

5. निरसन एवं व्यावृत्ति — (1) बिहार विश्वविद्यालय सेवा आयोग (पूनाम सराजम), अध्यादेश, 1981 (बिहार अध्यादेश सं० 164, 1981) इसके द्वारा निरसित किया जाता है।

(2) ऐसे निरसन के होते हुए भी उक्त अध्यादेश द्वारा या के अधीन प्रदत्त किसी शक्ति के प्रयोग में किया गया कोई कार्य या की गई कोई कार्रवाई इस अधिनियम द्वारा या के अधीन प्रदत्त शक्तियों के प्रयोग में किया गया या की गई समझी जायेगी मानों यह अधिनियम उस दिन प्रवृत्त था जिस दिन ऐसा कार्य किया गया या ऐसी कार्रवाई की गयी थी।

●

BIHAR STATE UNIVERSITY (CONSTITUENT COLLEGES) SERVICE COMMISSION ACT, 1987¹

(Bihar Act 18 of 1987)

(August 4, 1987)

An Act to establish University Service Commission for the Recruitment of the Officers and teachers of the Universities and Constituent Colleges of the State.

Be it enacted by the Legislature of the State of Bihar in the Thirty-eighth year of the Republic of India as follows :-

1. Short title, extent and commencement.—(1) This Act may be called the Bihar State University (Constituent Colleges) Service Commission Act, 1987.

(2) It shall extend to whole of the State of Bihar.

(3) It shall come into force at once.

2. Constitution of the Commission.—(1) The State Government shall, by a notification published in the official Gazette, set up the Bihar State University (Constituent Colleges) Service Commission (hereinafter referred to as the "Commission".)

(2) The Commission will be a body corporate, having its head office in Patna, which will have perpetual heritance and there will be a common seal and will sue or will be sued in the said name.

²(3) The Commission will make recommendations for the appointment of Officers (excluding Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Dean, Student Welfare, and Proctor) and teachers of the Universities and Constituent Colleges as prescribed in the Patna University Act, 1976 (Bihar Act 24, 1976) and Bihar State Universities Act, 1976 (Bihar Act 22, 1976) and in respect of appointment/promotion of the said officers and teachers it shall discharge such functions as prescribed for the Commission under the said Acts and statutes made thereunder.]

3. Appointment of Chairman and members of the Commission.—(1) The Commission will have a Chairman and maximum of six members and they shall be whole-timer.

(2) The Chairman and the Members of the Commission shall be appointed by the Governor and they shall hold office for a period of three years.

(3) The Governor shall have the power to re-appoint the Chairman or any member on the expiry of his term but in no case the tenure of the appointed or re-

1. Received assent'on 3.8.1987 and published in Bihar Gazette (ex-ord.) dt. 26.2.1988.

2. Subs. by Act 22 of 1992.

appointed Chairman or Member will continue after he attains the age of 62 years.

¹[**3A. Cessation of office of Chairman and members.**—Notwithstanding anythings contrary contained in section 3, the present members including the Chairman of the Commission shall, with effect from the date of coming into force of Bihar State University (Constituent Colleges) Service Commission (Amendment) Act, 1993, cease to hold office.]

4. Resignation or removal of Chairman or member of the Commission.—(1) The Chairman or Member of the Commission may, by writing under his hand addressed to the Governor, resign his office. The Chairman or Members of the Commission may be removed from the office by the order of Governor, if he—

- (a) is adjudged an insolvent; or
- (b) engages himself during his term of office in any paid employment outside the duties of his officer; or
- (c) is in the opinion of the Government, unfit to continue in office.

2. The Chairman or any other member of the Commission may be removed from his office by the order of the Governor on the ground of misbehaviour after an enquiry is held in the manner prescribed by the Governor in the rules to be framed under Section 13.

5. Recommendation of the Commission for appointment.—²[x x x x]

³[**6. Qualification of Chairman and members.**—(1) A person appointed to the post of Chairman should have a minimum of five year's experience as a University Professor.

(2) Half of the members excluding the Chairman shall not be below the rank of University Professor and the other half shall not be below the rank of Additional-Secretary of State or Central Government.]

7. Determination of pay and allowances by the State Government.—The State Government will determine the terms and conditions of service including the pay and allowance etc. for the Chairman, Members, Secretary and staff according to the prescribed Rules.

¹[Provided that the service conditions of officers and staff of the Commission shall be the same as have been determined for officers and staff of the University.]

8. Secretary.—There will be a Secretary of the Commission, who will be a full time officer and whose appointment will be made by the State Government from the officers of the rank of Additional Director of Education or of equivalent rank. He shall work under the administrative control of the Commission.

9. Panel.—²[x x x x x]

10. Duty of the Universities to consult the Commission in certain matters.—It shall be the duty of the Universities to consult the Commission in respect of—

- (a) all disciplinary matters affecting the officers and teachers of the Universities in respect of dismissal, removal or reduction in rank;
- (b) the principle, to be followed in making promotion, as also, the suitability of the candidates for such promotion.

-
- 1. Ins. by Act 5 of 1994.
 - 2. Deleted by Act 22 of 1992.
 - 2. Subs. by Act 5 of 1994.

11. Recommendation of the Commission where not needed.—Notwithstanding anything contained in the Patna University Act, 1976 and the Bihar State University Act, 1976 the appointment of lecturer, if it is essential in the interest of the College or the University may be made by the Vice Chancellor of the University concerned as against sanctioned posts for six months only for which no recommendations of the Commission will be needed.

12. Annual Report.—It will be the duty of the Commission to submit an annual report to the Chancellor with copies to the Universities in connection with the action taken in respect of teachers or officers and the University concerned, will place it before the Syndicate at its next meeting. The University, in such cases in which Commission's recommendations have not been accepted will forward reasons for non-acceptance to the Chancellor who will forward the same to the State Government for being placed before the Legislature.

13. Power to make Rules.—The State Government may with the previous approval of the Governor by notification published in the Official Gazette make Rules consistent with the provisions of this Act.

14. Repeal and Saving.—(1) The Bihar State University (Constituent Colleges) Service Commission Ordinance 1987 (Bihar Ordinance No. 14, 1987) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance or notwithstanding anything contained in this Act, anything done or any action taken in exercise of any power conferred by or under the Bihar State University Act, 1976 and the Patna University Act, 1976 shall be deemed to have been done or taken in exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.



THE UNIVERSITY GRANTS COMMISSION ACT, 1956

(ACT No. 3 OF 1956)

[3rd March, 1956]

An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Act may be called the University Grants Commission Act, 1956.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

1. 5th November, 1956, vide notification No. S.R.O. 2608, dated the 1st November, 1956, see Gazette of India, 1956, Pt. II, Sec. 3, p. 1882.

2. Definitions.— In this Act, unless the context otherwise requires,—

- (a) "Commission" means the University Grants Commission established under section 4;
- (b) "Executive Authority" in relation to a University, means the Chief Executive Authority of the University (by whatever name called) in which the general administration of the University is vested;
- (c) "Fund" means the Fund of the University Grants Commission constituted under section 16 :
- (d) "Member" means a member of the University Grants Commission and includes the Chairman ¹[and Vice-Chairman];
- (e) "Prescribed" means prescribed by rules made under this Act :
- (f) "University" means University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

3. Application of Act to Institutions for higher studies other than Universities.—The Central Government may, on the advice of the Commission, declare, by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2.

CHAPTER II*Establishment of the Commission*

4. Establishment of the Commission.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Commission by the name of the University Grants Commission.

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

²**5. Composition of the Commission.**—(1) The Commission shall consist of—

- (i) a Chairman,
- (ii) a Vice-Chairman, and
- (iii) ten other members.

to be appointed by the Central Government.

(2) The Chairman shall be chosen from among persons who are not officers of the Central Government or of any State Government.

(3) Of the other members referred to in clause (iii) of sub-section (1)—

- (a) two shall be chosen from among the officers of the Central Government, to represent that Government;
- (b) not less than four shall be chosen from among persons who are, at the time when they are so chosen, teachers of Universities; and

1. Ins. by Act 33 of 1972, (w.e.f. 17.6.1972).

2. Subs. by Act 33 of 1972 (w.e.f. 17.6.72.).

- (c) the remainder shall be chosen from among person—
- (i) who have knowledge of, or experience in agriculture, commerce, forestry or industry;
 - (ii) who are members of the engineering, legal, medical or any other learned profession; or
 - (iii) who are Vice-Chancellors of Universities or who, not being teachers of Universities, are in the opinion of the Central Government, educationists of repute or have obtained high academic distinctions:

Provided that not less than one-half of the number chosen under this clause shall be from among persons who are not officers of the Central Government or of any State Government.

(4) The Vice-Chairman shall exercise such of the powers, and discharge such of the duties, of the Chairman as may be prescribed.

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

6. Terms and conditions of service of members.—¹[(1) A person appointed as a Chairman, Vice-Chairman or other member after the commencement of the University Grants Commission (Amendment) Act, 1985 shall, unless he sooner becomes disqualified for continuing as such under the rules, that may be made under this Act :—

- (a) in the case of Chairman, hold office for a term of five years or until he attains the age of sixty-five years, whichever is earlier;
- (b) in the case of Vice-Chairman, hold office for a term of three years or until he attains the age of sixty-five years, whichever is earlier;
- (c) in the case of any other member, hold office for a term of three years:

Provided that—

- (i) a person who has held office as Chairman or Vice-Chairman shall be eligible for further appointments as Chairman, Vice-Chairman or other member, and
- (ii) a person who has held office as any other member shall be eligible for further appointment as Chairman, Vice-Chairman or other member;

Provided further that a person who has held office for two terms, in any capacity, whether as Chairman, Vice-Chairman or other members [excluding a member referred to in clause (a) of sub-section (3) of section 5], shall not be eligible for any further appointment as Chairman, Vice-Chairman or other member.]

(2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until his resignation is accepted by the Central Government.

²[(3) If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time

1. Subs. by Act 70 of 1985.

2. Subs. by Act 33 of 1972, (w.e.f. 17.6.1972).

being shall, notwithstanding anything contained in sub-section (2) of section 5, act as the *Chairman* and shall, unless any other person is appointed earlier as the *Chairman*, hold the office of the *Chairman* for the remainder of the term of office of the person in whose place he is to so act:

Provided that where no *Vice-Chairman* is holding office at the time when the vacancy in the office of the *Chairman* occurs, the *Central Government* shall, notwithstanding anything contained in sub-section (2) of section 5, appoint any other member to act as the *Chairman* and the person so appointed shall not hold the office of the *Chairman* for a period exceeding six months.

(4) If a casual vacancy occurs in the office of the *Vice-Chairman* or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled by the *Central Government* by making a fresh appointment and the member so appointed shall hold office for a term of three years.

(5) The office of the *Chairman* and the *Vice-Chairman* shall be wholetime and salaried and subject thereto, the terms and conditions of service of the *Chairman*, *Vice-Chairman*, and other members shall be such as may be prescribed.]

7. Meetings of the Commission.—The *Commission* shall meet at such times and places and shall observe such rules or procedure in regard to the transaction of business at its meeting as may be provided by regulations made under this Act.

8. Vacancies amongst members or defect in constitution not to invalidate acts or proceedings of the Commission.—No act or proceedings of the *Commission* shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the *Commission*.

9. Temporary association of persons with the Commission for particular purposes.—(1) The *Commission* may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the *Commission* under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the *Commission*, and shall not be a member for any other purpose.

10. Staff of the Commission.—Subject to such rules as may be made by the *Central Government* in this behalf, the *Commission* may appoint a *Secretary* and such other employees as it may think necessary for the efficient performance of its functions under this Act and the terms and conditions of service of the employees shall be such as may be determined by the *Commission*.

11. Authentication of Orders and other instruments of the Commission.—All orders and decisions of the *Commission* shall be authenticated by the signature of the *Chairman* or any other member authorised by the *Commission* in this behalf, and all other instruments issued by the *Commission* shall be authenticated by the signature of the *Secretary* or any other officer of the *Commission* authorised in like manner in this behalf.

CHAPTER III

Powers and Functions of the Commission

12. Functions of the Commission.—It shall be the general duty of the Commission to take in consultation with Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under this Act, the Commission may—

(a) inquire into the financial needs of Universities;

(b) allocate and disburse, out of the Fund of the Commission, grants to Universities established or incorporated by or under a Central Act for the maintenance and development of such Universities or of any other general or specified purpose;

(c) allocate and disburse, out of the Fund of the Commission, such grants to other Universities as it may deem ¹[necessary or appropriate for the development of such Universities or for the maintenance, or development, or both of any specified activities of such Universities] or for any other general or specified purposes :

Provided that in making any grant to any such University, the Commission shall give consideration to the development of the University concerned, its financial needs, the standard attained by it and the national purposes which it may serve;

²{(cc) allocate and disburse out of the Fund of the Commission, such grants to institutions deemed to be Universities in pursuance of a declaration made by the Central Government under section 3, as it may deem necessary, for one or more of the following purposes, namely :—

(i) for maintenance in special cases,

(ii) for development,

(iii) for any other general or specified purposes;

³{(ccc) establish, in accordance with the regulations made under this Act, institutions for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and disbursing out of the Fund of the Commission such grants as the Commission may deem necessary;

(d) recommend to any University the measures necessary for the improvement of University education and advise the University upon the action to be taken for the purpose of implementing such recommendation;

(e) advise the Central Government or any State Government on the allocation of any grants to Universities for any general or specified purposes out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be;

(f) advise any authority, if such advice is asked for, on the establishment of a new University or on proposals connected with the expansion of the activities of any University;

(g) advise the Central Government or any State Government or University on any question which may be referred to the Commission by the Central Government or the State Government or the University, as the case may be;

1. Subs. by Act 33 of 1972, (w.e.f. 17.6.1972).

2. Ins. by *ibid.* (w.e.f. 17.6.1972).

3. Ins. by Act 59 of 1984, (w.e.f. 1.10.1984).

(h) collect information on all such matters relating to University education in India and other countries as it thinks fit and make the same available to any University;

(i) require a University to furnish it with such information as may be needed relating to the financial position of the University or the studies in the various branches of learning undertaken in that University, together with all the rules and regulations relating to the standards of teaching and examination in that University respecting each of such branches of learnings;

(j) perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions.

1[12A. Regulation of fees and prohibition of donation in certain cases—(1) In this section,—

- (a) "affiliation", together with its grammatical variations, includes, in relation to a college, recognition of such college by association of such college with, and admission of such college to the privileges of a university;
- (b) "college" means any institution, whether known as such or by any other name which provides for a course of study for obtaining any qualification from a University and which, in accordance with the rules and regulations of such University, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;
- (c) "prosecution" in relation to a course of study, includes promotion from one part or stage of the course of study to another part or stage of the course of study;
- (d) "qualification" means a degree or any other qualification awarded by a university;
- (e) "regulations" means regulations made under this Act;
- (f) "specified course of study" means a course of study in respect of which regulations of the nature mentioned in sub-section (2) have been made;
- (g) "student" includes a person seeking admission as student;
- (h) "university" means a university or institution referred to in sub-section (1) of section 22,

(2) Without prejudice to the generality of the provisions of section 12 if, having regard to—

- (a) the nature of any course of study for obtaining any qualification from any university;
- (b) the types of activities in which persons obtaining such qualification are likely to be engaged on the basis of such qualification;
- (c) the minimum standards which a person possessing such qualification should be able to maintain in his work relating to such activities and the consequent need for ensuring, so far as may be, that no

1. Ins. by Act 59 of 1984, (w.e.f. 1.10.1984).

candidate secures admission to such course of study by reason of economic power and thereby prevents a more meritorious candidate securing admission to such course of study; and

- (d) all other relevant factors, the Commission is satisfied that it is necessary so to do in the public interest, it may, after consultation with the Universities concerned, specify by regulations the matters in respect of which fees may be charged, and the scale of fees in accordance with which fees shall be charged in respect of those matters on and from such date as may be specified in the regulations in this behalf, by any college providing for such course of study from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study;

Provided that different matters and different scales of fees may be so specified in relation to different Universities or different classes of colleges or different areas.

(3) Where regulations of the nature referred to in sub-section (2) have been made in relation to any course of study, no college providing for such course of study shall—

- (a) levy or charge fees in respect of any matter other than a matter specified in such regulations;
- (b) levy or charge any fee in excess of the scale of fees specified in such regulations, or
- (c) accept, either directly or indirectly, any payment otherwise than by way of fees or any donation or gift (whether in cash or kind)

from or in relation to, any student in connection with his admission to, and prosecution of, such course of study.

(4) If, after making, in relation to a college providing for a specified course of study, an inquiry in the manner provided by regulations, and after giving such college a reasonable opportunity of being heard, the Commission is satisfied that such college has contravened the provisions of sub-section (3), the Commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any student then undergoing such course of study therein to any university for the award of the qualification concerned.

(5) The Commission shall forward a copy of the order made by it under sub-section (4) to the University concerned, and on and from the date of receipt by the University of a copy of such order the affiliation of such college to such University shall, in so far as it relates to the course of study specified in such order, stand terminated and on and from the date of termination of such affiliation and for a period of three years thereafter affiliation shall not be granted to such college in relation to such or similar course of study by that or any other university.

(6) On the termination of the affiliation of any college under sub-section (5), the Commission shall take all such steps as it may consider appropriate for safeguarding the interests of the students concerned.

(7) The provisions of this section and the regulations made for the purposes of this section shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.]

¹[12B. Prohibition regarding giving of any grant to a University not declared by the Commission fit to receive such grant.—No grant shall be given by the Central Government, the Commission, or any other organisation receiving any funds from the Central Government, to a University which is established after the commencement of the University Grants Commission (Amendment) Act, 1972, unless the Commission has, after satisfying itself as to such matters as may be prescribed, declare such University to be fit for receiving such grant.]

13. Inspection.—(1) For the purposes of ascertaining the financial needs of a University or its standard of teaching, examination and research, the Commission may, after consultation with the University, cause an inspection of any department or departments thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.

(2) The Commission shall communicate to the University the date on which any inspection under sub-section (1) is to be made and the University shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Commission shall communicate to the University its views in regard to the results of any such inspection and may, after ascertaining the opinion of the University, recommend to the University the action to be taken as a result of such inspection.

(4) All communications to a University under this section shall be made to the executive authority thereof and the executive authority of the University shall report to the Commission the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3).

14. Consequences of failure of Universities to comply with recommendations of the Commission.—If any University ²[grants affiliation in respect of any course of study to any college referred to in sub-section (5) of section 12A in contravention of the provisions of that sub-section or fails within a reasonable time to comply with any recommendation made by the Commission under section 12 or section 13, ²[or contravenes the provisions of any rule made under clause (f) or clause (g) of sub-section (2) of section 25, or of any regulation made under clause (e) or clause (f) or clause (g) of section 26, the Commission, after taking into consideration the cause, if any, shown by the University ¹[for such failure or contravention,] may withhold from the University the grants proposed to be made out of the fund of the Commission.

15. Payment to the Commission.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Commission in each financial year such sums as may be considered necessary for the performance of the functions of the Commission under this Act.

16. Fund of the Commission.—(1) The Commission shall have its own Fund; and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Commission (including any sum which any State Government or any other authority or person may hand over to the Commis-

1. Ins. by Act 33 of 1972, (w.e.f. 17.6.1972) and renumbered as s.12B by Act 59 of 1984, (w.e.f. 1.10.1984).
2. Ins. by Act 59 of 1984 (w.e.f. 1.10.1984).

sion) shall be carried to the Fund and all payments by the Commission shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Commission.

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

17. Budget.—The Commission shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

18. Annual report.—The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

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

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

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

(4) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the Central Government and the Government shall cause the same to be laid before both the Houses of Parliament and shall also forward a copy of the audit report to the Commission for taking suitable action on the matters arising out of the audit report.

CHAPTER IV

Miscellaneous

20. Directions by the Central Government.—(1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government.

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

21. Returns and information.—The Commission shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

22. Right to confer degrees.—(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provisional Act or a State Act or an institution to be a

University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.

23. Prohibition of the use of the word "University" in certain cases.—

No institution, whether a corporate body or not, other than a University established or incorporated by or under a Central Act, a Provincial Act or a State Act shall be entitled to have the word "University" associated with its name in any manner whatsoever:

Provided that nothing in this section shall, for a period of two years from the commencement of this Act, apply to an institution which, immediately before such commencement, had the word "University" associated with its name.

24. Penalties—Whoever contravenes the provisions of section 22 or section 23 shall be punishable with fine which may extend to one thousand rupees, and if the person contravening is an association or other body of individuals, every member of such association or other body who knowingly or wilfully authorises or permits the contravention shall be punishable with fine which may extend to one thousand rupees.

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

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

- (a) the procedure for the retirement of members under section 6;
- (b) the disqualifications for continuing as a member of the Commission;
- (c) the terms and conditions of service of members of the Commission;
- (d) the terms and conditions of service of employees appointed by the Commission;
- (e) the additional functions which may be performed by the Commission under clause (j) of section 12;
- (f) the returns and information which are to be furnished by Universities in respect of their financial position or standards of teaching and examination maintained therein;
- (g) the inspection of University;
- (h) the form and manner in which the budget and reports are to be prepared by the Commission;
- (i) the manner in which the accounts of the Commission are to be maintained;
- (j) the form and manner in which returns or other informations are to be furnished by the Commission to the Central Government;
- (k) any other matter which has to be, or may be, prescribed.

¹[(3) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of com-

mencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.]

26. Power to make regulations.—(1) The Commission ¹[may, by notification in the Official Gazette, make regulation] consistent with this Act and the rules made thereunder,—

- (a) regulating the meetings of the Commission and the procedure for conducting business thereat;
- (b) regulating the manner in which and the purpose for which persons may be associated with the Commission under section 9;
- (c) specifying the terms and conditions of service of the employees appointed by the Commission;
- (d) specifying the institutions of class or institutions which may be recognised by the Commission under clause (f) of section 2;
- (e) defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of the University, having regard to the branch of education in which he is expected to give instruction;
- (f) defining the minimum standards of instruction for the grant of any degree by any University;
- (g) regulating the maintenance of standard and the co-ordination of work or facilities in Universities.
- ²[(h) regulating the establishment of institutions referred to in clause (ccc) of section 12 and other matters relating to such institutions;
- (i) specifying the matters in respect which fees may be charged, and scales of fees in accordance with which fees may be charged, by a college under sub-section (2) of section 12A.
- (j) specifying the manner in which an inquiry may be conducted under sub-section (4) of section 12A].

(2) No regulation shall be made under clause (a) or clause (b) or clause (c) or clause (d) ²[or clause (h) or clause (i) or clause (j)] of sub-section (1) except with the previous approval of the Central Government.

²[(3) The power to make regulations conferred by this section [except clause (i) and clause (j) of sub-section (1)] shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.]

³[**27. Power to delegate.**—(1) The Commission may, ¹[by regulations made, by notification in the Official Gazette,] under this Act delegate to its Chairman, Vice-Chairman or any of its Officers, its power of general superintendence and direction over the business transacted by, or in, the Commission, including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.

1. Subs. by Act 59 of 1984, (w.e.f. 1.10.1984).

2. Ins. by Act 59 of 1984.

3. Ins. by Act 33 of 1972.

(2) No regulation shall be made under this section except with the previous approval of the Central Government].

1[28. Laying of rules and regulations before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.]

[No. S.O. 759 (E), dated October 1, 1984.—In exercise of the powers conferred by sub-section (2) of Section 1 of the University Grants Commission (Amendment) Act, 1984 (59 of 1984), the Central Government hereby appoints the 1st day of October, 1984 as the date on which the said Act shall come into force.]



University Grants Commission (Regulation of Admission and Fees in Private Non-aided Professional Institutions) Regulations, 1997

University Grants Commission, Noti. No. F. 1-22/93 (CPP-2), dated October 1997, published in the Gazette of India, Part III, Section 4, dated 16th May, 1998, pp. 1593-1598, No. 20.

Whereas the University Grants Commission is satisfied that it is necessary to regulate admission and levy of fees in private unaided professional educational institutions; self financing deemed universities and Joint venture universities in public interest;

Now, therefore, in exercise of powers conferred by clause (i) of sub-section (1) of section 26, read with sub-section (2) of Section 12-A, of the University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission, with the previous approval of the Central Government and after consultation with the Universities concerned, hereby makes the following regulations, namely :—

1. Short title and commencement—(1) These regulations may be called the University Grants Commission (Regulation of Admission and Fees in Private Non-aided Professional Institutions) Regulations, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Applicability.—These regulations shall apply to :

(a) Colleges affiliated to the Universities and operating on 'no grant-in-aid' basis;

- (b) institutions deemed to be universities under section 3 of the Act, if such institutions operate on self-financing basis without receiving maintenance grants from the Central Government, any State Government or any statutory body under their control and disbursing grants;
- (c) universities not receiving grant-in-aid from the Central Government or any State Government or any grant disbursing statutory bodies of such Governments for the maintenance or development expenditure of such universities; and
- (d) universities established as a joint venture between a private trust or society and a State Government.

3. Definitions.—In these regulations, unless the context otherwise requires :—

- (a) "Act" means the Universities Grants Commission Act, 1956 (3 of 1956);
- (b) "appropriate authority" means the Central Government, a State, the Commission, a University or other authority which under any law for the time being in force is competent to grant permission to establish, or to grant recognition to a professional educational institution;
- (c) "Commission" means the University Grants Commission established under Section 4;
- (d) "Committee" means the Standing Committee of the Commission or the State Level Committee, as the case may be;
- (e) "competent authority" means the University Grants Commission, the Central Government, a State Government or a University or any other authority, as may be designated by the Commission, to determine the fees or scales of fees payable by students and the allotment of students for admission to various professional institutions;
- (f) "Fees", in relation to payment seats or free seats means all the institutional fee including tuition fee and development fee;
- (g) "Free Seats" means the seats on which the fee payable by a student seeking admission to, and prosecution of, a course of study at a level corresponding to the fees as specified for the Government colleges and institutions in the concerned State or Union Territory in respect of similar courses of study;
- (h) "Institutions" means a college affiliated to a University or approved or recognised by Government or any competent statutory body, including the All India Council for Technical Education, Dental Council of India, Medical Council of India and National Council for Teacher Education, established or incorporated by or under, a Central Act or a State Act, and includes an institution deemed to be a University declared by the Central Government on the recommendation of the Commission under Section 3 and all institutions recognised by the Commission under clause (f) of Section 2 and imparting education;
- (i) "NRI" means a Non-Resident Indian and the expression "non-resident" has same meaning as assigned to it under the Income Tax Act, 1961 (43 of 1961) :

- (j) "Professional Institution" includes any private unaided institution imparting education in Social Work, Home Science, Library Science, Education, Computer Science, Commerce, Law and the like and include such other institutions to which these regulations are made applicable by the Commission;
- (k) "Payment Seats" means seats other than Free Seats and for which fee payable by a student seeking admission to and prosecution of, a course of study shall not exceed the limits specified under these regulations;
- (l) "Section" means a section of the Act; and
- (m) "student" includes a person seeking admission in a course of study.

4. Admission.—(1) No student other than a student who fulfils the requirements of the University Grants Commission (The minimum standards of instructions for the grant of first degree through formal education in the faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences) Regulations, 1985 shall be eligible for admission to a first degree course or to a post-graduate level professional course of study.

(2) Without the previous permission of the appropriate authority, no institution shall start a new or higher professional course of study.

(3) The competent authority shall call for applications for admission to the seats available in any academic year in the institutions.

(4) The competent authority shall advertise in at least three leading newspapers out of which one shall be in a local vernacular language, the number of seats available for admission institution-wise, the fees to be charged for the duration of the course separately for both Free Seats and Payments Seats and the procedure and schedule for admission.

(5) At the time of inviting applications for admission in any course of study the competent authority shall fix a last date for the allotment of Free Seats.

(6) The competent authority shall issue a brochure containing the application form for admission, full particular of the courses, number of seats available, names of professional institutions and their location, the fees chargeable by each professional institution, the minimum eligibility condition for admission and such other particulars as may be deemed necessary by the competent authority.

(7) The application form for admission issued by the competent authority shall contain a column wherein an applicant shall indicate the order of preferences, whether he wishes to be admitted against a Free Seat or a Payment Seat, or both, as well as the preference of institutions, in case of more than one institution is offering the same course.

(8) In case the admission to a course of study is given on the basis of result of a common entrance examination, the competent authority shall prepare a merit list of candidates from amongst the successful candidates based on their merit position.

(9) Where the admission to a course of study is not based on a common entrance examination, admission shall be given to the course of study on the basis of such other criteria as may be determined by the competent authority :

Provided that no such criterion as has not been notified by the competent authority shall be applied by him.

(10) The result of the entrance examination, if any, held shall be published in at least three leading newspapers, one of which shall be in local vernacular language and shall also be displayed on the notice boards of the concerned institution(s).

(11) (i) At least three 50 per cent of the seats in every professional institution shall be Free Seats and the remaining 50 per cent be Payment Seats.

(ii) The criteria of eligibility and other conditions shall be the same in respect of both Free Seats and Payment Seats except that the higher fee is to be paid for Payments Seats.

(iii) The management of a professional institution shall not be entitled to impose any additional eligibility criteria or conditions for admission either to Free Seats or Payment Seats.

(12) After the Free Seats are filled within the specified time, a further date shall be fixed by the competent authority giving time to the candidates who opt to be admitted against the Payment Seats.

(13) (i) The competent authority shall also prepare and publish a waiting list of candidates along with the marks obtained by them in the entrance examination.

(ii) After the allotment of the last seat is made, the waiting list shall be operated for filling any casual vacancies or drop-out vacancies. These vacancies, shall be filled until such date, as may be notified by the competent authority.

(iii) The competent authority shall decide a cut-off date beyond which no one shall be admitted so as to ensure that a student does not miss a good part of the syllabus of the semester or term.

5. Constitution of Committees for fixation of fees payable.—(1) The fees for :

- (a) Professional institutions affiliated to Central Universities;
- (b) any professional institutions which are deemed to be Universities;
- (c) Universities not receiving grant-in-aid from the Central Government or any State Government or any grant disbursing statutory bodies of such Governments for the maintenance or development expenditure of such Universities; and
- (d) Universities established as joint venture between a private trust or society and a State Government.

(2) The Standing Committee referred to in sub-regulation (1) shall consist of :

- (a) A Member of the Commission—Chairperson;
- (b) (i) One Vice-Chancellor to be nominated by the Commission—Member;
- (ii) Three experts, one each in Economics, Cost Accountancy and Institutional Finance, to be nominated by the Commission—Members;
- (iii) One Expert in the subject area—Member;
- (iv) In case a deemed University conducts courses of study such as technical education, medical education and teacher education of which there is a statutory council, for example, the All India Council for Technical Education, Medical Council of India, Dental Council of India and the National Council for Teacher Education, a nominee of such Council—Member;
- (v) Secretary in charge of Higher, Technical or Medical education

(depending on the field of specialization of the institution) of the concerned State Government or his nominee who is not below the rank of Deputy Secretary to the Government of India may be co-opted as a member for the purposes only of determining the fee structure for deemed universities in the State concerned;

(vi) An officer of the Commission not below the rank of Additional Secretary—Member-Secretary.

(3) (i) The fees in professional institution affiliated to State Government Universities shall be determined by a Committee called the State Level Committee;

(ii) The State Level Committee which may be constituted in every State by the Commission shall consist of :

- (a) Vice-Chancellor of one of the Universities in the State nominated by the State Government concerned — Chairperson;
- (b) Secretary in charge of Higher Education of the State Government concerned — Member;
- (c) Secretary of the Finance Department of the State Government concerned — Member
- (d) Three experts, one each in Institutional Finance, Cost Accountancy and Economics to be nominated by the Commission — Members;
- (e) A Finance Officer of one of the Universities to be nominated by the State Government — Member; and
- (f) Director in charge of Higher or Collegiate Education of the State Government concerned — Member Secretary

6. Procedure to be adopted by the Committees.—(1) Secretarial assistance to the Standing Committee of the Commission shall be given by the Secretariat of the Commission.

(2) Secretarial assistance to the State Level Committee shall be given by the Directorate of Higher Education of the State Government concerned.

(3) The term of office of the Members of the Standing Committee constituted under sub-rule (1), and the State Level Committee constituted under sub-rule (2), of Rule 5, other than the *ex-officio* Members shall be three years.

(4) The Standing Committee and the State Level Committee shall review the fee structure at an interval of three academic years.

(5) (i) Subject to provisions of these regulations, the Committees are free to adopt their own procedure. The procedure shall, however, compulsorily include giving opportunity to the institutions concerned to furnish such material as they may consider relevant.

(ii) The Committees shall also have power to call for such information and details as they may consider relevant for fixation of fees.

(iii) For the purpose of carrying out its functions effectively, the Committees shall lay down a time bound 'action-calendar' and 'dead-lines' for compliance by the institutions concerned and for completing tasks of the Committees.

(6) The Committees may determine different rates or scales of fees for different classes of institutions, if a classification is justified on intelligible and objective criteria. In particular, the Committees shall be free to fix different rates

for institutions located in rural areas and urban areas.

(7) The Commission may at any time call for information and clarification from the Committees and the Committees shall be bound to furnish such information or clarification.

(8) While determining the fee chargeable, it shall be the duty of the Committees to ensure that the fee does not become a source of profit or commercialisation for the institutions concerned.

7. Procedure for determining fees.—(1) (i) Fees or the scales of fees once prescribed under these regulations shall be valid for a period of three years.

(ii) The fees when revised shall be applicable only to new entrants.

(2) (i) A professional institution shall submit to the commission at least six months before the advertisement for admission, authentic data on the basis of which the tuition and other fees are to be determined.

(ii) The concerned Committee may seek any data or clarification from the concerned professional institution and may also allow the institution to supplement or modify the data submitted by it originally.

(iii) While deciding the fee structure for Free Seats, Payment Seats and NRI, Foreign students, the concerned Committee shall, take into consideration, the parameters which affect the cost, the total expenditure of the institution for running the professional course as computed on the basis of audited statements of the previous two years and reasonable projected estimation for the next three years.

(iv) The fees to be charged shall have two broad categories, namely, tuition fee and development fee.

(v) The management of the institution may realise the actual cost of board and lodging from the students subject to the relevant Committee being satisfied about the reasonableness of such costs.

(vi) the tuition fee shall be to meet the actual cost of imparting education.

(vii) While assessing a fair tuition fee, the Committee shall take into account the following, namely :

(a) Salary and allowances including bonus, if admissible, payable to teaching and non-teaching employees;

(b) expenditure on administrative services;

(c) cost of maintenance of laboratories including consumables;

(d) contingent expenditure including statutory requirements like audit fee, and the like;

(e) cost of acquisition of books and journals for libraries;

(f) maintenance of buildings and other assets including rents and tariffs; and any other recurring expenditure to be determined by the competent authority from time to time.

(viii) Having due regard to the parameters mentioned in this sub-regulation, suitable rates may be fixed for holders of Free Seats, Payments Seats and NRI, Foreign students.

(3) (i) The Commission shall specify norms relating to staffing and scales of expenditure for other items wherever such norms have not been laid down till the date of commencement of these regulations.

(ii) In case the Commission finds it difficult to lay down specific quantified norms, the relevant Committee shall satisfy themselves about adequacy and the reasonableness of the expenditure involved.

(iii) while specifying the norms, the Commission shall ensure that the projected expenditure does not become a source of profit to the management of the professional institutions.

[Comments.—As the scheme laid down by the Supreme Court of India in *Unnikrishnan J.P. v. State of Andhra Pradesh* [(1993) 1 SSC 645 : AIR 1993 SC 2178] prohibits commercialization of education and profit making, it shall not be open to the institutions concerned to claim any return on investments. This may, however, not come in the way of the institutions in mobilizing resources for the replacement and upgradation of assets. Further, while earning returns on the investment would not be permissible as per the judgement and order of the Supreme Court of India in *Unnikrishnan J.P. v. State of Andhra Pradesh* [(1993) 1 SSC 645 : AIR 1993 SC 2178], the Court had, left the question of recovering investment on the Central Government and the statutory bodies. It is, therefore, considered desirable that the development fee could provide for an element of partial capital cost recovery to the Management (but not a return on investment) and to serve as a resource of upkeep and replacement.]

(4) (i) The Commission shall at an interval of three years determine the development fee and different rates of development fee may be specified for students of Free Seats, Payment Seats and Foreign, NRI seats.

(ii) The development fee may be at flat rates.

(iii) Based on intelligible and objective criteria, the Commission may classify the institutions into different categories for the purpose of prescribing different slabs or rates of development fees.

(iv) While determining the rates of development fees, the Commission shall take into account the views and suggestions of the private professional institutions, the State Government and interested members of the general public.

(5) No management of a professional institution shall, in the first ten years of its establishment, appropriate more than fifty per cent of the proceeds of the development fee levied or the actual capital cost, whichever is lower, for the recovery of the capital cost. The remaining amount shall be utilized for upgradation and replacements in the said first ten years and, thereafter, the entire proceeds may be utilized for upgradation and replacement purposes.

(6) The Commission shall communicate the approved rates of development fee chargeable by the professional institutions to the Committee well in advance so as to enable them to suitably incorporate such rates in their notification.

8. Admission of students.—(1) Admission in institution under the management of minority shall be regulated as under :—

(a) 50 per cent of the seats in professional institutions established and administered by a minority shall be filled on the basis of merit list prepared by the competent authority. Out of these 50 per cent seats, half shall be Free Seats and the other half shall be Payment Seats.

(b) The remaining 50 per cent of seats shall be filled by the management of the institution from amongst the candidates belonging to the concerned minority community out of which half shall be Free Seats and other half shall be Payment seats.

Explanation.—For the purposes of this clause, Payment Seats shall include seats for Foreign, NRI students.

- (c) After completing the admission, each minority professional institution shall submit to the competent authority, the concerned University and the concerned State Government, a statement containing full particulars of the students admitted against 50 per cent seats filled up by the management from amongst the candidates belonging to the concerned minority.

(2) Private Professional Institutions shall be permitted to admit the NRI, foreign students up to a maximum of 5 per cent of the total sanctioned intake capacity to be determined from time to time by the competent authority for each academic year. This percentage shall be out of Payment Seats. The NRI, foreign students shall be admitted on the basis of merit. But, in view of the difference in their backgrounds the competent authority of the professional institution concerned may judge the merit of these candidates, having regard to all the relevant factors.

(3) (i) There shall be no quota of seats for the management or for any family, caste or community which had established the professional institution.

(ii) The competent authority may, at its discretion, fill any seat which may remain unfilled in five per cent NRI quota in any academic year.

(iii) The fees chargeable from the students admitted under this sub-regulation shall be the same as chargeable for the students admitted against Payment Seats and not against the NRI seats.

(4) It shall be open to the private professional institutions to provide for reservation in seats for constitutionally permissible classes of candidates such as Scheduled Castes, the Scheduled Tribes, other backward classes and others under intimation to the affiliating University. Such reservations, if any made, shall be notified to the competent authority and the appropriate authority at least one month prior to the issuance of the notification calling for application for admission to such category of professional institutions. In such cases, the competent authority shall allot students, keeping in view the reservation provided by a professional institution. The rule of merit shall be followed even in such reserved categories.

9. Interpretation.—(1) If any question arises as to the interpretation of these regulations, it shall be decided by the Commission.

(2) The Commission shall have the power to issue clarification to remove any doubt which may arise in regard to the implementation of these regulations.

10. Maintenance of account of fees.—(1) Every Institution shall maintain two separate accounts, namely, the Maintenance Accounts and the Development Accounts.

(2) (i) the proceeds of tuition fee and cost recoveries of boarding and lodging charges and other miscellaneous fees shall be credited to the maintenance accounts.

(ii) The maintenance accounts shall be kept in two parts, namely (a) the pay and allowances, and (b) the other expenditure.

(iii) All recurring expenditure shall be met from the maintenance account and brought to account in the part relating to pay and allowances, or as the case may be, under the other expenditure.

(c) At least half of the proceeds of development fee shall be credited to the development account in the first ten years of establishment of the institution, after which this Account (Development Account) will receive the entire proceeds of this

fee, miscellaneous receipts of the institution would also be credited to the same account. The proceeds of this fee would be utilized for the procurement of equipment, books and journals and the acquisition of assets. The management may debit expenditure on improvement of faculty to this account.

(d) The accounts of the professional institutions shall be audited every year to ensure that the financial management conforms to the broad framework of these regulations and the guidelines issued by the Commission from time to time.

11. Other procedural matters connected with levy of fees.—(1) (i) Fees once fixed shall be valid for a period of three years.

(ii) Fee may be payable in advance for a semester.

(iii) Each Committee shall notify in the month of December every year, for general information, the total fee payable per semester for the next year, in three newspapers having circulation in the State concerned. Every year, the Committee shall fix the fees applicable for the third year.

(2) While fixing the fees, every year, the Committees shall take into account the unspent balance, if any, in the maintenance and development accounts of the concerned professional institutions.

(3) No professional institution shall :—

- (i) levy any fee exceeding the fee notified under these regulations;
- (ii) fail to maintain accounts required to be maintained as per the provisions of these regulations or the guidelines issued by the Commission.



UNIVERSITY GRANTS COMMISSION REGULATIONS, 1991

¹[Notification no. F., 1-11/97 (CPP) dated 19th September, 1991.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 26 read with Section 14 of University Grants Commission Act, 1956 (3 of 1956), and in supersession of the regulations issued under University Grants Commission letter no. F.1.93/74 (CP) Part(v) dated 13th June, 1983 and Notifications No. 1-93/74 (CP) dated 19th February, 1985 and 26th November, 1985, the University Grants Commission hereby makes the following regulations, namely :

1. Short title, application and commencement—(i) These regulations may be called the University Grants Commission (Qualifications required of a person to be appointed to be teaching staff of a university and institutions affiliated to it) Regulations, 1991.

(ii) They shall apply to every University established or incorporated by or under a Central Act, Provincial Act or State Act, every institution including a constituent or an affiliated college recognised by the Commission, in consultation with the University concerned under Clause (f) of Section 2 of the University Grants Commission Act, 1956 and every Institutions deemed to be a University under Section 3 of the said Act.

(iii) They shall come into force with immediate effect.

1. Published in the Gazette of India dated 5th Oct. 1991 Part III Sec. 4.

2. Qualifications.—No person shall be appointed to a teaching post in University or in any of institutions including constituent or affiliated colleges recognised under clause (f) of Section 2 of the University Grants Commission Act 1956 or in an institution deemed to be a University under Section 3 of the said Act in a subject if he does not fulfil the requirements as to the qualifications for the appropriate subject as provided in Schedule 1:

Provided that any relaxation in the prescribed qualifications can only be made by a University in regard to the posts under it or any of the Institutions including constituent or affiliated college recognised under clause (f) of Section 2 of the aforesaid Act or by an institution deemed to be a University under Section 3 of the said Act with the prior approval of the University Grants Commission:

Provided further that these regulations shall not be applicable to such cases where selections through duly constituted selection committees for making appointments to the teaching posts have been made prior to the enforcement of these regulations.

3. Consequences of failure of Universities to comply with recommendations of the Commission; as per provisions of Section 14 of the University Grants Commission Act, 1956.—If any University grants affiliation in respect of any course of study to any college referred to in sub-section (5) of Section 12-A in contravention of the provisions of that sub-section or falls within a reasonable time to comply with any recommendation made by the Commission under Section 12 or Section 13, or contravenes the provisions of any rule made under clause (f) or clause (c) of sub-section (2) of Section 25 or of any regulation made under clause (c) or clause (f) or clause (g) of Section 26, the Commission, after taking into consideration the cause, if any shown by the University for such failure or contravention, may withhold from the University the grants proposed to be made out of the Fund of the Commission.

Schedule I

Minimum qualifications for the posts of Professors, Readers and Lecturers in subjects other than Fine Arts, Management, Engineering and Technology in Universities & Colleges for appointment of persons as readers and placement in Selection Grade Lecturers and Senior Scale Lecturer.

(1) Professor :

An eminent scholar with published work of high quality actively engaged in research with 10 years of experience in postgraduate teaching and/or research at the University/National level institutions including experience or guiding research at doctoral level.

OR

An outstanding scholar with established reputation who has made significant contribution to knowledge.

(2) A. Reader (Open Selection) :

Good academic record with a doctoral degree or equivalent published work.

Candidates from outside the University system in addition shall also possess at least 55% marks or an equivalent grade at the Master's degree level.

Eight years' experience of teaching and/or research including upto 3 years for research degrees and has made some mark in the areas of scholarship as evidenced by quality of publications, contribution to educational renovation, design of new course and curricula.

(2) B. Reader (Promotion) :

(a) As regards the promotion to the post of Reader in accordance with the scheme of revision of pay scales of teachers in Universities and colleges notified by the Government of India vide Notification No. F. 1-21/87-U.I. dated the 22nd July 1988, the guidelines are circulated by the University Grants Commission vide its letter No. F. I-6/90 (PS Cell) dated the 29th January 1990.

(3) A. Lecturer :

(a) *Arts, Sciences, Social Sciences, Commerce, Education, Physical Education, Foreign Languages and Law.*

Good academic record with atleast 55% marks or an equivalent grade at Master's degree level in the relevant subjects from an Indian University or an equivalent degree from foreign University.

Candidates besides fulfilling the above qualifications should have cleared the eligibility test for Lecturers conducted by U.G.C. CSIR or similar test accredited by the U.G.C.

(b) Journalism and Mass Communication

Good academic record with atleast 55% marks or an equivalent grade at Master's degree level in communication/mass communication, Journalism from an Indian University or an equivalent degree from a foreign University.

Candidates besides fulfilling the above qualifications should have cleared the eligibility test for Lecturers conducted by UGC, CSIR or similar test accredited by the UGC.

OR

Atleast 55% of Marks or an equivalent grade at Master's degree level in Social Sciences/Science/Humanities with atleast second class bachelor's degree or post graduate diploma in communication, mass communication or journalism from recognised Indian University/National Institute.

Candidates besides fulfilling the above qualifications should have cleared the eligibility test for Lecturers conducted by UGC, CSIR or similar tests accredited by the UGC.

(c) Music

Good academic record with atleast 55% marks or an equivalent grade at Master's degree level in relevant subject or an equivalent degree from an Indian Foreign University.

Candidates besides fulfilling the above qualifications should have cleared the eligibility test for Lecturers conducted by UGC, CSIR or similar tests accredited by the UGC.

ited by the UGC, a traditional achievement in the subject co

(3) B. Lecturer (Senior Scale) :

Every Lecturer will be eligible for placement in a senior scale of Rs. 3000-5000 through a procedure of screening/selection laid down by the University in accordance with guidelines of UGC referred in para 2B (a) above, if he has;

- (i) completed 8 years of service after regular appointment with relaxation as provided in Notes (2) & (3) below.
- (ii) participated in two refresher courses/summer institutes, of approved duration or engaged in other appropriate continuing education programmes of comparable quality as may be specified by the UGC;
- (iii) consistently satisfactory performance appraisal reports.

Notes.—(i) For placement of Lecturers in Selection Grade as well as for promotion to the post of Reader, the required number of positions would be created by upgrading the posts held by the incumbents concerned.

(2) In order to encourage research, in continuation of post graduate studies candidates who, at the time of recruitment as Lecturers possess, Ph.D., M.Phil. Degree (called jointly as the research degrees) will be sanctioned three and one advance increments respectively in the scale of Rs. 2200-4000 alongwith the benefit of the corresponding years of service for the purpose of promotion. The existing Lecturers without research degrees, and those similarly situate, recruited in future will be eligible for a similar benefit in service for the purpose of promotion as and when they acquire research degrees, but will not be eligible for advance increments. Existing Lecturers with research degree will also be eligible for similar benefit.

(3) Counting of previous service for the purpose of placement in senior Scale/Selection Grade will be in accordance with UGC Guidelines issued vide circular No. F. 1-6/90 (PS Cell) dated 27th November, 1990.

●

THE INDIAN MEDICAL COUNCIL ACT, 1956

(Act CII of 1956)¹

[30th December, 1956]

An Act to provide for the reconstitution of the Medical Council of India, and the maintenance of a Medical Register for India and for matters connected therewith.

Be it enacted by Parliament in the Seventh year of the Republic of India as follows:—

[Statement of objects and reasons.—The objects of this Bill are to amend the Indian Medical Council Act, 1933 (XXVII of 1933)—

(a) to give representation to licentiate members of the medical profession, a large number of whom are still practising in the country;

(b) to provide for the registration of the names of citizens of India who have obtained foreign medical qualifications which are not at present recognised under the existing Act.

1. Published in Gazette of India. 1956, Extra, Pt. II, S.2, p.399.