of Social Sciences, JNU submitted that there were three positive aspects envisaged in the proposed Legislation. First, the Bill was being envisaged with the principle that higher education in the country would be a non-profit activity and if there were surpluses generated in the activity, it would be ploughed back into the institution concerned. Secondly, the Bill would not allow the system to deviate from the principles of affirmative action. Thirdly, the Bill attempted in principle to combine research and teaching. He, however, expressed his apprehension that the Bill would be creating a hierarchy by designating Universities for Research and Innovation which would be given privileges over and above the existing universities. Further, the governance system, especially for private organizations was highly questionable as there would be a promoter who would have complete freedom in terms of nominating the Board. The governance structure envisaged did not seem democratic structure as it would have substantial freedom for setting standards, for making appointments etc.

2.24 Shri Saumen Chattopadhyay from Zakir Hussain Centre for Educational studies, JNU was of the view that the Bill had to be understood and appraised in the context of three major objectives of higher education i.e. expansion, access and excellence. The Bill gave academic freedom to the faculty and the stakeholders to carry out the teaching and research activity. However, the mode of funding as given in the Bill would create an uneven field for the public-funded universities and the privately-funded universities, making it extremely crucial for understanding the objectives and realization of objectives by universities and achieving excellence. It was apprehended that after the initial capital investment by the Government for establishing a private university for research and innovation, there would



inevitably be a tendency among the private players to recover the cost of functioning from the students and from selling their research in the absence of sustained support from the Government. Also, different accounting practices for public-funded and privately-funded universities as envisaged in the Bill should be replaced by having similar practices for both. Further, it was pointed out that the social responsibility of a university could be compromised, if it was a privately funded one. If the focus is on research and innovation with the impetus from the market or from IPR or from other research areas, teaching could be compromised. Another important issue of appraisal or assessment of these universities for research and innovation was highlighted as no mechanism for doing this purpose was envisaged in the Bill.

2.25 Dr. A.K Ramakrishnan of the Centre of West Asian Studies, JNU submitted before the Committee that the distinction between the public-funded universities and privately-funded universities was not clear in the Bill. According to the Bill, grants would be given even to privately-funded universities. If that would be the case, then all the measures of social justice i.e. reservations etc should be applicable on them. Further, it was important to see the kind of institutional structure the Bill would be creating. Instead of having a single issue based university, concept of a university should be more likely on the lines of interdisciplinary enterprise which would not only include science and technology but also humanities and social sciences. A notion of university where ideas would be debated and discussed in a democratic framework, values which would be socially relevant should be a part and parcel of a university mechanism.

2.26 The Committee had the opportunity to interact with the representative of the Delhi Science Forum. Shri Prabir Purkayastha of DSF pointed out to the Committee that the country had a university system which was losing its quality. Even the existing research institutions like IITs etc were ill-equipped by international standards. He suggested that instead of setting up separate institution structures, need was to find ways to rejuvenate the existing structures because unless research was brought as a component into the education system, quality teachers would not be there to train the next generation of students. He was of the view that research was an inevitable component of teaching in present times in any education system anywhere in the world. Separating some institutions as special institutions of research and innovation while the rest of the institutions continued to churn out graduates would be a mistake. Secondly, he highlighted the fact that research funding in most of the countries was always State funded like in US and China. Believing that private sector would delve into serious research funding would be a mistake too. The primary focus should be to strengthen the State support to research, particularly in science and technology. He also

suggested that matters relating to intellectual property rights should be left to the Bill which was being reworked by the Department of Science and Technology as it would be impractical and result in duplicity.

2.27 The President, DUTA in his written submission to the Committee pointed out that the Bill was based on an assumption that new and socially useful research could be promoted by setting up separate universities for research and innovation. However, it did not provide any statistics or summary of the kind of research being carried out in India and the participation of existing public funded universities therein. It assumed that the private players would invest money in solving societal problems without keeping profit making in mind. The Bill also implied that existing universities did not provide adequate environment and infrastructure for research and innovation. There was no mention of strength even in the existing public funded university system to promote innovative research. According to him, the Bill seemed to pave way for public-private partnership and foreign universities. The Bill had completely precluded the need for public monitoring of standards and criteria through any regulatory mechanism. Universities established under this Bill would have absolute autonomy on matters related to investment and utilization of resources, appointment of teachers and administrators and criteria thereof, academic content, uses of research etc. In the light of this, the need and purpose of the Bill seemed defeated and unacceptable in the present form.

2.28 The Committee also had the opportunity to hear the views of ex-President, DUTA, Shri Vijendra Sharma on the Bill. He expressed several reservations on the Bill. First and foremost, these universities would be established by MOA and not through Acts of Parliament or State Legislatures. Secondly, these Universities would enjoy unfettered freedom in financial administration, academic and other matters. They would also enjoy complete autonomy in the constitution of Board of Governors which would have all the freedom to appoint Academic Boards, School of Studies, choose the Vice-Chancellor on the recommendation of Search-cum-Selection Committee etc. Further, these Universities would have no accountability and would also have full freedom to determine and receive payment of fees and other charges. The wide-ranging freedom available to these universities, especially private one would promote commercialization and would gravely affect the publicly funded system of higher education. It would also be an alternative route for foreign institutions and private players for establishing campuses in India.

### **III Areas of Concern**

3.1 During the course of its interactions with various stakeholders, certain very pertinent areas of concern emerged which needed to be examined thoroughly. The Committee sought the views of the Department in this regard. In the succeeding paragraphs, the Committee has made an attempt to analyse each and every such area of concern and given its observations and recommendations.

**Existing Universities functioning satisfactorily can be motivated and facilitated to operate as Universities for Research and Innovation.**

3.2 The Universities for Research and Innovation Bill, 2012 seeks to provide for the establishment and incorporation of Universities for Research and Innovation and for enabling them to emerge as centres for ecosystem to develop as hubs of education, research and innovation. The Bill provides for setting up of Universities for Research and Innovation both in the private and public sector.

3.3 Committee's attention was drawn to the fact that traditional universities in the country were so over-burdened with imparting undergraduate and postgraduate education and managing the affiliation system that they were not able to focus on research and innovation. Fruitful research and innovation was not a distinguishing feature of existing institutions. Problems arising out of prevalent legacy systems, governance structures and the socio-cultural milieu of the existing institutions did not make for a conducive environment for world class research and innovation.

3.4 The Committee in its interaction with various stakeholders, which included Vice-Chancellors of some very prominent universities, was given to understand that instead of having another set of universities, a few premier universities/institutions may be identified for the purpose of higher quality research and teaching. It was pointed out that Universities like JNU, Delhi University, Hyderabad University, IISc etc. have been functioning with research as an integral component of teaching. It was admitted that autonomy was the major issue in most of the universities. They may be enjoying academic autonomy, but in the matters of administration and finance, universities, especially public-funded universities did not have autonomy and were governed by mundane rules, which were not so conducive for performing serious research and also for innovation. It was, accordingly, suggested that administrative and financial autonomy with flexible rules would facilitate and motivate research and innovation. It was also felt that interface between universities and research labs like CSIR, DRDO, etc. and industries needed to be strengthened.

3.5 It was emphasized that those universities which were already doing good work/research and having a proven track record needed to be identified so that they may be given more autonomy to function as Universities for Research and Innovation. It was strongly felt that strengthening research within the existing universities with Government support was a viable proposal. All the major stakeholders were of the view that by suitably modifying the present university system, objectives of the proposed legislation could be achieved. There was little to be gained by creating a new structure.

**3.6 The Committee also takes note of the opinion of the Planning Commission that creating new Universities may not make them world-class and innovative. Innovation Universities need not be planned from scratch. Efforts needed to be concentrated on making the existing institutions attain world class standards rather than creating new ones. The Commission has also pointed out that when some universities would be given super status at the cost of existing universities, it might send wrong signals to existing universities and create a pre-determined hierarchical structure of universities. Expansion of universities should be within the framework of national university system. The Commission had, accordingly, suggested that Ministry of HRD could initially take a more pragmatic way of upgrading/convertng a few universities as the collaborative mode of establishing new Innovation Universities. A few state and central universities may be identified for upgradation and a few may be started by private sponsors or in PPP mode.**

**3.7 The Committee is also seized of the view of AICTE that the existing universities were currently burdened by the need to conduct UG and PG programmes. Several universities were also of the affiliating type and hence were burdened by massive examination requirement and found it difficult to participate in research and innovation due to lack of time. More funds were also required for them.**

3.8 The Department of Higher Education, justifying the rationale for the present proposal stated that the need for having such universities for Research and Innovation had emanated from the fact that while every effort was being made to encourage existing institutions to undertake fruitful research and innovation, a separate class of institutions was required which was free from the legacy systems of the past and was devoted to theme based research and innovation. The Department had submitted that the governance structures and socio-cultural milieu of the existing institutions were not conducive to world class research and innovation making them not immediately eligible to be declared as Universities for Research and Innovation. Committee's attention was also drawn to clause 10(1) of the Bill

which provided for converting existing institution into a University for Research and Innovation, provided it adopted the new governance structure and innovation and be aligned with the objects of such a university.

**3.9 The Committee is of the view that it would be difficult to convert any existing university into a University for Research and Innovation, given the basic difference in their governance structures. In the event of such traditional universities being converted as universities for research and innovation, it may lead to average students being deprived of getting UG/PG education, thus defeating the objective of higher education being within the reach of as many students as possible. It is a fact that most of the universities in the country are predominantly occupied in the conduct of UG and PG programmes and only few universities are able to concentrate on research and innovation. However, it is equally true that some of our well-established Central Universities and Research Organisations are doing commendable work so far as research is concerned. The Committee strongly feels that such universities need to be identified and then strengthened by giving them more autonomy as well as by equipping them with the required resources and funds so that they can easily evolve as Universities for Research and Innovation in a short time period. The Committee also finds some merit in the views of the stakeholders that setting up of world-class research and innovation universities would not be an easy task. Viability of setting up of such universities needs to be looked into. Further, the Committee is in full agreement with the suggestion of the Planning Commission that a few state and central universities be identified as universities for research and innovation on an experimental basis with flexible governance structures and full autonomy. A study of the experience of such converted universities for research and innovation would give a fair idea about the functioning of the proposed universities. The Committee, accordingly, recommends to the Department to identify a few existing central /state universities with a proven track record in the field of research and innovation on a pilot basis. The global scenario of having such universities through government funding also needs to be looked into. The Committee would like to draw the attention of the Department to 'Project 985' launched by China in 1998 whereunder nine universities were converted into Research Universities and the progress of these universities in R & D was so immense that most of them now are recognized world over for their research output.**

**Shortage of Faculty**

3.10 Shortage of faculty in every category of existing universities is a serious problem, adversely affecting the higher education system of the country. Right from well-established Central Universities to those set up recently, state universities as well as private universities, premier institutions like IITs, NITs and IIMs, this problem has emerged as the biggest handicap with no visible solution in the near future. Nobody can deny the fact that shortage of faculty needs to be addressed by taking concerted measures. The Committee takes note of the view of the Planning Commission that salary differential between the Universities for Research and Innovation and others might set off an exodus of good faculty and aggravate the faculty shortage problems in existing institutions.

3.11 On this issue being taken up with the Department, it submitted that shortage of faculty was being addressed in several ways. Funding of research of both public and private universities would encourage mobility of researchers both ways. Proposed universities would have more autonomy and flexibility in engaging world class faculty. It was also pointed out that there was nothing to restrain a teacher from leaving one institution for another for reasons of emoluments, research facilities and teaching freedom, prestige or location convenience. It was felt that exodus of faculty would be at least within the country and not outside. Even in present times, outstanding teachers were leaving institutions and going abroad for various reasons. This trend could be arrested or at least slowed down. Also, the potential of the proposed universities to attract high quality faculty from abroad would only add to the posts of teachers.

**3.12 The Committee is not convinced by the justification of the Department. Even though the Department has submitted that the problem of shortage of faculty was being addressed in several ways, the problem persists and ails most of the universities of the country. The Committee has been persistently drawing the attention of the Department to this problem which is becoming more serious day by day. Information available with the Committee depicts a very grim scenario. Although substantive expansion in the higher education sector has taken place in the recent times, the position at the ground level remains quite disturbing. Mere setting up new universities and institutions does not serve any purpose in the absence of qualified and experience teachers.**

**3.13 The Committee observes that the ultimate losers are the students and their future. Government efforts to attract our young students to teaching profession by providing all kinds of incentives have failed to result in any visible improvement. With the proposed universities coming up, having better service conditions and higher pay scales for their teachers, migration of qualified and experienced teachers from**

**traditional universities would definitely occur. The Department has, therefore, to make concerted efforts in a balanced manner so that our existing universities may not suffer at the cost of the proposed universities. The need of the hour is to attract the bright talent of the country to the profession of teaching. The Committee, therefore, recommends to the Department to accelerate its efforts for reducing the shortage of faculty.**

### **Apprehension about easy entry of foreign Universities in India**

3.14 One concern which was raised again and again by majority of the stakeholders was that the proposed legislation provided easy entry to foreign Universities for establishing their campuses in India. It was pointed out that an alternative route to foreign universities was being made available in place of the one proposed through the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010. The Bill proposed to give unfettered freedom, complete autonomy to the Board of Governors with no control of the Central Government over such universities being set up for research and innovation. It envisaged the removal of most of the restrictions which were proposed in the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010. That Bill allowed only those foreign universities to set up campuses in India which had a stipulated corpus fund, which was missing in the present Bill. Moreover, the very purpose of inviting foreign universities to set up campuses in India was questioned as the kind of foreign universities finally setting up their campuses in the country was not clear. The interest of foreign universities coming to India was also questioned as it was unclear as to why these universities would engage in research which would be pertinent to the Indian society. Another apprehension regarding the entry of foreign universities in India was that the faculty in the existing universities in the country would look towards the foreign universities which would definitely be incentivizing the faculty remuneration and offering better service conditions. It was also pointed out that usually basic research was a State enterprise as in the US. It was a priority kind of area serving the national interest. Hence, foreign participation in research and innovation needed to be considered very carefully. Another drawback highlighted was that foreign universities would only cater to 2-3 per cent of Indian student community who would be able to afford to pay high fees. It was emphasized that these universities would, therefore, not help in expanding the higher education system of the country. Rather, they would lead to a differentiated society and educational system and also a differential labour market in terms of employability between students studying in foreign universities and those in others, resulting in compromising the very objective and mandate of a university.

3.15 Justifying the entry of foreign universities in India, the Department submitted that only reputed foreign universities which have been functioning for at least 50 years in the country in which they had been established or incorporated and recognized, would be permitted to set up Universities for Research and Innovation. However, apart from the condition that they should have been in existence for at least 50 years, foreign universities too would be subjected to the same processes and scrutiny as would other persons who intended setting up such universities. Hence, the vision plan, draft MOA and a detailed project report focusing on area or areas with problems of significance, capital investment, the sources of financing, audited accounts, availability of land, infrastructure to be provided in the university, standards of higher education proposed to be maintained and programmes of study, plan for funding the operations and management of the university etc. would be required to be submitted by the foreign universities before the MOA would be placed before the Parliament for approval.

**3.16 The Committee is inclined to agree with the contention of the stakeholders that in view of the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010 envisaging regulating the entry and operations of foreign universities in the country, it is not proper to provide an alternative and comparatively easier route to foreign universities through this proposed legislation without any proper checks and balances. The Committee would like to point out that under the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, the Central Government has the power of withdrawal and rescission of notification of foreign education provider and there is a specific penalty provision also. In contrast, there is only a provision of review of Universities for Research and Innovation after fifteen years of their establishment and thereafter every tenth year. There is no provision for initiating any action in case of violation of MOA by such universities. It does not seem to be a wise move to give entry to foreign universities without specified criteria for a corpus fund and giving full autonomy in all respects to the institutions with no proper regulatory and monitoring mechanism for their functioning. Taking the easy way out, most of the foreign universities would attempt to gain entry through the proposed legislation, thereby defeating the very objective of the earlier Bill.**

**3.17 The Committee has serious apprehensions about the problem of shortage of faculty being aggravated once the foreign universities set up their campuses in the country. The Committee agrees with the stakeholders that with better opportunities, especially with respect to high remuneration for the faculty, there is high probability that the faculty in existing universities would be diverted to the foreign universities.**



**The Committee believes that consequences of such an eventuality need to be thought of beforehand.**

**3.18 The Committee is of the view that the idea for giving entry to foreign universities through this Bill should be deliberated upon taking care of all conceivable aspects. All the pros and cons of the likely impact of this Bill need to be considered beforehand. Since the area of research and innovation is intrinsic to the development of the higher education system and also to the national interest, the setting up of these Universities for Research and Innovation as envisaged in the Bill may be initiated by the State funded Universities only before permitting the private and foreign universities. The Committee, taking a clue from the other countries like US and China, feels that the research and innovation should be done wholly and solely by the Government so that the benefits accruing from research and innovations are directly utilised by the State for the development of the country.**

#### **No mechanism in the Bill for monitoring/regulating the Universities for Research and Innovation**

3.19 The proposed Bill envisaging Universities for Research and Innovation gives complete autonomy to these universities in matters of academics, faculty, personnel, finances, administration and in the development of a vision for the future. These universities would enjoy unfettered freedom in financial administration also. They would, therefore, be free to evolve their own admission criteria, decide their own fee structure and other charges, appoint teachers, determine their salaries and service conditions etc. Unlike public funded universities, private universities would not be under the purview of the CAG.

3.20 Committee's attention was drawn to the fact that there was no mechanism specified in the Bill for monitoring/regulating the functioning of the proposed universities. Further, standards of teaching and research were expected to be higher than the minimum standards determined by the statutory regulatory body in the relevant field. Where no standards had been determined, the standards were to be equivalent or higher than the standards of the best international universities about which nothing has been provided in the Bill. If any dispute arose between such a university and the statutory regulating authority with regard to standards etc, it would be referred to a Committee of three persons, thereby overlooking the educational tribunals. The Committee would comprise of three persons, one from the concerned Innovation University, the second from the statutory regulatory authority and the third from another Innovation University. Thus, the representatives from the Innovation Universities would be in a majority and the decision of the Committee would be final and

binding. These universities would be having no accountability as such. Apprehension has been expressed that such freedom and autonomy would only help promoters, companies and foreign universities seeking to take advantage of the provisions of the Bill.

3.21 The Department of Higher Education clarified that while each University for Research and Innovation would determine and declare its standards of education, such standards would be higher than minimum standards in the relevant field of knowledge laid down by or under any law. Presently such minimum standards were set by UGC and AICTE as the case maybe. In case of any dispute between the University for Research and Innovation and regulatory authority in matters of standards of higher education it would be referred to a Committee where the regulatory authority would be represented. Further, productivity of research projects undertaken by Universities for Research and Innovation would be measured in accordance with norms as may be specified by the UGC. The Department also submitted that Chapter VII of the Bill provided for evaluation and review of every University for Research and Innovation after fifteen years after its establishment and thereafter at the expiration of every tenth year, by a committee of experts. Committees constituted for evaluation and review of the performance of a University for Research and Innovation would be on the basis of such metrics as may be defined, prior to the commencement of such review, by the UGC. The recommendation of the Committee along with the response of the concerned University would be submitted to the Central Government, who shall cause the report to be laid in Parliament. Further, clause 28 mandated the disclosure of Intellectual Property (IP) created out of public funds by every university. Clause 30 clearly specified the powers of Central Government to ensure proper utilization of the IP and empowered the Government to acquire the title to any IP in certain cases.

**3.22 The Committee is of the firm belief that mere evaluation and review of every University for Research and Innovation after fifteen years after its establishment by a Committee of Experts cannot take the place of an inbuilt effective monitoring mechanism for these universities. The Committee feels that such a mechanism has to be put in place for regulating and monitoring the research done and innovations made by these universities so that the quality of research and innovation is not compromised at any cost. Moreover, the need for such a mechanism would be felt more in respect of these universities as they would be enjoying complete autonomy. Therefore, there has to be a balance of autonomy and accountability, if these universities are aimed to set benchmarks for excellence and indulge in path-breaking research which would be beneficial for the society at large. The Committee also feels that by having two categories of universities, one being made accountable at every step and having**

**autonomy in name and the other category of universities not having any accountability, an environment of deep frustration and dissatisfaction, especially in our teaching community is likely to emerge. The Committee, accordingly, recommends to the Department that a provision of a healthy regulatory and monitoring mechanism be included in the Bill for ensuring that the unfettered freedom and autonomy given to these universities is not misused, at any stage.**

### **No provision regarding imposition of penalties**

3.23 The Committee observes that the proposed legislation does not have any provision regarding imposition of penalties, monetary or others for contravening the provisions of the Bill or any rules made thereunder. In case of any violation of declared standards, no penalty has been prescribed in the Bill as provided in other recently introduced higher education related Bills. The Committee also notes that there is no provision to tackle a situation where a promoter University deviates from the MOA entered into with the Central Government. The Committee is well aware of the fact that with the substantive increase in the number of higher educational institutions in the country, incidents of malpractices have also increased, especially in the private sector. It is against this backdrop that the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010 has been envisaged by the Government. In this background, having no provision for penalties for digressing from the Bill or MOA was not a wise move.

3.24 On a specific query about the manner in which the problems emerging on violation of MoA by the promoter would be tackled, the Committee was informed by the Department that the MoA as any other MOA would contain scope of agreement between the two parties. The MoA between the promoter and the Government would entail the aims and objectives of the MoA, other terms and conditions and a description of conditions under which the MoA could be terminated. It would, therefore, be ensured by the Government that the aims and objectives of the proposed university, responsibilities of the promoter would be clearly spelt out with attendant timelines where applicable. Failure to adhere to the conditions of the MoA would result in certain penalties and in extreme conditions, termination. Since each MoA would be different in terms of its scope, aims and objectives etc., the responsibilities of promoters too would vary in each case as would grounds for penalties/termination. Hence such a provision has not been specifically mentioned in the Bill since it is implied that it would be a part of the MOA.

**3.25 The Committee is of the considered view that there might be instances of contravention of provisions of the proposed Bill or the MoA more so in view of the**

autonomy and flexibility envisaged for the Universities for Research and Innovation. The Committee feels that there is a need to define probable offences in the Bill and also the corresponding penalties for them. The Committee does not agree with the contention of the Department that terms and conditions of MoA will take care of contravention of same. The Committee would like to point out that the MoA would be between the promoter and the Central Government. Clause 10 pertaining to the MoA is silent on any clause about contravention of any terms and conditions included therein. The Committee is not inclined to buy the argument that since each MoA would be different in terms of its scope, aims and objectives etc., the responsibilities of promoters too would vary in each case as would grounds for penalties/termination. The Committee strongly feels that a specific provision outlining the kind of penalties liable to be imposed in case of non-adherence to the terms and conditions can be easily incorporated in the Bill. Such a provision is required to be there, keeping in view the kind of autonomy and freedom from bureaucratic control envisaged for the proposed universities.

3.26 The Committee would like to point out that in the case of Central Universities, Visitor, i.e., President of India has the powers to order inspection/inquiry to be conducted as per the prescribed procedure and whenever required, advise the Vice-Chancellor to take appropriate action. However, in the new Universities will not be any Visitor. Further, the Chancellor would be appointed by the Promoter and the Vice-Chancellor by the Board of Governors. Thus, it is very clear that there is no independent authority which can tackle contravention of MOA or other provisions of the Bill. Not only this, review of these universities will take place after fifteen years and thereafter, after every tenth year. The Committee also fails to understand as to in what manner, provisions of the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010 can be made applicable to the Universities for Research and Innovation. These universities are entirely different from the universities established through an Act of Parliament or State legislation which fall under the ambit of that Act. The Committee, accordingly, recommends that a specific provision pertaining to penalties, authority having the power to impose the same and the procedure therefor may be incorporated in the Bill. The Committee takes note of the assurance given by the Department that a specific clause providing for penalties/revocation in case of violation of terms of conditions of MOA would be included in the Bill.

**Absence of Grievance Redressal Mechanism for students and teachers in the Bill**

3.27 The Committee notes that Universities for Research and Innovation would be of a different kind compared to the existing universities with different governance structure, autonomy, recruitment of faculty/researchers, service conditions etc. The Committee observes that there is no provision for a mechanism for redressal of grievances of teachers and students studying/doing research in these universities. The Bill envisages setting up of not just public-funded universities but also private and foreign universities. There is no mention of any way out for registering complaints of teachers and students and disposing the same by an authority which would be objective and fair. The Committee also notes that seeking redressal of grievances from the Educational Tribunals is also not mentioned in the Bill even though these tribunals are envisaged to be the specialized agency for adjudicating disputes arising in the higher education system through a fast track and speedy recourse to delivery of justice.

3.28 The Department of Higher Education submitted to the Committee that as per clause 40, the provisions of the Bill would be in addition to and not in derogation of the provision of any other law. UGC regulations which have the force of subordinate legislation, provide students' entitlement framework and grievance redressal mechanism and this would be applicable to Universities of Research and Innovation. The provisions of Prohibition of Unfair Practices (Technical Educational Institutions, Medical Educational Institutions and Universities) Bill, 2010, would also be applicable to these Universities after the enactment of this legislation.

**3.29 The Committee is not convinced by the response of the Department. The Committee finds that it is unclear about the role to be played by UGC in the regulation of these Universities. The Committee would also like to remind the Department that the Higher Education and Research Bill, 2011 entailed that the regulatory bodies like UGC, AICTE and NCTE would be subsumed to form an over-arching Commission. As per the Higher Education and Research Bill, 2012, the Commission will be the designated authority to regulate the functions of universities. But these universities would be the ones that are not established through an Act of Parliament and State Legislature. In such an eventuality, there would not be any mechanism for grievance redressal for students and the grievance redressal of teachers/researchers, would, thus remain unaddressed.**

**3.30 The Committee would like to point out that the Central Universities Act, 2009 has specific provisions like 'Procedure of appeal and arbitration in disciplinary cases against students' and 'Right to appeal'. Not only this, statutes to be made under the Act**

are to provide for the procedure for arbitration in cases of dispute between employees or students and the university and also the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University. The Committee fails to understand the reasons for not having similar provisions in the proposed legislation.

3.31 The Committee is of the view that university autonomy has to be balanced with the desired levels of accountability in a Parliamentary democracy. These universities would have to structure a governance framework that not only promotes autonomy but also inculcates the spirit of accountability. The Committee is well aware of the fact that these universities are proposed to be structured at a higher scale, having higher standards as well as more autonomy when compared with traditional universities. However, it is also equally true that student and teaching community will be the most prominent stakeholders as students will be doing research under the guidance of their teachers. And for protection of their rights, there has to be an inbuilt mechanism for redressal of their grievances. The Committee, accordingly, recommends that all the required provisions as incorporated in other related Acts may be incorporated in the proposed legislation also.

#### **Application of laws not barred and contradiction between the existing laws and the proposed legislation**

3.32 Clause 40 of the proposed Legislation provides for application of other laws not barred. It provides that subject to the provisions of sub-sections (2) and (3) of section 6, the provisions of the Bill would be in addition to and not in derogation of the provisions of any other law, including such law on reservation in admission as applicable to the University for research and innovation for the time being in force.

3.33 The Committee has been given to understand that the application of other laws was not barred so far as universities established under the proposed legislation were concerned. However, provisions are also there in the proposed legislation to exempt the universities established under this law from any other laws for the time being in force. These were thus self-contradictory provisions. For instance, there is a specified exemption from the UGC Act, 1956 which governs the Universities all over the country and other laws in force under section 6(4) as indicated below:

*“notwithstanding anything contained in the University Grants Commission Act, 1956 or any other law for the time being in force, every University for Research and Innovation shall have the power to determine the nomenclature of degrees, diplomas and other academic distinctions awarded by it”.*

**3.34 The Committee takes note of the fact that the definition of the term 'University' as given in the earlier legislations relating to higher education in recent times and the one entailed in the present Bill would vary as in the former, the universities are to be created by an Act of Parliament or State Legislature while in the latter, they would be created by a MOA. Due to such a difference, the existing laws and the recent Bills once enacted cannot be on the Universities for Research and Innovation. In such an eventuality of contradictory laws, there would be simply no mechanism for regulating the functioning of the proposed universities.**

3.35 Another aspect highlighted before the Committee was that the legislations proposed in recent times relating to higher education had provisions which were taking away autonomy of Universities and higher educational institutions while the present Bill was giving full autonomy and flexibility to the Universities for Research and Innovation, in all academic, personnel and financial matters without any regulation on these Universities. For instance, the main features of the Higher Education and Research Bill, 2011 tended towards centralization of powers and control over academic matters. On the other hand, the present Bill focused on decentralization and gave unlimited autonomy. The Department, however, submitted that these Universities would be governed by UGC Regulations also. No blanket exemption was to be given to these Universities from the regulatory purview of UGC or AICTE or from any of the existing laws governing higher education.

**3.36 The Committee observes a number of contradictions which may emerge in the coming times between the present Bill and the existing laws and other Bills in the pipeline. Even though applicability of other laws has not been barred in the present Bill, there would be problems in applicability of existing laws due to the simple fact that the establishment procedure is entirely different so far as the traditional universities and the proposed universities are concerned. The Committee observes that the issue of non-compatibility between the two different categories of universities can be easily**

resolved by following the same mode for setting up the universities for Research and Innovation as made applicable for the traditional universities. In this way, all the legislations both enacted and at the finalization stage would be made applicable to the proposed universities.

**The Committee makes the following observations/recommendations on some provisions of the Bill:-**

#### **IV. CLAUSE 3 : DEFINITIONS**

##### **Clause 3 deals with definitions**

4.1 Clause 3(f) of the Bill defines "distance education systems" as :-

*"distance education systems" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or a combination of any two or more of such means and includes imparting of education through multiple media and technologies for interactive multi-directional educational delivery involving only limited class room contact between the teacher and student;"*

4.2 Representatives of IGNOU welcomed the recognition of open and distance learning as a research-oriented system for the first time. Embargo on research through distance education by the UGC and other regulatory bodies was not found acceptable by the University. The Committee was informed that IGNOU was having 700 research scholars associated with it and more than 100 fellowships for research were being offered to its students. It was pointed out by some of the stakeholders that distance education, unless it is of very superior quality, should be left to IGNOU and other such institutions. It was also suggested that the provision of limited classroom contact between the teacher and student in the Bill should be made mandatory as otherwise the situation would become similar to private students who have minimum or no classroom contact and they are just required to fill the forms for examination and clear the exams.

4.3 On this issue being taken up with the Department, the Committee was informed that the proposed Universities for Research and Innovation would have complete autonomy in design of programmes, teaching etc. and these would be structured around Schools/Faculties cutting across disciplines and decision-making on academic matters would be devolved to Schools/Faculty. The universities would be having complete research freedom in the areas of



pure basic, strategic basic, applied and experimental research. Accordingly, these universities would also have powers to institute teaching including distance systems, research or other academic positions as required by it. The class room contact in terms of hours etc would, accordingly, vary across academic areas.

**4.4 The Committee observes that definition of the term 'distance education systems' makes it quite clear that component of limited class-room contact between the teacher and student is inbuilt into it. From the feedback given by IGNOU, it is also true that the University is involved in research work also. The Committee would, however, like to point out that research work requires continuous participation and greater involvement of students which has to be sustained so as to ensure the quality of research. This has to be borne in mind if distance education mode is being used for conducting research work.**

**4.5 Clause 3 (r) defines "teachers of the university" as:-**

*“teachers of the University” means the persons as may be, by whatever designation, appointed for imparting instructions, teaching or conducting research in a University for Research and Innovation and are designated as teachers by the Ordinances;*

4.6 The Committee was given to understand that three different categories were involved with teaching of students, i.e. instructors, teachers and the people who conduct research who are scientific officers, research officers and project officers. For all these three categories, qualifications, appointment procedures, service conditions and pensionary benefits are quite different. Bringing all the three together under the definition of 'teachers' may lead to lot of problems and litigations.

4.7 On its attention being drawn to this issue, the Department informed that these universities would have full freedom in appointing officers and staff on such tenure, term or otherwise to teaching research and academic faculties as deemed fit. It was expected that terms, tenure and other conditions of appointment of teaching, research and academic faculties would be clearly spelt out to minimize complications and litigations. The Department further contended that the university will have to designate specific categories as teachers through its ordinances. However, the Committee would like to draw the attention of the Department to the definition of "teachers of the University" as provided in the Central Universities Act, 2009 which reads as follows:

*"teachers of the University means Professors, Associate Professors, Assistant Professors, and such other persons as may be appointed for imparting instruction or conducting research in the university or in any college or institution maintained by the university and are designated as teachers by the ordinances".*

**4.8 The Committee finds this definition more specific and accurate. As a research and innovation university would have similar categories of faculties besides having other professionals such as scientific officers, research officers etc., it would be proper if each of these terms are specified more clearly along with qualifications, appointment procedures, service conditions etc. The Committee, accordingly, recommends that definition of "teachers of the University" may be clearly spelt out along with other professionals/officers associated with such universities.**

#### **V. CLAUSE 4 : ESTABLISHMENT AND INCORPORATION OF UNIVERSITIES FOR RESEARCH AND INNOVATION AND CLAUSE 10 : MEMORANDUM OF AGREEMENT**

5.1 Clause 4 relates to the establishment and incorporation of Universities for Research and Innovation. Central Government may, by notification, establish one or more such universities and specify the name and headquarters of every such university. Jurisdiction of each university shall extend to the whole of India. Each university may also establish campuses and study centres in foreign countries. Clause 10 pertains to Memorandum of Agreement to be entered into with the Central Government along with a project report by the promoter. The MoA would be subject to the approval of both the Houses of Parliament. The clause also enumerates the procedure for approval of MoA.

5.2 Stakeholders expressed strong reservations on this provision of the Bill which envisaged establishment of Universities for Research and Innovation through notification which would be based on Memorandum of Agreement (MoA) between the Central Government and the promoters of these universities. The promoters would include companies, trusts and societies registered under Indian laws, being organizations of repute having financial capability and expertise, Indian universities and foreign universities. Presently, universities in India can only be established through an Act of parliament or State legislation. Even the private universities are established through the same procedure. Universities set up through an Act of Parliament come under the category of Central

Universities and the universities set up through State legislatures are called State Universities. Then, there are autonomous institutions such as IITs, NITs, Indian Institutes of Science Education & Research, Indian Institutes of Management etc., which also have been established through an Act of Parliament. If any new Central or State or autonomous institution is required to be set up, it is always through either by fresh legislations or amendments in the respective parent Acts of Parliament/State legislatures governing that specific category of Universities/Institutions. It was strongly argued by the stakeholders that establishment of Innovation and Research Universities through notifications would impinge upon the authority and powers of Parliament and would amount to by-passing the apex legislative body. As for the Memorandum of Agreement (MoA) also, it was strongly argued that it was not a good idea that the powers of establishment of any institution of higher education could be vested in the Executive through a Memorandum of Agreement. It should only be by an Act of Parliament for the better future of such institutions and in the larger interests of the country. Otherwise, it would amount to shifting from legislative process to executive process for establishing an institution of higher education thus diluting the supremacy of our parliamentary system.

5.3 The Department justified the establishment of the proposed universities through notification by stating that since the area of concern of each such university would be different and the means of establishment varied, it was considered appropriate and expedient to adopt more flexible and efficient approach. Therefore, instead of introducing a new legislation for each category of Innovation and Research university, it was thought more expedient to delegate to the Central Government powers to establish such universities through notification. On a further query in this regard, the Department replied that there was no attempt to bypass any Constitutional provisions. The only difference is that powers of Parliament are proposed to be delegated to Central Government. However, as per provisions of the Bill, ratification of MoA by Parliament would be required to prevent excessive delegation and any encroachment into its legislative powers. Parliament would have powers either to disapprove of the issue of the MoA or approve of such issue with any modification under clauses 11 and 12 of the Bill. It would also enable public scrutiny and corrective action concurrently. Committee's attention was also drawn to the fact that through the UGC Act, 1956, Parliament has delegated powers to the Government to declare an institution as a deemed to be university on the recommendations of the UGC. Hence it would not be the first time that such a delegation was being made.

**5.4 The Committee finds substance in the arguments of the stakeholders. The Committee feels that even though the proposed Universities for Research and**

Innovation are envisaged to be different than the traditional universities, the procedure for their establishment need not be necessarily different. Establishment of universities has been the domain of the Parliament and State legislatures which has stood the test of time. Hence, there is no need to adopt a different approach. With time there has evolved an established system of parliamentary scrutiny of such legislations and there is no immediate need, exigency to bypass the well-established system. The Committee does not agree with the argument that since the area of concern of each such university would be different, the means of establishment would also vary. The Committee observes that the so called expedient and flexible procedure will also involve a period of eight months, two months for putting the vision document on the website of the Ministry and six months to finalise the MoA. The Committee is also aware that the power given to the Central Government to declare an institution as a deemed to be university on the recommendations of UGC has led to a situation where a large number of such institutions elevated as 'deemed to be universities' have proved to be sub-standard institutions. The apex court had to intervene so as to protect the interests of students.

5.5 It may not be out of place to mention that Parliament scrutiny involves a very intensive examination of the proposed legislation by the concerned Department-related Parliamentary Standing Committee. The Committee system has evolved into a well-established mechanism for scrutiny of legislations to be passed by Parliament. It is a well-known fact that these Committees conduct a very detailed study of draft legislation by interacting with all the stakeholders and analyzing all the conceivable aspects connected with the same. Recommendations made by the Committees have compelled the Central Government to bring out necessary modifications in draft legislations. However, this kind of scrutiny would not be available in the case of Universities for Research and Innovation. MoA will be drawn between the promoter and the Central Government. In the name of Parliamentary scrutiny, it will have to be laid in draft form for thirty days on the Table of both Houses of Parliament. Nobody can deny the fact that this would be a mere formality and cannot be compared with the well-established system applicable in respect of other categories of universities/higher educational institutions.

5.6 Committee's attention has also been drawn to the Supreme Court judgment in Prof. Yashpal & others Vs the State of Chhattisgarh & others case wherein certain sections of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapna Aur Viniyam) Adhiniyam, 2002 were struck down. The impinged Act empowered the State Government of Chhattisgarh to

incorporate and establish self-financed private universities for higher education by issuing a Gazette notification. There also the apex court had held that each university should be independently made by law of Parliament or State legislatures.

**5.7 The Committee, therefore, is of the concerted opinion that the existing system of establishing universities though an Act of Parliament should be made applicable in the case of the proposed universities also. A Model Act on the lines of the Parent Act governing Central Universities, IITs or NITs can be easily drafted and enacted. The proposed legislation can very well serve the purpose. The Committee observes that the Bill has almost all the provisions required for governance and running of these universities.**

**5.8 Committee also takes note of the proviso to sub-clause (4) of clause 4 which empowers the University for Research and Innovation to establish campuses and study centres in foreign countries in accordance with the provisions of the laws of such foreign countries. The Committee finds the option unviable on the premise that how would such campuses and study centres be regulated under the proposed legislation. Committee's attention has been drawn to the fact that existing universities regulations such as DU regulations do not allow setting up of campuses and study centres even within India. The Committee also finds the proposal too far fetched and feels that there is no need to set up campuses or study-centres in foreign countries.**

## **VI. CLAUSE 5 : OBJECTS OF UNIVERSITY FOR RESEARCH AND INNOVATION**

**6.1 Clause 5 of the Bill enumerates a number of objects of the University for Research and Innovation. Quite a few apprehensions were expressed by stakeholders on the provisions of this clause. These apprehensions included :-**

- the clause seeks to accomplish too many objects, lacks clarity;
- no need for offering research and innovation for under graduate programmes; it should be only for post graduate and doctoral programmes besides research projects of societal relevance;
- it is not clear how humanities, social sciences and other non-market disciplines would become part of these universities;
- how would the industry leaders promote humanities and social sciences;
- universities are primarily meant for research in basic sciences. However, the proposed universities would be focusing on applied sciences. If the focus is more on research in applied sciences that would compromise academic culture;
- ideally teaching and research should be blended together. But if the focus is on research and innovation and the impetus is coming from market or IPR or from other research areas, then the teaching might get compromised.
- no framework, benchmarks have been provided in the provisions of this clause for defining global standards to make the education system or various fields of knowledge globally competitive;
- existing universities have also been focusing on real problems of the society and are not restricted to doing research in abstract academic pursuits.

6.2 The Department clarified that these universities are meant to concentrate more on research and innovation and enrolment would mostly be at postgraduate and post-PG level. Each university would focus on one area or problem of significance to India and build an ecosystem of research and teaching around different related disciplines and field of study which are relevant thereto and search for solutions that are globally valid and in the process develop education at undergraduate and higher levels. Theme based research is expected to yield significant dividends in terms of intellectual property due to focused and inter-

disciplinary research in an area of study. These universities would also be instrumental in building innovation clusters in the country by promoting co-location of relevant institutes, industry and incubation centres etc.

**6.3 The Committee notes that the apprehensions of the stakeholders are three-fold. The Bill might promote research and innovation in applied sciences in place of pure or basic sciences. This would create a situation for the private player to go for research and innovation in applied sciences only due to its profitability and commercial value at the cost of pure or basic sciences. Secondly, such universities may get motivated to undertake research and innovation from market or IPR driven areas. Thirdly, given the focus on science and technology in today's time, private players may not give importance to research in humanities and social sciences. The first two factors would also result in private players appropriating the intellectual property rights and the third would lead to a situation where real problems of the society may not get addressed. As the Bill envisages three types of Universities viz Public funded, Private funded (for which some part of funding would come from the government) and PPP mode, the areas of research and innovation may get lop-sided. Private funded universities may focus more on market driven areas than on humanities and social sciences. Public funded universities may restrict their domain to humanities and social sciences and PPP mode universities may focus on areas of their concern. As the Bill seeks to open all fields/areas of knowledge for these universities, there is a greater probability of objects being inter-mingled. Seen in this context, the Committee would suggest that objects for each category of university should be clearly spelt.**

## **VII. CLAUSE 6 ; FUNCTIONS AND POWERS OF UNIVERSITY FOR RESEARCH AND INNOVATION**

7.1 Clause 6 of the Bill enlists various functions and powers assigned to a University for Research and Innovation.

7.2 Every such university shall exercise autonomy in financial administration, academic and other matters in regard to the achievement of its objects. It shall (i) impart instructions in such branches of learning consistent with its objects as such university may, from time to time determine; (ii) award degrees, diplomas and other academic distinctions; (iii) institute teaching including distance education systems, research or other academic positions; (iv) organize, promote and conduct research in such university or in collaboration or association with any other university, institution of research or body corporate; (v) make provision for dissemination of knowledge emerging from research and for that purpose to enter into such

arrangements including consultancy and advisory (vi) establish campuses and study centre overseas in accordance with the law of the host country; (vii) provide consultancy and advisory services; (viii) to establish companies or incubation centres. It was contended by the stakeholders that clause 6(1) gave sweeping powers to these universities in terms of complete autonomy in financial, administrative, academic and other matters for achieving their objects. It was strongly argued that unfettered full autonomy in all these matters was not accompanied by corresponding provisions for regulatory mechanism and accountability. Other reservations on various sub-clauses of clause 6 are as indicated below :-



- Clause 6(2)(i) allows these universities to impart instructions in all or any branches of learning which may prove counter productive, especially in case of universities opened by private players with the help of public funds. It was apprehended that this sweeping power may lead the university to behave like a pure commercial entity shifting from one marketable area to another;
- 6(2)(iv) empowers these universities to impart instructions in distance education also which may provide an opportunity to private players to earn money with very less investment. It was said to be a matter of debate as to how distance learning may promote research and innovation in a field. It was apprehended that it may lead to unregulated business opportunity in higher education sector for private players;
- 6(2)(x) allows these universities to determine the fees and other charges. This provision would be applicable uniformly to public funded, private funded and PPP mode universities. There would be no monitoring mechanism and each category of university would have full freedom to determine and receive payment of fees and other charges. Such full freedom may impede accessibility to education, research and innovation to deserving qualified people;
- 6(2)(xvi) allows these universities to define standards of admission, examination or any other method as determined by the University. It was contended that these important parameters cannot be left entirely to the universities, especially to the private universities where the management is more concerned about profit. Numerous reports about closing down of management and engineering colleges in private sector was said to be a pointer;
- (6)(2)(xviii) allows these universities to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects. It was said to be too sweeping and completely uncalled for;
- 6(2)(xix) allows universities to establish companies or incubation centres. However, there is no criteria provided in the Bill for establishing such companies or centres. Further it could lead to business network that could siphon off the surplus/benefits of innovation.
- 6(3) empowers universities to determine standards in higher education. It was argued that it is not for a university to define standards in isolation. Standards are fixed by the quality of education, faculty, infrastructure and employability of the graduating students. These are determined by the peer group opinion, awards and other distinctions given by academic group or societies;
- 6(3) provides for a mechanism in case of a dispute between a regulatory authority and university. It was stated that what kind of disputes are foreseen is not clear and the committee has more representation from the university;
- 6(4) allows these universities to determine nomenclature of degrees, diplomas and other academic distinctions. The provision contravenes section 22 of the UGC Act which prohibits awarding any degree other than specified by the UGC.

7.3 The Department justified the provisions in clause 6 by stating that autonomy in matters of academic, governance and administration is a *sine qua non* for quality institutions to emerge. First two powers provided in clause 6 are not exceptional for this particular legislation as the existing universities in the country are also empowered by their respective Acts to define standards of admission, examination and evaluation, to receive benefactions, donations and gifts, to acquire, hold, manage and to dispose of any property, movable and immovable including trust and endowment properties. The Department admitted that the only new power granted to these universities under clause 6 is that of incorporating start-up companies or establishing incubation centres. The rationale for this power was said to be that any intellectual property or new knowledge created by means of pure, basic or applied research needs to be converted into marketable products which require instruments of such conversions that new knowledge created does not remain confined to laboratories or classrooms and get converted into socially and economically useful products and patents.

**7.4 The Committee feels that the apprehensions of the stakeholders cannot be ignored. These universities are intended to enjoy unfettered freedom in financial, administrative, academic and other matters and would also be having the power to evolve their own admission criteria, determine the nomenclature of their degrees and other academic distinctions, irrespective of existing provisions. While enjoying full academic, management and financial autonomy, there are no provisions provided in the Bill which would regulate their functioning and make them accountable. In fact, there is no regulatory mechanism provided in the Bill. This state of affairs presents a grim scenario as the Bill intends to especially facilitate the entry of private players in the higher education sector in a big way. It is common knowledge that participation of private sector in higher education through deemed to be universities, State Universities,**

**self financed colleges/institutions etc has led to large-scale undesirable practices. Even the existing UGC, AICTE rules/regulations have not been able to address such undesirable practices, especially by private institutions.**

7.5 On a specific query in this regard, the Department submitted that the proposed universities would be governed by UGC regulations also. No blanket exemption is given to these universities from regulatory purview of UGC or AICTE or from any of the existing laws governing higher education. It is expected that on the lines of UGC regulations governing deemed universities and private universities, specific regulations to regulate universities for research and innovation would also be framed. It was also contended by the Department that the accountability of private universities for research and innovation would be ensured through reviews by Academic Research Peer Group for research work and academic audit of teaching through a Peer Group for course work and teaching. Scrutiny and accountability would be defined by outcomes rather than processes.

**7.6 The Committee is not convinced by the arguments of the Department. There is no regulatory mechanism provided in the Bill. UGC and AICTE are proposed to be subsumed by the National Commission for Higher Education under the Higher Education and Research Bill, 2011. There are no provisions dealing with offences and penalties and there are no provisions providing for grievance redressal mechanism in the present legislation. The Committee is also not inclined to agree with the view that unfettered autonomy is a sine-qua-non for quality institutions to emerge. Universities may have any number of functions and powers, however, these must be accompanied by a proper regulatory mechanism. Private sector has already made the higher education system in the country too unwieldy and unmanageable inspite of there being quite a few regulations.** Existing state of affairs itself requires corrective measures and it should not be overburdened further with the entry of private players and foreign universities. Not only this, Government has brought forward a number of legislations with the objective of regulating their functioning, having a well-structured monitoring mechanism in place and also a Grievance Redressal Mechanism.

7.7 Committee's attention was drawn to the provision of the Higher Education and Research Bill, 2011 wherein the proposed Commission has been empowered to specify norms and standards in higher education for all the universities including state universities. **Similarly, under the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010, norms and procedures for publishing prospectus, uploading information on website and many other matters will be lay down. Both these previous legislations laid down standards**

**and norms for providing a mechanism for regulation. The Committee is unable to understand as to why such a mechanism cannot be provided under the proposed legislation also. Both autonomy and accountability have to go side by side so that required checks and balances are inbuilt into the proposed legislation which is going for a path-breaking initiatives. The Committee accordingly, recommends that along with the powers and manifold functions envisaged for these universities, effective monitoring and regulatory mechanism should be put in place under the proposed legislation also.**

#### **VIII. CLAUSE 7 : UNIVERSITY FOR RESEARCH AND INNOVATION TO BE OPEN TO ALL**

8.1 Clause 7 provides that the University for Research and Innovation would be open to all persons of either sex, irrespective of religion, race, caste, creed or class. The clause further lays down that the provisions of the Central Educational Institutions (Reservations in Admissions) Act, 2006 would be applicable to all public funded Universities for Research and Innovation.

8.2 Plain reading of the clause conveys that private and foreign universities would be under no obligation to provide for reservations of backward classes. Only public funded universities would take care of the applicability of the Central Educational Institutions (Reservations in Admissions) Act, 2006. Divergent views were expressed by the stakeholders on this provision. It was contended that application of reservation policy only in public funded universities would accentuate existing socio-economic divide. Even though private funded universities would not be bound to implement reservation policy, they could still specify such criteria in the matter of admission as would account for diversities in entry level benchmarks for of any class or category of applicants for admission

8.3 Committee's attention was drawn to the fact that this would create two sets of universities, private not following reservations to achieve higher standards and public to follow reservation to achieve higher education. The Committee would like the Department to take note of the apprehensions and ensure that provisions of the Central Educational Institutions (Reservations in Admissions) Act, 2006 are followed.

**8.4 The Committee takes note of the following proviso to section 7 relating to 'University open to all castes, creed, race or class of the Central Universities Act, 2009:-**

***"Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens".***

**The Committee is of the view that suitable provision with respect to women, persons with disabilities and persons belonging to the weaker sections of the society may be incorporated in this clause of the Bill.**

## **IX. CLAUSE 9 : CRITERIA FOR ESTABLISHING A UNIVERSITY FOR RESEARCH AND INNOVATION**

9.1 Clause 9 lays down the criteria for establishing a university for research and innovation. It says that an organization being a company or a society or a trust recognized as an organization of repute with proven innovation in research and financial capability may set up a university. The clause further lays down that a university established or incorporated in India functioning for 25 years and a university established or incorporated outside India functioning for 50 years may also establish such universities.

9.2 According to the Department a company, society or trust are being allowed to set up universities for research and Innovation because public expenditure on higher education is not going to be sufficient and a substantial part of the funding must flow into the education sector through not for profit private participation. The XII Plan also mentions the need for encouraging private investments in higher education and evolving workable Public Private Partnership (PPP) models in this regard. According to the Department, stiff parameters have been laid in the clause for establishing universities. The promoter or promoters of each University for Research and Innovation would be required to submit to the Central Government a vision plan and a MoA, proposed to be entered into with the Central Government along with a detailed project report. The conditions for qualifying as a private promoter have been kept quite stiff. The Department's justification for laying down time-frames of 25 and 50 years for establishing universities for research and innovation was that universities grow organically over a considerable period of time where ideas germinate, applications emerge from ideas and innovation flourishes. This would happen over a period of time before existing institutions would be able to reorient their academic content and concern towards research and innovation and the research output and academic quality of a university recognized.

9.3 Strong reservations were expressed by the stakeholders against this provision of the Bill. First objection was that all kinds of private players, be they companies, societies or trusts would be establishing such universities. It was apprehended that most of such private players would open these universities for commercial gains. Further, how would the ability and reputation of these companies, societies or trusts be determined is not clear. The performance of many of the private universities set up through the Acts of State legislatures was cited as an example. Private universities have been running unheard of courses, flouting norms of regulatory authorities such as AICTE and UGC. Secondly, residency period of 25 and 50 years of existence for Indian and foreign universities to set up Universities for Research and Innovation was said to be not a viable proposal. It was strongly emphasized

that many universities have been focusing on research and innovation since their inception. In place of residency period of 25 or 50 years, the criteria should be academic performance, reputation of faculty members, ranking by accreditation agencies, international collaboration, availability of research facilities, social commitment etc. It was suggested that whichever university is willing to provide infrastructure, funds and intellectual resources should be encouraged to set up university for research and innovation. Another view was that performance and not the timeframe should be the criteria for establishing such a university. In case of foreign universities, it was pointedly asked as to why such universities would come in India for research which would be relevant to Indian society. This particular provision was said to be providing alternate route for the entry of foreign universities. Even the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010 allowed only those foreign universities to set up campuses in India which had a stipulated corpus maintained. The present Bill lacked any such restriction.

**9.4 The Committee finds the issues raised by the stakeholders to be of substance. The entry of private and foreign players in the research and innovation area may result in many undesirable consequences, especially when there are no regulatory mechanisms provided in the Bill to ensure that companies, societies or trusts are not flouting the required rules/regulations while establishing and running such universities. Universities established by companies, societies or trusts would essentially fall in the category of private funded universities for which greater autonomy is envisaged in the Bill. These universities will also be financed by the Central Government in the form of land, contribution to capital investment, grants for supporting research and the promotion and development of higher education. In spite of all this, the Central Government will not have any monitoring or regulatory control over them. Review by an Expert Committee after fifteen years of establishment and after every tenth year cannot be equated with a well-structured and effective monitoring mechanism. There are no provisions under which the Central Government or any regulatory authority would inspect the affairs of these universities. The Committee strongly feels that there is no exigency to involve private players in establishing universities for research and innovation in the country. In the first instance, only the public-funded universities may be allowed to establish such universities.**

**9.5 As for the time-frame criteria for establishing universities for research and innovation the Committee feels that instead of time-frame it should be performance of the university. There would be other factors which could be taken into account for**

determining criteria such as academic quality, accreditation rating, infrastructure, intellectual resource, availability of research facilities etc.

9.6 The Committee also feels that there is no need for providing entry of foreign universities to establish universities for research and innovation in India. When the proposed legislation lacks provision for regulatory mechanism even in the case of private funded universities, how the foreign universities would be subject to regulatory mechanism, is beyond comprehension. The Committee is of the view that if foreign universities are to be allowed in India, it should be through the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010 and not under the proposed legislation.

9.7 The Committee is of the view that the Universities for Research and Innovation are envisaged to be at a higher level in all respects when compared with the traditional universities. These universities would set benchmarks for excellence for other institutions of higher learning, path-breaking research and promoting synergies between teaching and research to create institutions universally recognized for quality in teaching, learning and research. The Committee, therefore, feels that these universities should remain in the domain of Government Sector at least in the initial stages. This has been the scenario when we look at countries like China, USA and Australia. Simultaneously, Government should also take the initiative to identify premier research institutions and well-established industry houses to be Universities for Research and Innovation. The Committee strongly feels that our research organizations have been doing pioneering research work in very diverse fields and in the process making great contributions for the development and growth of the country. Their recognition as Universities for Research and Innovation with full support from the Government would be a step in the right direction which is long awaited.

9.8 Besides the foreign universities, the Committee does not find Indian Universities having been there for 25 years, inspite of being well-established would be in a position to set up another university, that too envisaged to operate at a higher level, reason being, our universities inspite of being well-established, are also facing all kinds of constraints- be it lack of funds, inadequate infrastructure or lack of qualified and experienced faculty. To expect from them, to set up another university having higher standards and envisaged to do high quality research work is indeed a tall order.

X. CLAUSE : 13 BOARD OF GOVERNORS OF UNVIERSITY FOR RESEARCH AND INNOVATION



10.1 Clause 13 of the Bill provides the structure of Board of Governors. The University for Research and Innovation has been given complete freedom in constituting Board of Governors. The Members of the Board would be appointed, nominated, sponsored by the promoter or promoters as provided in the Memorandum of Agreement. It further lays down that one-third of its members will be from teachers or officers of the concerned university and not less than one half of the members would be independent who would be innovators and industry leaders and one-half of such independent persons will be women.

10.2 The Board of Governors would be carrying out all the functions and powers of the University for Research and Innovation, be it management, making of statutes, providing for administration, management and operation, establishing school of studies, approving annual budget, constituting Academic Board, Research Council , appointing of Vice-Chancellor and other officers of the university etc. A Number of reservations were expressed on this particular provision as indicated below :-

- Number of Members that would comprise of Board of Governors not specified. Minimum number could be specified;
- there is no nominee of the Government on the Board of Governors;
- academia is under-represented in the BoG;
- No democratic procedure for appointment, nomination;
- Promoter or promoters would have complete freedom to appoint, nominate and sponsor;
- Who will chair the meetings of the BoG; and
- What would be the criteria for selecting innovators and industry leaders.

**10.3 The Committee feels that the governance structure as proposed in this clause is not democratic and entails top down approach. No model statute for governance or frame-work for Board of Governors has been envisaged in the Bill. The Committee feels that BoG should comprise primarily of members from academia and at least half of its members should be appointed through democratic process from amongst the faculty members of the university. The number of nominated independent persons should be significantly less than the number of teachers represented in the BoG so as to**

**justify the objects with which such university shall be established. The role of creator of knowledge and innovation should be given due importance in the governance structure.**

## **XI. CLAUSE 17: RESEARCH COUNCILS**

11.1 Clause 17 provides for the constitution of Research Council consisting of a Director and such other members as may be specified by the Board of Governors. The Research Council has been entrusted with many important functions.

11.2 It was brought to the notice of the Committee that the provisions dealing with the creation of Research Council, appointment system and policies to attract highly qualified and talented academicians, were a welcome departure from the way traditional universities have been functioning. It was further noticed that both the Academic Board and Research Council are to be created by the Board of Governors and both are important authorities of the University. It needed to be clarified in the relevant clause whether the Research Council was supposed to work under the Academic Board or as parallel organization. Department's reply in this regard was that the role of both the bodies would complement each other. The Board would create an enabling environment within which the Councils would function.

**11.3 The Committee, however, would like the Department to bring clarity in the provision as it is not clear how the Research Council and Academic Board would complement each other. Further, the Research Council should report to only one authority so that there is no conflict between the BOG and Academic Board.**

## **CLAUSE 18 : THE CHANCELLOR, VICE-CHANCELLOR AND OTHER OFFICERS OF THE UNIVERSITY FOR RESEARCH AND INNOVATION**

12.1 Clause 18 deals with the appointment of Chancellor, Vice-Chancellor and other officers of the Universities for Research and Innovation.

12.2 The Chairman, AICTE in his interaction with the Committee pointed out that the appointment process needed to be based on merit, transparency and accountability. It was suggested that such important functionaries need to be appointed through a Joint Committee of Indian Academy of Science and Engineering and eminent academics. The Vice-Chancellor, DTU submitted that the Bill stipulated promoter to appoint the Chancellor or Vice-Chancellor. The assumption was that those who had come forward to set up those universities be given the vital freedom to put together their own team. However, the Chancellor and Vice-Chancellor were very important functionaries in a university system. They must be free from all burdens and pressures in order to make a meaningful contribution.

This could not be achieved unless these two functionaries were appointed through a system where they would be responsible only to the nation and to the very cause for which the university was established and not to their promoters or masters. It was suggested that this clause could be modified to provide for a joint committee consisting of representatives from Indian Academy of Science, Indian Academy of Engineering, medical science and other academies. This could make them free from external pressures.

12.3 The Ministry of Urban Development's concern was that while the qualification of the Chancellor has been made part of Bill, the qualification for the VC had not been prescribed and has been left to selection by the Board of Governors on the basis of recommendations of search cum selection Committee. It was felt that qualifications for VC should also be laid in the Bill otherwise persons from non-academic background and qualifications, might get appointed. The Ministry of Personnel, Public Grievances also advocated for a transparent method of appointment.

**12.4 The Committee observes that both the Chancellor and Vice-Chancellor are important functionaries of a university and they should not be at the mercy of promoters. The Committee was in full agreement with the suggestion of the stakeholders that Chancellor and Vice-Chancellor should be appointed by a Joint Committee of academies of different fields. This would be more transparent and also free the Chancellor and Vice-Chancellor from pressures of promoters and help in making these universities march towards the path of excellence.**

#### **CLAUSE 20 : GRANTS BY CENTRAL GOVERNMENT FOR SUPPORTING HIGHER EDUCATION AND RESEARCH**

13.1 Clause 20 deals with the grants by Central Government for supporting higher education and research to the universities for research and innovation.

13.2 It was strongly argued before the Committee that the funding in the form of grants by Government must be accompanied by control over fees and provision of reservations in admission in the private institutions as well. While the Government must take responsibility towards inclusiveness, it must be ensured that arbitrarily high fees were not charged to siphon Government fund towards surplus creation. The concept of social audit and management audit along with financial audit should be made mandatory so as to ensure efficient and productive utilization of public money and money collected from people. A provision for a minimum corpus was also suggested so that the promoters and companies desiring to get some government funding may not use the universities for their business activities. Such stipulated minimum initial corpus could be reviewed from time to time by the Central

Government. Another viewpoint put forth was that research grant could be subject to the provisions of memorandum of agreement as well as fellowship to SC/ST scholars. Also, liberal funding provisions could be incorporated to attract foreign scholars and faculty to come to these universities as visiting scholars and faculty. A differing point made was that section 12 of the UGC Act prohibited giving any grant to universities not declared by the Commission fit to receive such grants.

13.3 The Ministry of Finance opined that it would be difficult to support the proposal to make privately funded universities eligible for public funding for research unless the results of such research were accessible to Government for public good. The Department's stand was that any grants would only be made after due appropriation made by Parliament and would be subject to the provisions of memorandum of agreement. Thus the purpose, manner of utilization and expected outcomes of such grants would be mentioned in the MoA. This clause also stipulates for constituting an expert group for Research Audit to evaluate and assess the research undertaken with public funds. The Department also submitted that in the Private Universities for Research and Innovation, accountability would be ensured through reviews by the Academic Research Peer Group for research work and Academic Audit of Teaching through a Peer Group for course work and teaching. Private funded Universities would not be subject to CAG Audit.

**13.4 The Committee is not convinced by the reply of the Government and observes that the grants given by the Central Government to any university whether public or private should be accounted for and there should be some audit mechanisms evolved apart from the above mentioned Research and Academic Audit Peer Groups for accountability of private universities not funded by Government grants.**

## **CLAUSE 29: PROTECTION AND UTILISATION OF INTELLECTUAL PROPERTY BY UNIVERSITY FOR RESEARCH AND INNOVATION.**

14.1 Clause 29 of the Bill deals with the protection and utilization of intellectual property by University for Research and Innovation.

14.2 It was pointed that each university would disclose to the Central Government about the new research leading to an intellectual property and apply for its protection. The Government will pass on all profits or royalty earned to the university from such intellectual property, and it will be shared with the creator of the property. However, the Central Government may acquire the title of such intellectual property and restrict its publication or communication which is considered as prejudicial to the interests of the security of India. It would include the intellectual property for making a product which relates to fissionable material, arms etc. However, this provision was applicable only to the public funded universities and the private funded universities were kept out of the purview of the provision.

14.3 The Ministry of Commerce pointed out that it was not clear how title of public funded intellectual property would be retained. A title could be retained only after it is obtained and in case of patents, it could be obtained only after it was formally granted and once it was granted, how would the Central Government refuse title to the University. It appeared that the intention was that the Central Government could in the public interest, refuse permission to Innovation University to patent such an innovation. The Ministry pointed out that such an approach may be counter-productive as a third party may patent it. They were of the view that it would be better if the Innovation Universities could be allowed to patent their ideas and the Central Government using its powers under the Patents Act could take it over at any time. The Department of Industrial Policy and Promotion submitted that the Intellectual Property (IP) was granted to an inventor or the university and unless this was legally assigned and registered with the Controller of Patents/Registrar of Trademarks the ownership could not be transferred under the present Intellectual Property laws. Any order of Central Government which transferred a public funded IP to its name would violate the present legal framework and was, therefore, untenable.

14.4 The Department clarified that the provisions were fully in consonance with the Patents Act. "Realization" of IP meant the grant of patent or registration of a copyright. Specific provisions relating to the use and acquisition of "title" were needed since even private funded Universities for Research and Innovation (URI) were supposed to be funded by the Government. The provisions of the present Bill did not clash with any of the existing laws on IP. The clause clearly mentioned that the university shall disclose the acquisition of

IP after its realization. The proviso to the clause ensured that the Government is intimated about the fact of an IP created as soon as possible. Clause 100(1) of the Patent Act also empowered the Government to use the invention for public purpose. The effect of non-intimation about the acquisition would be that the IP shall belong to the Government. The Bill did not in any way prevent a University for Innovation to patent an invention and had merely empowered the Government to direct it for proper use.

14.5 The Committee has been given to understand that the Department has taken into consideration the provisions of other related Acts relating to intellectual property while incorporating Chapter V relating to 'Protection and Utilization of Intellectual Property emerging from public funded research. A proviso has also been added to this Chapter as per which, the provision of Chapter V shall be in addition to, and not in derogation of, any other law for the time being in force, relating to intellectual property. **The Committee, however, feels that a review of Chapter V dealing with intellectual property may be undertaken in consultation with the concerned Ministries so as to eliminate any doubt or ambiguity which may lead to unwelcome developments once the Bill was enacted.**

## **XV. CLAUSE 38 : REVIEW OF UNIVERSITIES FOR RESEARCH AND INNOVATION**

15.1 This clause deals with the review of Universities for Research and Innovation and states that:-

*Every University for Research and Innovation shall, within fifteen years from the establishment and incorporation of such University under this Act and thereafter at the expiration of every tenth year, constitute a committee of experts to evaluate and review the performance in achievement of the objects of such University during the said period of fifteen years or ten years, as the case may be.*

15.2 During its interactions with various stakeholders, it was emphasized that review of the functioning of the proposed universities initially after a gap of fifteen years and thereafter after every tenth year was too inadequate. It was pointed out that there was no provision under which the Central Government or any regulatory authority could inspect the affairs of these universities. Also, there was a need for distinction between totally public funded, semi-public funded and totally private funded universities for conducting a review. It was, accordingly, suggested that the time period should be scaled down to within 10 years from the establishment and incorporation of such universities under this Act and thereafter the review should be after every five years. Another view was that the review of the university should be carried out initially every 5 years for the first 15 years and thereafter every 10 years to ensure that the peer pressure was created for the achievement of the noble objectives of world quality and industry and society relevant research and innovation. The need for having a mechanism for continuous internal review and self correction which could be outcome-based was also felt. Another view point which emerged was that there should be a standard field for assessing the universities meant for research and innovation and it should not be left to the universities own experts, bodies or people to assess their output.

15.3 The Department, in its reply, submitted that the Bill provided for an evaluation and review of every University for Research and Innovation (URI) within 15 years after its establishment and thereafter after the expiration of every tenth year by a Committee of Experts. The recommendation of the Committee along with the response of the concerned university shall be submitted to the Central Government, who shall cause the report to be laid in Parliament. Further, the productivity of research projects undertaken by URIs shall be

measured in accordance with norms as may be specified by the UGC, Committee constituted for evaluation and review of the performance of the URI shall be on the basis of such metrics as may be defined, prior to commencement of such review by the UGC.

**15.4 The Committee is not convinced by the reply of the Government and recommends that the review and evaluation of the Universities for Research and Innovation should be done after 10 years as 15 years is a long time. The Committee is also of the opinion that the Government should nominate a member in the review Committee so that there is an impartial assessment or it should appoint a body like NAAC for assessment of the URIs. However, this provision alone would not be adequate enough. An effective monitoring mechanism ensuring an element of accountability will also have to be incorporated in the Bill.**

#### **XVI. CLAUSE 40: APPLICATION OF OTHER LAWS NOT BARRED**

16.1 This clause provides that subject to the provisions of section 6 (2) and (3), the provisions of the proposed legislation shall be in addition to and not in derogation of, the provisions of any other law, including such law on reservation in admission as applicable to the University for Research and Innovation, for the time being in force.

16.2 The Committee observes that as per clause 40, the provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law. When asked to clarify the applicability of other laws on the proposed legislation, the Department informed that subject to provisions of clause 6 (2) and (3), all other laws, for the time being in force, would be applicable on the proposed legislation. The Committee finds the contention of the Department somewhat contradictory and also having very crucial implications. The Committee has been given to understand that while each University for Research and Innovation will determine and declare its standards of education, such standards would be higher than minimum standards in the relevant field of knowledge laid down by or under any law. In case of any dispute between the university and regulatory authority (UGC/NCHER) in matters of standards of higher education the same would be referred to a Committee where the regulatory authority (UGC/NCHER) would be represented. Plenary powers of regulations of all universities including the new ones would be with NCHER. The Committee notes that clause 6 (2) enumerates the powers and functions of the proposed universities and as per clause 6 (3), every proposed university shall determine and declare, on its website, the standards of such education sought to be provided in such university in its teaching, learning and research.



16.3 Clause 6 (2) empowers the proposed universities to decide all matters related to their functioning which include imparting instructions, making provisions for research and innovations, awarding degrees, diplomas etc., appointing officers/staff, creating administrative and other posts, appointing guest faculty, determining and receiving fees and other charges, establishing chairs of studies, establishing campuses and study centres overseas, acquiring, holding, investing, managing or disposing of movable/immovable property, defining standards of admission to the university, including examination, evaluation etc., establishing companies or incubation centres. **The Committee notes that many of the powers proposed to be given to these universities are not there with the existing universities. Clause 40 clearly stipulates that Universities for Research and Innovation will have all the autonomy to decide not only all the crucial matters but also some additional powers having wider implications. No existing law in force can be made applicable to these universities so far clause 6 (2) is concerned. The only saving grace is that in case of any dispute between these universities and a regulatory authority constituted to determine and co-ordinate standards of higher education, the same will be referred to a three-member Committee where again two members will be representing such university and the third member will be nominated by the regulatory body. It is not clear as to which authority would be constituting this Committee and who will chair it. Another pertinent issue which has drawn the attention of the Committee is that from the wording of clause 40, it seems that only the existing laws which are in force would be applicable on the proposed legislation. In other words, the Bill would be outside the purview of legislations yet to be enacted dealing with Educational Tribunals, unfair practices and over arching Commission of Higher Education. Even otherwise all these laws are meant for existing Universities set up through an Act of Parliament or State legislation. The Committee views this with serious concern and directs the Department to remove all ambiguities in clause 40.**

## **XVII. CLAUSE 42: STATUTES, HOW MADE**

17.1 This clause relates to making of statutes. The Board of Governors of every University for Research and Innovation shall make statutes to carry out the provisions of the proposed legislation.

17.2 **The Committee observes that under the Central Universities Act, 2009 which has been enacted to establish and incorporate universities for teaching and research in various states, the first statutes have been included in the Act itself. It is true that the Executive Council of the University may make new or additional statutes or may amend or repeal the statutes. But every new statute or addition to the statutes or any**

amendment or repeal of a statute shall require the assent of the Visitor (President of India) who may assent thereto or withhold assent or remit to the Executive Council for re-consideration. However, no such provision is there in the proposed legislation. Clause 42 simply states that the Board of Governors of every University for Research and Innovation shall make, amend or repeal statutes. The Committee is of the view that model statutes ideally should have been incorporated in the Bill itself and also there should be an independent authority to have the final view to deciding making, amending or repealing of statutes.

#### **XVIII. GENERAL**

18.1 The Committee observes that provisions relating to conditions of service of employees, etc, procedure of appeal and arbitration in disciplinary cases against students, right appeal, provident and pension funds are missing in the proposed legislation. The Committee finds no justification for non-inclusion of such provisions which are primarily meant to protect the interests of students and teachers/employees. The Committee, accordingly, recommends that these provisions may be suitably incorporated in the Bill.

#### **XIX. CONCLUSION**

19.1 It is an undisputed fact that our country is yet to make its presence felt in the world so far as pioneering research work is concerned. The Committee is also aware that quite a few of our universities and research organizations have been doing commendable work inspite of persistent constraints being faced by them. Lack of funds resulting in the absence of minimum infrastructure, severe shortage of qualified and experienced faculty and also no autonomy even in issues strictly falling under their domain can be cited as the main impediments in their functioning. In such a scenario, the objective behind the proposed legislation is laudable and needs to be supported by all concerned. The Committee also welcomes the initiative of the Government for proposing the new category of specialized universities. However, the Committee, after making an in-depth analysis of the Bill and its likely impact has drawn the attention of Government to the shortcomings, lack of required provisions and contradictions observed in the Bill in the Report. The Committee would appreciate that necessary modifications are brought out in the Bill as recommended by it.

