

**Bill No. LX of 2011**

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

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**Bill No. LX of 2011**

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

A

BILL

*to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation and to provide for comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices and for that purpose to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical, professional and medical education other than agricultural education and for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

5       **1.** (1) This Act may be called the Higher Education and Research Act, 2011.

(2) It extends to the whole of India.

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

10       Provided that different dates may be appointed for different provisions of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,  
extent and  
commencement.

Application of Act.

2. This Act shall apply to all the higher educational institutions and universities other than those institutions engaged mainly in agricultural education and research.

Definitions.

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

(a) “academic quality” means the quality of teaching, learning and research contributing to enhancement of knowledge and includes physical infrastructure, faculty and other human resources, course curricula, admission and evaluation procedures, management practices, governance structures and leadership, of the higher educational institution or university; 5

(b) “accreditation” with its grammatical variations means the process of quality control in higher education, whereby, as a result of evaluation or assessment or by any method specified under the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2011, a higher educational institution or university or any programme conducted therein is recognised as conforming to parameters of academic quality and benchmarking of such academic quality determined by the Commission under this Act; 10 15

(c) “accreditation agency” means an agency registered under section 23 of the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2011;

(d) “affiliation” together with its grammatical variations, includes, in relation to a college or higher educational institution,— 20

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

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

(iii) admission of such college or higher educational institution to the privileges of a university; 25

(e) “appropriate statutory regulatory body” means the Medical Council of India established under the Indian Medical Council Act, 1956, the Dental Council of India established under the Dentists Act, 1948, the Pharmacy Council of India established under the Pharmacy Act, 1948, the Nursing Council of India established under the Indian Nursing Council Act, 1947, the Paramedical Council of India or any other corresponding statutory regulatory body by whatever name called regulating the health educational institutions or health institutions under any law for the time being in force; 102 of 1956. 16 of 1948. 30 8 of 1948. 48 of 1947.

(f) “articles of association” means such articles of association of the Corporation as may be approved and notified by the Central Government for the purposes of this Act; 35

(g) “Board” means the Board of Research Promotion and Innovation established under sub-section (1) of section 43;

(h) “Central Educational Institution” means— 40

(i) a university established or incorporated by or under a Central Act; or

(ii) an institution of national importance set up by an Act of Parliament; or

(iii) an institution, declared as an institution deemed to be University under the Universities Grants Commission Act, 1956 and maintained by or receiving aid from the Central Government; or 45

(iv) an institution maintained by, or receiving aid from, the Central Government, whether directly or indirectly; and affiliated to the university referred to in sub-clause (i) or to an institution referred to in sub-clause (ii), or a constituent unit of an institution referred to in sub-clause (iii); or

5  
21 of 1860. (v) an higher educational institution set up by the Central Government under the Societies Registration Act, 1860;

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

10 (j) “Chair” means the Chair of the Collegium;

(k) “Chairperson” means the Chairperson of the National Commission for Higher Education and Research appointed under section 5;

15 (l) “college” means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination, conducted by or on behalf of the university, for the award of such qualification;

(m) “Collegium” means the Collegium established under section 28;

20 (n) “Commission” means the National Commission of Higher Education and Research established under section 4;

(o) “Corporation” means the Higher Education Financial Services Corporation established under sub-section (1) of section 46;

25 (p) “degree” means an award, granted by a university or higher educational institution empowered by or under a law to do so, certifying that the recipient has successfully completed a course of study;

(q) “diploma” means such award, not being a degree, granted by a higher educational institution certifying that the recipient has successfully completed a course of study of not less than nine months duration;

30  
50 of 1985. (r) “distance education systems” means the distance education systems as defined in clause (e) of section (2) of the Indira Gandhi National Open University Act, 1985;

(s) “Fellow” means a member of the Collegium and includes the Chair and Co-Chair;

35 (t) “higher education” means such education, imparted by means of conducting regular classes or through distance education systems, beyond twelve years of schooling leading to the award of a degree or diploma; and includes research associated with such education;

40 (u) “higher educational institution” means an institution of learning including a university, an institution deemed to be university, a college, an institute, an institution of national importance declared as such by an Act of Parliament, or a constituent unit of such institution, a polytechnic or other institutions in vocational education, which is imparting by means of conducting regular classes or through distance education systems, higher education or research therein;

45 (v) “Institution deemed to be University” means an institution declared as such, by notification, by the Central Government, before the commencement of this Act;

(w) “Institution of national importance” means an institution declared as such by a Central Act;

(x) “Overseas citizen of India” means such person registered as an overseas citizen of India under section 7A of the Indian Citizenship Act, 1955; 56 of 1955.

(y) “Member” means a Member of the National Commission for Higher Education and Research and includes the Chairperson; 5

(z) “National Commission for Human Resources for Health” means the National Commission for Human Resources for Health established under the National Commission for Human Resources for Health Act, 2011;

(za) “National Educational Tribunal” means the National Educational Tribunal established under the Educational Tribunals Act, 2011; 10

(zb) “National Research Professor” means the person appointed by the Central Government under the National Research Professorship Scheme;

(zc) “notification” means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variations shall be construed accordingly; 15

(zd) “prescribed” means prescribed by rules made by the Central Government under this Act;

(ze) “programme” means a course or programme of study leading to the award of a degree or a diploma in higher educational institution; 20

(zf) “prospectus” includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to a higher educational institution, to the general public (including to those seeking admission in such institution) by the management of such institution or any authority or person authorised by such institution to do so; 25

(zg) “regulations” means the regulations made by the Commission under this Act;

(zh) “university” means a university established or incorporated by or under a Central Act or a State Act and includes an institution deemed to be university;

(zi) “Vice-Chancellor” means the chief executive of a university or the head of a Central Educational Institution, not being a college; 30

(zj) “vocational education” means such higher education, leading to the award of a diploma through a programme of study of not more than two years duration seeking to impart skills for a specific trade or vocation.

## CHAPTER II

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### NATIONAL COMMISSION FOR HIGHER EDUCATION AND RESEARCH

Establishment  
of National  
Commission  
for Higher  
Education and  
Research.

4. (1) The Central Government shall, by notification, establish a Commission to be called the “National Commission for Higher Education and Research”.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. 40



(3) The headquarters of the Commission shall be in the National Capital Region, and it may establish offices in such other locations as it may deem fit.

5. The Commission shall consist of—

Composition  
of  
Commission.

(a) a Chairperson;

5 (b) three whole-time members; and

(c) three part-time members,

to be appointed, by the President, on the recommendations of the Selection Committee constituted under section 7;

10 (d) the Chairperson or a Member of the National Commission for Human Resources for Health under the Ministry of Health and Family Welfare shall be a Member, *ex officio*.

15 6. (1) The Chairperson and the whole-time members shall be a person of eminence and standing in the field of academics and research possessing leadership abilities, proven capacity for institution building and governance of institutions of higher learning, and having not less than twenty-five years experience in the profession, out of which at least ten years shall preferably be in a leadership role, in the area of academics and research.

Qualifications  
for  
appointment  
of  
Chairperson  
and Members  
of  
Commission.

20 (2) The other part time Members shall be persons of eminence and standing in the field of education and research with high academic credentials and proven contribution to economic and social development with experience of governance of institutions of higher learning and engagement with policies in the field of higher education, and having not less than twenty years experience in the profession, out of which at least five years shall preferably be in a leadership role, in the area of academics and research.

(3) No person, who is not a citizen of India, shall be eligible to be appointed as the Chairperson or a Member.

25 7. (1) The Central Government shall constitute a Selection Committee consisting of,—

Selection  
Committee.

(a) the Prime Minister, who shall be the Chairperson of the Selection Committee;

(b) the Speaker of Lok Sabha;

(c) the Leader of Opposition in Lok Sabha;

30 (d) the Minister in charge of Higher Education in the Government of India; and

(e) the Minister in charge of Medical Education in the Government of India.

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

(2) The Selection Committee shall make its recommendations from the panel of three names, submitted by the Collegium under clause (b) of sub-section (1) of section 30, for each vacancy.

40 (3) Before recommending any person for appointment as a Chairperson or a Member of the Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other conflict of interest, which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be.

(4) No appointment of the Chairperson or Member of the Commission shall be invalid merely by reason of any vacancy in the Selection Committee.

(5) Subject to the provisions of sub-sections (1) to (4), the Selection Committee may regulate its own procedure for assessing the suitability of the person from the panel of names referred to in sub-section (2) to be recommended to the President for 5 appointment.

(6) The Central Government shall initiate the process of appointment in respect of any vacancy due to arise in the office of the Chairperson or of other Members of the Commission, six months prior to the date of arising of such vacancy:

Provided that in case a vacancy arises in the Selection Committee for the reason of 10 death or removal, or resignation from office, such vacancy shall be filled expeditiously, within a period of six months from the date on which the vacancy has arisen.

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

(8) The Chairperson or other Member shall, before entering office make and subscribe 15 before the President or some other person appointed by the President in that behalf, an oath of affirmation, in such form as may be prescribed.

Resignation  
and removal  
of  
Chairperson  
and Members.

8. (1) The Chairperson or any Member, other than the Member referred to in clause (d) of section 5 may, by notice in writing under his hand addressed to the President resign from 20 office.

(2) The President may remove from office the Chairperson or any Member, other than the Member referred to in clause (d) of section 5, who—

(a) has been adjudged an insolvent; or

(b) has engaged, at any time during his term of office, in any paid employment 25 outside the duties of his office; or

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

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

(e) has been convicted of an offence which, in the opinion of the President, 30 involves moral turpitude; or

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

(g) has failed to attend three consecutive meetings of the Commission; or

(h) has so abused his position as to render his continuance in office prejudicial 35 to the public interest; or

(i) has been guilty of proved misconduct; or

(j) has been guilty of proved conflict of interest in the discharge of functions; or

(k) has such other disqualifications as may be prescribed.

(3) Notwithstanding anything in sub-section (2), the Chairperson or a Member shall not be removed from his office on the grounds specified in clause (h) or clause (i) or 40 clause (j) of sub-section (2), except by an order made by the President after an inquiry made in this behalf by the Chairperson of the National Educational Tribunal, in which such Chairperson or such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

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

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

9. (1) A person appointed as Chairperson and other Members, other than the Member referred to in clause (d) of section 5, shall hold office for a term of five years from the date on which he enters upon his office:

Term of office of Chairperson and Members.

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

(2) The Commission shall request the Central Government to initiate the process of appointment in respect of any vacancy due to arise on the post of Chairperson or other Members on completion of tenure before a period of six months from the date of arising of such vacancy:

Provided that the process of appointment shall be completed before such vacancy arises.

(3) Where a vacancy has arisen on account of any reason other than completion of tenure, the process of appointment in respect of such vacancy to the post of Chairperson or other Members shall be completed within a period of six months from the date such vacancy had arisen.

10. (1) The Chairperson or the other Members shall, immediately after entering upon office and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution engaged in research or any higher educational institution or in any other professional or financial activity which comes under the purview of the Commission and the same shall be displayed on the website of the Commission.

Declaration of Interest.

(2) The Chairperson or any other Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Commission, shall, disclose the nature of his interest at such meeting; and shall not take any part in any deliberation or decision of the Commission with respect to that matter.

11. The Chairperson or other Member on ceasing to hold office, other than the Member referred to in clause (c) and clause (d) of section 5, shall be ineligible, for a period of five years from the date on which they cease to hold office, for further employment in, or, in matters related to, any higher educational institution or university under the Central Government or a State Government or any private higher educational institution or any accreditation agency.

Restriction on reemployment.

12. Subject to other provisions of this Act, the general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.

General superintendence, direction and management of affairs.

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

Member to act as Chairperson or to discharge his functions in certain circumstances.

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

Salaries and allowances of Chairperson and Members.

**14.** (1) The salaries and allowances payable to, and the status and other terms and conditions of service of, the Chairperson of the Commission shall be such as may be prescribed.

(2) The Members referred to in clause (c) and clause (d) of section 5, shall receive such sitting fee and other allowances as may be prescribed. 5

Vacancies, etc., not to invalidate proceedings of Commission.

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

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person acting as Member of the Commission; or

(c) any irregularity in the procedure of the Commission not affecting the merits 10 of the case.

### CHAPTER III

#### POWERS AND FUNCTIONS OF COMMISSION

Commission to promote higher education and research.

**16.** (1) The Commission shall, in consultation with the General Council and other bodies concerned, take all such steps as it may think fit for the promotion and coordination 15 of higher education and research.

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

(a) to promote autonomy within higher educational institutions and 20 universities;

(b) to promote accountability framework in regulatory systems of higher education sector;

(c) to promote development of a curriculum framework with specific reference 25 to new or emerging or inter-disciplinary fields of knowledge;

(d) to promote, through the development of a flexible academic framework, the exercise of choice by students for self-development, entrepreneurship, acquisition of skills and pursuit of learning;

(e) to promote joint and cross-disciplinary programmes between and amongst 30 the universities and other higher educational institutions;

(f) to promote synergy of research in universities and higher educational institutions, with research in other agencies or laboratories;

(g) to promote coordination between universities and higher educational institutions and industry towards innovation for mutual benefit and for the well-being of society; 35

(h) to encourage universities to formulate a Code of Good Practices in leadership, governance and management and to develop a Framework Code to guide universities in formulating such Code of Good Practices;

(i) take such other measures for the promotion of higher education and research in higher educational institutions and universities for the achievement of the goals in 40 sub-section (1);

(j) develop measures to relate higher education and research to the world of work and needs of society;

(k) encourage universities for enabling colleges to innovate in higher education and research to evolve into universities or institutions with an authorisation to award degrees by itself;

5 (l) take measures to enhance access and inclusion in higher education to remove imbalances in higher education;

(m) perform such other functions as may be prescribed.

(3) Nothing contained in this section shall be construed to imply that the measures taken by the Commission shall be obligatory for higher educational institutions and universities to adopt, but such measures shall serve to act as reference for higher educational  
10 institutions and universities to advance quality, access and inclusion in higher education and research therein, and for the achievement of the goals in sub-section (1).

17. (1) The Commission shall, with the prior approval of the General Council and subject to the provisions of this Act, make regulations, to determine, coordinate and specify standards of higher education and research.

Commission to determine, coordinate, maintain and specify standards of higher education and research.

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

20 (a) Specify the requirements for the award of any degree or diploma in any field of knowledge of higher education and research and specify parameters for equivalence between academic qualifications;

(b) specify norms and standards of academic quality for accreditation and benchmarking of higher educational institutions and universities;

(c) specify norms and processes for establishment and winding up of a higher educational institutions and university;

25 (d) specify norms and processes for permitting, a university or an higher educational institution empowered, by or under any law, to award any degree, to enroll students in any course or programme of study for the first time;

(e) specify norms of academic quality for a university to affiliate colleges;

30 (f) regulate the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force;

(g) specify norms and mechanisms for transparent, efficient and accountable governance in universities and other higher educational institutions;

35 (h) specify and coordinate standards for leadership positions for appointment as Vice-Chancellor of a university or the head of a Central Educational Institution not being a college;

(i) specify norms to measure the productivity of research programmes;

(j) specify norms and principles for allocation of grants, for the maintenance and development or research or for any other general or specific purpose, of any class of higher educational institutions and universities;

40 (k) specify a framework for enabling mobility of students emerging from vocational education into general higher education;

(l) specify mechanisms for social audit of the processes in the Commission and obtain public feedback on its performance and achievements to foster accountability;

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

(3) The Commission shall, in the exercise of powers and functions under this section, create an enabling environment for universities to emerge as autonomous, self-regulatory bodies. 5

(4) Nothing contained in this Act shall prevent the National Board for Health Education constituted under the National Commission for Human Resources for Health Act, 2011 to approve and notify minimum norms and standards of maintenance of academic quality for accreditation and benchmarking of education in recognised health educational institutions imparting approved courses in the discipline of health throughout the period of accreditation. 10

Advise, monitor and cause to be undertaken policy research.

**18.** (1) The Commission shall advise, when called upon to do so or otherwise, the Central Government or any State Government or any professional body, on policies relating to higher education and research in any field of knowledge therein.

(2) The Commission shall cause to be undertaken research concerning policy in higher education to identify future directions and processes in higher education; or to assess future knowledge manpower requirements in different fields of knowledge for meeting the needs of the economy; or research to develop a vision on future trends in knowledge; or in such other matters of policy as the Commission may deem fit. 15

(3) The Commission shall monitor, through a national database, all matters concerning academic quality, sources of funding, access and inclusion in higher education and research. 20

(4) The Commission shall advise and facilitate a body or institution, seeking such advice or facilitation, in regard to a proposal for the establishment of a university in accordance with the norms and standards specified by it or for development of an accountability framework towards achievement of the objectives and purposes of the body or institution. 25

Establishment of inter-university centres.

**19.** (1) The Commission may, on the recommendations of the Board and with the prior approval of the Central Government, establish, in such manner as may be specified by regulations, inter-university centres for providing research facilities and thrust to new and emerging areas of knowledge, common facilities for research for a group of universities or for the universities in general and provide for their maintenance by allocating and disbursing such grants as the Commission may deem necessary. 30

(2) The inter-university centres established before the commencement of this Act shall be deemed to have been established under this Act:

Provided that the Commission shall, in consultation with the Central Government, in respect of an inter-university centre, established before the commencement of this Act, whose objectives are not in conformity with the provisions specified in sub-section (1), decide on the continuance of such Centre as an inter-university centre under this Act. 35

Maintenance of directory of academics for leadership positions.

**20.** (1) The Commission shall maintain the directory of academics for leadership positions consisting of persons fulfilling standards for leadership positions for appointment as Vice-Chancellor or head of a Central Educational Institution not being a college, prepared by the Collegium from time to time under sub-section (2) of section 31. 40

(2) The Commission shall, when called upon to do so by the Central Government or Central Educational Institution not being a college, as the case may be, recommend a panel of three names from the directory of academics for leadership positions for appointment to the post of Vice-Chancellor of such Central University or Central Educational Institution. 45

(3) Notwithstanding anything contained in this section or in section 31, the Chancellor, State Government or the Governing Body, by whatever name called, of a university, other



than a Central Educational Institution, may appoint a person as Vice Chancellor subject to such person satisfying the standards for leadership positions, specified by the Commission under clause (h) of sub-section (2) of section 17.

21. (1) The Commission shall prepare annually an evidence based statement on the  
5 status of higher education and research and its relation to global trends, and assessment of its performance along with a report on the activities of the Commission.

Commission  
to prepare  
statements on  
vision of  
higher  
education.

(2) The statement and report referred to in sub-section (1) shall be provided to the General Council for observations and recommendations and to the Collegium for assessment of the performance of the Commission and recommendations thereto.

10 (3) The Commission shall present to the President, the statement and the report, along with the assessment and recommendations received under sub-section (2).

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

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

(6) The Commission shall present to the President, before the expiry of five years from the date of commencement of this Act and at an interval of every five years thereafter, a statement on the vision of higher education and research in the forthcoming decade; an analysis of the performance of higher education sector and implementation of policies in  
25 the past five years, and shall make in such statement, recommendations as to the measures that ought to be taken for renovation and rejuvenation of higher education and research, including the following, namely:—

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

30 (b) development of qualifications framework to reflect the vision of higher education and research;

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

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

40 (7) The President shall cause to be laid before both Houses of Parliament, such reports prepared by the Commission under sub-section (3) and sub-section (6), along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission or the General Council or the Collegium.

45 (8) The Governor of every State shall cause to be laid before the Legislative Assembly of such State, the report prepared by the Commission under sub-section (5) concerning the state of higher education and research in such State, along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission.

Officers and other staff of Commission.

**22.** (1) The Commission may, for the efficient performance of its functions under this Act, appoint, in such manner and with such qualifications, officers and employees, as may be specified by regulations.

(2) The number of, the salaries and allowances payable to, and the other terms and conditions of service of, officers and employees of the Commission, shall be such as may be specified by regulations. 5

(3) The Commission may appoint, in such manner for such temporary period and on such terms and conditions as may be specified by regulations, such other academic, management, accounting, technical and scientific experts as it may consider necessary for the efficient performance of its functions. 10

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

Power of Commission to delegate.

**23.** (1) The Commission may, by regulations made, by notification in the Official Gazette under this Act, delegate to its Chairperson 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 officers and internal administration of the Commission. 15

(2) No regulation shall be made under this section except with the previous approval of the Central Government. 20

Review of performance of Commission.

**24.** (1) The President shall, within five years from the commencement of this Act and thereafter at the expiration of every fifth year, constitute a Committee to evaluate and review the performance of the Commission in the said period, consisting of persons of international eminence and standing, to be appointed by the President on the basis of a panel of names to be proposed by the Collegium. 25

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

(a) the extent of fulfilment of the goals and objectives of the Commission stated in the Preamble to this Act, as demonstrated by the state of higher education and research; 30

(b) the interaction between the Commission, the General Council and the Collegium;

(c) future directions of the Commission along with corrective measures, if any;

(d) promote effective institutional academic linkages, inter-institutional linkages and public-private partnerships in higher education; 35

(e) such other matters as may be referred to the Committee by the President.

(3) The President shall cause to be laid before both Houses of Parliament, the report of the Committee constituted under sub-section (1) along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation of the Committee. 40

Power of Central Government to frame national policy.

**25.** (1) The Central Government shall, at such times as it thinks fit, prepare in consultation with the State Governments and the Commission, a national policy for the development of higher education and research, which shall guide the Commission in the exercise of its powers and functions under this Act.

(2) The Central Government shall inform the Commission of all the decisions taken by it on matters of policy concerning higher education and research. 45



## CHAPTER IV

## GENERAL COUNCIL

26. (1) The Central Government shall, by notification, establish, a General Council, consisting of the following, namely:—

Establishment  
of General  
Council.

5 (a) the Chairperson of the Commission, who shall chair the meetings of the Council;

(b) all Members of the Commission;

(c) the Chairperson or Vice-Chairperson of a State Higher Education Council, as may be determined by such Council, to represent each State and Union territory:

10 Provided that where a State Higher Education Council has not been constituted in a State or Union territory, the State Government concerned shall nominate a Vice Chancellor of a university located in such State or Union territory:

15 Provided further that where no university is located in a Union territory, the administration of such Union territory shall nominate a senior academic to represent such Union territory.

*Explanation.*—In respect of a Union territory, the provisions of this clause shall have the effect as if for the words “State Government”, the words “Central Government” had been substituted;

(d) the head of each professional body listed in the First Schedule;

20 (e) the head of each research Council listed in the Second Schedule;

(f) one person, by rotation, from amongst Vice Chancellors of Central Universities;

(g) one person, by rotation, from amongst Directors of Indian Institutes of Technology;

25 (h) one person, by rotation, from amongst Directors of Indian Institutes of Management;

(i) one person, by rotation, from amongst the Vice Chancellors of National Law Universities;

30 (j) one person, by rotation, from amongst heads of institutions of national importance in medical education;

(k) one person to be nominated by the Central Government, from amongst academics in higher education and research from each of the following sectoral areas, namely:—

(i) agriculture and allied areas;

35 (ii) environment and forestry;

(iii) medicine, pharmaceuticals and allied areas;

(iv) industrial training;

(v) economics and finance;

(vi) sports;

(vii) archaeology and epigraphy;

(viii) Indian languages;

(ix) creative arts, performing arts and culture;

(x) bio-technology and emerging areas of technology;

(l) three persons, to be nominated by the Central Government, from amongst heads of associations of industry, trade or commerce with national presence listed in the Fourth Schedule; 5

(m) two persons, to be nominated by the Commission, from amongst heads of civil society or non-governmental organisations with national presence having experience of engagement with issues relating to education; 10

(n) the Chairman of the Central Board of Secondary Education;

(o) the Director of the National Council of Education Research and Training;

(p) the Chairperson or a Member of the National Commission for Human Resources for Health referred to in sub-section (3) of section 3 of the National Commission for Human Resources for Health Act, 2011; 15

(q) a Principal of an autonomous college of excellence to be nominated by the Commission.

(2) The meetings of the General Council shall be convened at least once in every six months and at such other times as the Chairperson may consider necessary:

Provided that a meeting of the General Council shall also be convened if at least one-fifth of the total strength of the General Council express in writing, letters addressed to the Chairperson, the desire to convene such meeting to deliberate on such matter as may be expressed in such letter. 20

(3) The tenure of the persons nominated to the General Council under clauses (c) to (j) shall be two years. 25

(4) The General Council shall have the power to lay down its own procedure for the conduct of its meetings.

(5) No person being a member of the General Council, shall receive any remuneration except such sitting fees or other allowances, as may be prescribed, for attending the meetings of the General Council. 30

(6) The Commission shall provide funds and administrative support to the General Council for the conduct of its meetings and other related matters.

**27. (1)** The General Council shall make recommendations and advise the Commission in the exercise of its functions.

(2) Without prejudice to the provisions of sub-section (1), the General Council may— 35

(a) advise on the measures to be taken for enhancing access, inclusion and equity in higher education;

(b) advise on the measures to be taken for connecting higher education and research to the practice of professions; 40

(c) suggest measures to remove imbalances (including those relating to regions, academic disciplines, gender and other socio-economic factors) in the development of higher education and research;

(d) advise on the adequacy of funding for higher education;

5 (e) make observations and suggestions in respect of the statement and report prepared by the Commission under sub-section (1) of section 21;

(f) make observations and suggestions on the report prepared by the Commission under sub-section (4) of section 21;

(g) advise on the course of reforms to rejuvenate higher education and research;

10 (h) advise on the measures to be taken by the Commission to promote quality of higher education and nurture excellence;

(i) discharge such other functions as may be prescribed.

(3) The General Council shall, for the discharge of its functions or reporting or advising upon any matter, constitute Expert Advisory Groups, consisting of such number of persons as it may deem fit, in each of the following areas, namely:—

(a) legal education;

(b) health and medical education;

(c) education related to general sciences, humanities, social sciences, engineering or technology;

20 (d) vocational education;

(e) distance education systems;

(f) such other fields of knowledge as the General Council may deem fit.

(4) The Expert Advisory Group referred to in sub-section (3) may include persons who are not members of the General Council:

25 Provided that the strength of the members of the General Council in such Expert Advisory Group shall not exceed one-third of the strength of the Group:

Provided further that a member of the General Council, nominated in this behalf by the General Council, shall preside over every Expert Advisory Group:

30 Provided also that the head of the Bar Council of India shall preside over the Expert Advisory Group concerning legal education:

Provided also that the head of the professional body concerning medical practice shall preside over the Expert Advisory Group concerning health and medical education.

## CHAPTER V

### COLLEGIUM OF SCHOLARS

35 **28.** (1) The Central Government shall, by notification, establish, a “Collegium of Scholars”, which shall consist of thirty Fellows, being persons of integrity and eminence in higher education and research.

Establishment of Collegium of Scholars.

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

40 (a) is a citizen or an overseas citizen of India;

(b) has made substantial contribution to the advancement of knowledge demonstrated through publications; and

(c) is, or has been, a National Research Professor or a recipient of awards specified in the Third Schedule, shall be eligible to be a Fellow of the Collegium.

(3) The First Fellows of the Collegium shall be persons who are, or have been, National Research Professors or recipients of awards specified in the Third Schedule: 5

Provided that in case no such person expresses willingness to be a Fellow of the Collegium, then the Selection Committee, referred to in section 7, shall nominate not more than ten persons of integrity and eminence in higher education and research, who shall be the first Fellows of the Collegium. 10

(4) The Fellows, other than Fellows referred to in sub-section (3), shall be chosen, in such manner as may be prescribed, from amongst persons of integrity and eminence in higher education and research proposed by any Fellow, to represent fields of knowledge which in their opinion are not adequately represented in the Collegium.

(5) Every person so chosen shall be notified as Fellow and shall, as soon as may be after notification of his appointment, and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution. 15

(6) The declaration so made under sub-section (5) shall be placed on the website of the Commission. 20

Tenure and resignation of Fellow.

**29.** Every Fellow, other than a Fellow referred to in clause (c) of sub-section (3) of section 28, shall continue as such for a period of ten years from the date of his notification as Fellow.

Functions of Collegium.

**30.** (1) The Collegium shall —

(a) recommend to the Commission a vision on the emerging trends in different fields of knowledge; 25

(b) recommend, in respect of appointment of Chairperson or Member of the Commission, a panel of three persons for each post to the Selection Committee constituted under section 7;

(c) recommend persons for inclusion in the directory of academics for leadership positions in accordance with standards for leadership positions, specified by regulations under clause (h) of sub-section (2) of section 17; 30

(d) make an assessment of the performance of the Commission in respect of the statement and report referred to in sub-section (1) of section 21;

(e) make observations and suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) on the report prepared by the Commission under sub-section (6) of section 21; 35

(f) propose eligible persons as members of Board, as provided for in clauses (a) and (d) of sub section (5) of section 43; 40

(g) discharge such other functions as may be prescribed.

(2) The Collegium may constitute Advisory Committees comprised of Fellows, for consideration on matters referred to it for advise or the making of assessments or suggestions on statement or reports of the Commission.

**31.** (1) The Collegium shall recommend, from time to time and in such manner as may be specified under regulations, names of persons, for inclusion in the directory of academics for leadership positions.

Directory of Academics for Leadership positions.

(2) The Central Government, State Governments, State Higher Education Councils, universities and other higher educational institutions, professional bodies listed in the First Schedule and research Councils listed in the Second Schedule may, from time to time, refer, names of suitable persons, to the Commission for inclusion in the directory of academics for leadership positions:

Provided that the Commission shall forward the names of such person or persons referred to it, along with the credentials of such person so referred, to the Collegium.

(3) A person shall be eligible for inclusion in the directory of academics for leadership positions, only if he satisfies such standards for leadership positions, specified under regulations under clause (h) of sub-section (2) of section 17.

(4) The directory of academics for leadership positions shall be available for all universities and other higher educational institutions, if they so require.

**32.** (1) The meetings of the Collegium shall be convened at least once every six months and at such other times as may be required by the Chair:

Meetings of Collegium.

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

(2) The Collegium shall act collectively in the performance of its functions, and decisions in such meetings shall be taken, by resolution, by majority of Fellows present and voting.

(3) The Chairperson or such Member of the Commission, as the Chairperson may nominate, shall attend and participate in the meetings of the Collegium, but shall not have the right to vote on any resolution before the Collegium.

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

(5) No act or proceeding of the Collegium shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Collegium; or

(b) any defect in the appointment of a person as Fellow of the Collegium; or

(c) any irregularity in the procedure of the Collegium not affecting the merits of the case.

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

**33.** (1) The Collegium shall have a Chair and a Co-Chair, selected by majority from amongst Fellows of the Collegium; and shall have a tenure of two years.

Chair and Co-Chair of Collegium.

(2) The Chair or Co-Chair, as the case may be, shall preside over all meetings of the Collegium.

(3) The Chair and Co-Chair shall perform such functions for carrying out the purposes of this Act, as the Collegium may, by resolution, deem fit.

**34.** (1) The Commission shall provide funds and administrative support and assistance to the Collegium for the discharge of its functions under this Act.

Funds and administrative support to Collegium.

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

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

5

## CHAPTER VI

### ENROLMENT OF STUDENTS

Enrolment of students.

**35.** (1) Every university or institution of higher education empowered by or under any law for the time being in force to award any degree, intending to enroll students for the first time in any course or programme of study, shall intimate such intention to the Commission, along with an assessment report prepared in accordance with section 4 of the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2010:

10

Provided that in a case where such university or higher educational institution intends to impart medical education, such university or higher educational institution shall provide an assessment report of its attached hospital and clinical establishment, prepared in such manner and in accordance with such norms as may be specified by the Central Government or by such authority empowered by law.

15

*Explanation.*— For the removal of doubts, it is hereby clarified that the university or higher educational institution referred to in the proviso includes those universities or higher educational institutions which award any degree and does not include any college or institution which seeks affiliation with such university or higher educational institution.

20

(2) The Commission shall specify the manner in which a higher educational institution intending to commence enrolment of students shall give such intimation to it and shall also notify the procedure of processing including any fees payable for such intimation.

25

(3) The Commission shall process the intimation given to it under sub-section (1) expeditiously and in a transparent manner giving opportunity for the institution concerned wherever necessary and in no case shall the application be kept pending beyond one hundred and twenty days after which it shall be deemed to have the Commission's concurrence for enrolment of students.

30

Notification of declaration by Commission.

**36.** (1) The Commission shall, within a period of one hundred and twenty days from the receipt of intimation under sub-section (1) of section 35 declare by notification, either,—

(a) that student enrolment can proceed as requested; or

(b) that the Commission is unable to accede to the request for reasons recorded in writing.

35

(2) The notification of the Commission under clauses (a) and (b) of sub-section (1) along with reasons therefor, shall be published on the website of the Commission.

(3) The declaration in respect of a University or higher educational institution empowered by or under any law to award a degree existing on the date of commencement of this Act shall be deemed to have been notified under this Act unless revoked under section 37.

40

Revocation of permission to enrol students.

**37.** (1) If the Commission, after making such enquiry as may be specified by regulations, is satisfied that public interest so requires, it may revoke, by notification, the permission to enrol students in any course or programme of study to the higher educational institution or university in any of the following cases, namely:—

45

(a) where the higher educational institution or university, in the opinion of the

Commission, makes willful or continuous default in doing anything required of it by or under this Act or the rules or the regulations made thereunder;

5 (b) where the higher educational institution or university fails, within the period fixed in this behalf by its declaration, or any longer period which the Commission may have granted therefor, to show, to the satisfaction of the Commission, that such higher educational institution or university is in a position fully and efficiently to discharge the duties and obligations imposed on it by its recognition; or

(c) where the higher educational institution or university has ceased to exist.

10 (2) No permission shall be revoked under sub-section (1) unless the Commission has given to the higher educational institution or university, as the case may be, not less than sixty days notice, in writing, stating the grounds on which it is proposed to revoke the permission, and has considered any cause shown by the higher educational institution or university within the period of that notice, against the proposed revocation.

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

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

25 (4) The Commission shall, while revoking a permission, take, or cause to be taken, such measures which may be necessary to protect the academic interests of students in such higher educational institution or university.

(5) Without prejudice to the action that may be taken under any other law for the time being in force, a university or higher educational institution shall be liable to pay or provide the costs involved, as may be determined by the Commission, in the implementation of the measures taken, or caused to be taken, by the Commission under sub-section (4).

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

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

Appeal to National Educational Tribunal.

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

40 **39.** (1) A university, fulfilling such norms of academic quality as may be specified by regulations made under clause (e) of sub-section (2) of section 17, may exercise the power to affiliate any college or any higher educational institution.

Duties and obligations of university in maintenance of standards of academic quality.

45 (2) A college or higher educational institution seeking affiliation of a university, shall, along with its application for affiliation to the University, submit an assessment report prepared in such manner and in accordance with such norms as may be specified by the regulations, from a registered accreditation agency:



Provided that in respect of a college or higher educational institution intending to impart medical education, such college or higher educational institution shall provide an assessment report of its attached hospital and clinical establishment, prepared in such manner and in accordance with such norms as may be specified by the National Commission for Human Resources for Health. 5

(3) Each university shall maintain standards of academic quality in higher education and research in such university and in colleges and higher educational institutions affiliated to it.

(4) Each affiliating university shall take measures to support and develop academic quality in colleges and higher educational institutions affiliated to it without impinging on the autonomy of such colleges and higher educational institutions in its administrative and financial matters. 10

Revocation of permission to enrol students in the health educational institution or health institution or their affiliation to university without prior consent of regulatory authority in health education.

**40.** Nothing contained in this Act shall confer powers upon the Commission established under this Act to revoke permission to establish or wind up a health educational institution or health institution or to enrol students in the health educational institution or health institution or refuse affiliation to any college or any institution or to a University solely on the ground that it fails to meet the norms and standards specified under this Act or any other law for the time being in force without prior consent of the statutory regulatory body referred to in clause (a) of section 2 of the National Commission for Human Resources for Health Act, 2011. 15

University to be public authority under Right to Information Act, 2005.

**41.** The provisions of the Right to Information Act, 2005 shall apply to each university as if it were a public authority defined in clause (h) of section 2 of that Act. 20 20 of 2005.

Right to confer degrees.

**42.** (1) The right to confer or award a degree shall be exercised only by an higher educational institution or university which has been permitted to enrol students, under clause (a) of sub-section (1) of section 36 or deemed to have been so declared under sub-section (3) of section 36. 25

(2) Subject to the provisions of sub-section (1), no person, institution, organisation or agency shall confer, or award, or hold him or itself out as entitled to confer or award, any degree.

## CHAPTER VII

### BOARD FOR RESEARCH PROMOTION AND INNOVATION

30

Board for Research Promotion and Innovation.

**43.** (1) The Central Government shall, by notification, establish a board to be called the Board for Research Promotion and Innovation.

(2) The Board shall consist of a Chairperson and twelve other members to be appointed by the Commission.

(3) The Chairperson of the Board shall be a person of eminence and standing in academia with significant and proven contribution to knowledge through research in any field of knowledge. 35

(4) The Chairperson of the Board shall be appointed by the Commission from a panel of three names recommended by the Collegium under clause (b) of sub-section (1) of section 30. 40



(5) Of the other Members of the Board—

(a) three shall be persons of eminence and standing in academia with significant and proven contribution to knowledge through research in various field of knowledge, as proposed by the Collegium;

5 (b) one shall be a whole-time Member of the Commission to be nominated by the Commission, from amongst whole-time Members;

(c) one shall be a Member, other than whole-time Member, of the Commission to be nominated by the Commission, from amongst such Members referred to in clause (e) of section 5;

10 (d) three persons, by rotation, from amongst such Members of the General Council being heads of research Councils listed in the Second Schedule, as proposed by the Collegium;

(e) two persons, by rotation, from amongst such Members of the General Council, nominated under clause (c) of sub-section (1) of section 26;

15 (f) two shall be persons of eminence and standing in academia with significant and proven contribution to research in medicine and allied fields of knowledge, to be nominated by the National Commission for Human Resources for Health.

(6) The Chairperson of the Board shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be delegated by the Board.

(7) The Members of the Board nominated under clause (b) to (e) shall be non-executive Members and shall not be entitled to receive any remuneration except such sitting fees or allowances, as may be specified by regulations, for attending the meetings of the Board.

25 (8) The Chairperson and such Members of the Board appointed under clause (a) of sub-section (5) shall, hold office for a period of five years from the date of assuming office.

(9) The Members of the Board nominated under clause (d) or (e) of sub-section (5) shall have a tenure of two years.

30 44. (1) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the Members of the Board shall be such as may be specified by regulations.

Terms and condition of service of Chairperson and certain Members of Board and administrative arrangements or discharge of functions by Board.

35 (2) The Commission may, for the efficient performance of the functions by the Board under this Act, provide to the Board, in such manner, officers and employees, with such qualifications and on such remuneration and other terms and conditions, as may be specified by regulations.

(3) Subject to the regulations made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

40 (4) The Board shall have the power to co-opt as members of any committee appointed under sub-section (3), such persons who are not members of the Board as it may think fit, and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.

45 (5) The Board may engage the services of such persons, being persons of eminence in research both from within and outside the country as consultants or visiting scientists on such terms and conditions and remuneration as may be specified by regulations.

45 45. (1) The Board shall recommend measures to the Commission to promote and facilitate research in the fields of knowledge in higher educational institutions (including research in recognised health educational institutions referred to in clause (r) of section 2 of the National Commission for Human Resources for Health Act, 2011).

Powers and functions of Board.

(2) Without prejudice to the generality of the foregoing provisions and the scope and powers of other national agencies mandated to administer or fund research, the measures recommended under sub-section (1), may, *inter alia*, provide for all or any of the following matters, namely:—

(a) research and innovation policy for the sustained global competitiveness of the country and harmonious development of society; 5

(b) promoting transformative and multi-disciplinary research in higher educational institutions and universities;

(c) balancing the research portfolio amongst various fields of knowledge for the continuous development of all fields of knowledge in a holistic manner; 10

(d) facilitating the modernisation of research infrastructure in higher educational institutions and universities;

(e) inspiring youth to take up research as a career and attracting talent to research by devising schemes for scholarships and fellowships;

(f) promoting inclusion in research amongst youth by devising schemes aimed at otherwise disadvantaged sections of society; 15

(g) promoting synergy of research in higher educational institutions and universities with research in other agencies or laboratories;

(h) facilitating higher educational institutions and universities in developing linkages with industry for collaborative research; 20

(i) facilitating higher educational institution and universities in approaching agencies involved with research to obtain funding for research in such institutions;

(j) establishing and supporting inter university centres for providing research facilities and thrust to new and emerging areas of knowledge through development of common facilities for research for a group of universities or for the universities in general; 25

(k) discharging such other functions as may be specified by the regulations .

(3) The Board shall identify and recommend to the Commission to grant funding for competitive, merit-based proposals by higher educational institutions and universities for research and related infrastructure in such institutions:

Provided that the Board funding available to fund research and related infrastructure for a given financial year shall be intimated by the Commission to the Board in advance and the Board shall, while recommending the proposals, duly take into account the funds so available. 30

(4) The Board shall, while identifying and recommending proposals to the Commission under sub-section (3), give due attention and importance to— 35

(a) the balanced development of all fields of knowledge;

(b) the significance of research in emerging fields of knowledge that promote the sustained global competitiveness of the country and harmonious development of society;

(c) such research that aims to discover novel phenomena, theories, processes, products, materials, tools or equipments that addresses significant challenges for the people of the country and the global environment. 40

(5) The Commission shall approve, reject or return to the Board for reconsideration, such of the proposals for research funding as are identified and recommended by the Board under sub-section (3), as it may deem fit:

Provided that the Commission while approving any proposal for research funding shall specify the outcome-based parameters for assessment of the productivity of the research proposal: 45

Provided further that no research proposal shall be rejected or returned without assigning reasons for such decision.

(6) The research proposals of higher educational institutions and universities approved by the Commission under sub-section (5) shall be provided by the Board to the Corporation referred to in section 46 for disbursement of grants to such institutions and universities. 50

## CHAPTER VIII

## HIGHER EDUCATION FINANCIAL SERVICES CORPORATION

5 **46. (1) There shall be established on and from such date as the Central Government may notify a corporation to be called the Higher education Financial Services Corporation for the purposes of this Act.**

Establishment of Higher Education Financial Services Corporation.

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

10 (3) The general superintendence and direction of the affairs of the Corporation shall be entrusted to a Board of Directors.

(4) The Board of Directors, referred to in sub-section (3), shall consist of the following, namely:—

15 (a) the Chairperson or such Member of the Commission, as the Commission may nominate, who shall be the non-executive Chairperson of the Corporation and shall preside over its meetings;

(b) two persons, from amongst such members of the General Council nominated to it under clause (c) of sub-section (1) of section 26;

20 (c) one person, from amongst such Members of the General Council nominated to it under clause (d) of sub-section (1) of section 26;

(d) one person, from amongst such Members of the General Council nominated to it under clause (e) of sub-section (1) of section 26;

25 (e) one person, by rotation, from amongst such Members of the General Council nominated to it to represent Central Educational Institutions under clause (f) to clause (j) of sub-section (1) of section 26;

(f) two nominees of the Central Government, of whom one shall be nominated by the Ministry dealing with the subject of finance;

(g) two persons being experts in matters of finance, banking and management to be appointed who shall be whole-time officers of the Corporation;

30 (h) a Managing Director who shall be a whole-time officer of the Corporation.

(5) The Corporation shall, with the prior approval of the Central Government and the Commission, notify its memorandum and articles of association; and such memorandum shall provide for the duties and responsibilities of the Managing Director and other officers of the Corporation.

35 (6) The Corporation may appoint the Managing Director, the Directors referred to in clause (h) of sub-section (4) and such other number of officers and other employees with such qualifications and on such terms and conditions as may be specified by the regulations.

40 (7) The Board of Directors shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided in the articles of association.

(8) The Corporation shall not amend or alter its memorandum or articles of association except with the prior approval of the Central Government and the Commission.

Duties and functions of Corporation.

**47.** (1) The Corporation shall disburse, in accordance with the norms and principles specified by regulations made by the Commission under clause (j) of sub-section (2) of section 17, financial assistance by way of grants to universities and higher educational institutions; and perform such other functions incidental and related to such assistance.

(2) The Corporation, at the beginning of each financial year, shall, on the basis of the allocation of grants for that financial year communicated by the Commission, prepare a proposal, based on the information provided by each university and higher educational institution and in accordance with the norms and principles specified by regulations, of grants to be allocated to each university and higher educational institution in that financial year.

(3) The Managing Director of the Corporation shall be responsible for disbursal of grants to universities and higher educational institutions.

(4) In the discharge of its duties and functions, the Corporation shall be guided by such instructions from time to time, as may be given to it by the Commission.

Accounts and audit.

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

(2) The Corporation 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 Corporation may, in consultation with the Comptroller and Auditor-General, determine.

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

(4) Notwithstanding anything in sub-section (3), the accounts and related matters of the Corporation shall be audited by an auditor duly qualified to act as auditor of companies under sub-section (1) of section 226 of the Companies Act, 1956, who shall be appointed by the Commission and such remuneration as the Commission may fix shall be paid to the auditors by the Corporation.

(5) Every auditor shall be supplied with a copy of the annual accounts of the Corporation, and it shall be his duty to examine it together with the accounts and vouchers relating thereto; and every auditor shall at all reasonable times have access to the books, accounts and other documents of the Corporation, and may in relation to such accounts examine any Director or officer of the Corporation.

(6) The auditor shall make a report to the Commission upon the annual accounts and audit, and in every such report they shall state whether in their opinion the accounts contain all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the affairs and in accordance with the norms and principles specified by the Commission, and in case they have called for any explanation or information from the Corporation whether it has been given and whether such explanation or information is satisfactory.

(7) The Commission shall take such consequential action, in accordance with this Act and the regulations made thereunder, on the report made to it under sub-section (6); and a report on the action so taken along with an explanatory memorandum thereon shall be provided to the Central Government.

(8) The Central Government shall, in respect of each financial year, cause to be laid before both Houses of Parliament, the annual accounts of the Corporation together with the audit report of the Comptroller and Auditor-General thereon and the report on the action taken along with the explanatory memorandum thereon, referred to in sub-section (7).

49. (1) The Corporation shall furnish to the Commission, quarterly and at such other times, and in such form and manner as may be specified by regulations or as the Commission may direct, such returns and statements and such particulars in regard to financing of universities and higher educational institutions, as the Commission may require.

Furnishing of returns and information by Corporation.

5 (2) The Corporation shall furnish to the Central Government, for the purpose of reporting to Parliament, such returns or other information with respect to its policies or activities, as may be required.

## CHAPTER IX

### QUALIFICATIONS ADVISORY COUNCILS IN VOCATIONAL EDUCATION

10 50. (1) The Central Government shall, by notification, establish, such number of Qualifications Advisory Councils in vocational education as it may deem fit to aid and advise it in discharging its functions and exercising powers in respect of vocational education under this Act.

Qualifications Advisory Councils in vocational education.

15 (2) Each Qualifications Advisory Council shall be headed by a Chairperson and eight other members.

(3) The Chairperson of each Qualifications Advisory Council shall be appointed by the Commission, and shall be an academic in a university with proven experience in vocational education or in relevant areas of higher education relating to practice of professions.

20 (4) Every appointment as Chairperson of the Qualifications Advisory Council under sub-section (3) shall take effect only after its ratification, by majority, by the General Council.

(5) Of the eight other Members —

(a) two shall be nominated by the Commission from amongst heads of State Councils of Vocational Education;

25 (b) two shall be nominated by the Commission from amongst Members of the General Council with exposure to vocational education or in relevant areas of higher education relating to practice of professions;

(c) the Chairperson or a Member of the National Council of Vocational Training to be nominated by the Chairperson of the National Council of Vocational Training;

30 (d) one shall be nominated by the Central Government to represent trade unions in the relevant skill area;

(e) two shall be nominated by the Commission possessing exposure to the relevant skill areas to represent associations of industry, trade or commerce with national presence listed in the Fourth Schedule:

35 Provided that the Commission shall make the nominations under this clause only after consultations with the members of the General Council nominated to it under clause (k) of sub-section (1) of section 26 from amongst heads of associations of industry, trade or commerce with national presence listed in the Fourth Schedule.

40 (6) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson of each Qualifications Advisory Council shall be such as may be prescribed.

(7) No member of any Qualifications Advisory Council other than the Chairperson of such Council, shall receive any remuneration except such sitting fees or other allowances, as may be prescribed, for attending the meetings of such Council.

45 (8) The Commission shall provide funds and administrative support to each Qualifications Advisory Council for the conduct of its meetings and other related matters.

Duties and functions of Qualifications Advisory Council.

**51.** Each Qualifications Advisory Council constituted for specific skill areas shall perform the following duties and functions, namely:—

- (a) advise and make recommendations on qualifications framework in such skill areas defining the competencies required by students pursuing vocational education in such skill areas; 5
- (b) advise and make recommendations on standards of academic quality and benchmarking such standards in programmes of study leading to the award of any diploma in such skill areas;
- (c) advise and make recommendations on norms for accreditation of higher educational institutions imparting vocational education in such skill areas; 10
- (d) advise and contribute to policy in vocational education;
- (e) prepare reports on industry requirements in such skill areas and advice on skill needs in the context of the workplace;
- (f) suggest elements of curriculum and syllabus to impart the required competencies in such skill areas; 15
- (g) perform such other functions or make such other recommendations as may be referred to it by the Commission.

## CHAPTER X

### JOINT MECHANISM

Joint Mechanism.

**52.** (1) Notwithstanding anything contained in this Act or any other law for time being in force, in case any difference of opinion arises between the National Commission for Higher Education and Research established under this Act and the National Commission for Human Resources for Health established under the National Commission for Human Resources for Health Act, 2011, such difference of opinion may be referred to a Joint Committee consisting of the following, namely :— 20 25

(a) the Cabinet Secretary – *ex officio*, Chairperson;

(b) the Chairperson of National Commission for Higher Education and Research—*ex officio*, Member;

(c) the Chairperson for National Commission for Human Resources for Health—*ex officio*, Member; 30

(d) the Secretary, in charge of the department dealing with the subject of Higher Education—*ex officio*, Member;

(e) the Secretary, in charge of the department dealing with the subject of Health and Family Welfare – *ex officio*, Member.

(2) The Secretary, Department of Higher Education in the Ministry of Human Resource Development or the Secretary, Ministry of Health and Family Welfare, as the case may be, who makes reference under sub-section (1) shall be the convenor of the meetings of the Joint Committee referred to in sub-section (1). 35

(3) The Joint Committee shall follow such procedure as it may consider expedient and resolve the difference of opinion, within a period of two months from the date of reference made under sub-section (1). 40

(4) The decision of the Joint Committee shall be binding on the National Commission for Higher Education and Research and the National Commission for Human Resources for Health .



## CHAPTER XI

## FINANCE, ACCOUNTS AND AUDIT

53. The Central Government shall, after due appropriation made by Parliament, make  
 5 to the Commission grants of such sums of money as the Central Government may think fit  
 for being utilised for the purposes of this Act. Grants by Central Government.
- 54. (1) The National Commission for Higher Education and research shall have its own fund and there shall be credited thereto—**
- (a) any grants and loans made to the Commission by the Central Government;
- (b) all fees and charges received by the Commission under this Act;
- 10 (c) all sums received by the Commission from such other sources as may be decided upon by the Central Government.
- (2) The Fund referred to in sub-section (1) shall be applied for meeting—**
- (a) the salaries and allowances to the Chairperson and Members, officers and other employees of the Commission ;
- 15 (b) the other expenses of the Commission in connection with the discharge of its functions and for the purposes of this Act;
- (c) the expenses of the General Council, Board, Corporation in connection with the discharge of their functions and for the purposes of the Act.
55. (1) The Commission shall, in respect of each financial year, provide to the Central  
 20 Government a statement of the estimated expenditure on development of higher education and research for that year, referred to as the “annual financial statement on higher education and research”; and such estimated expenditure shall be based on norms and principles specified under regulations. Furnishing of statement of estimated expenditure for development of higher education and research.
- (2) The Commission shall provide, that part of the estimated expenditure planned to  
 25 be appropriated towards research, along with an explanatory memorandum on the research programmes proposed to be funded and an assessment of the productivity of research programmes, based on norms as may be specified by regulations, funded in the past five years.
- (3) The Central Government shall cause the annual financial statement on higher  
 30 education and research, with such modifications as it may recommend, to be laid before both Houses of Parliament.
- 56. (1) The Commission, General Council, and the Board shall cause to be maintained such books of account and other books in relation to their account in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be**  
 35 prescribed. Accounts and audit.
- (2) The Commission, General Council, and the Board shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General by such date, as the Commission may, in consultation with the Comptroller and Auditor-General, determine.
- (3) The accounts of the Commission, General Council, and the Board shall be audited  
 40 by the Comptroller and Auditor-General at such times and in such manner as he thinks fit.
- 57. The Central Government shall, in respect of each financial year, cause to be laid before both Houses of Parliament, the annual accounts of the Commission General Council, and the Board together with the audit report thereon along with an explanatory memorandum**  
 45 on the action so taken, by the Commission, on such report. Laying of annual accounts of Commission, General Council, etc.

## CHAPTER XII

## MISCELLANEOUS

- Furnishing of returns and information to Central Government by Commission. 5  
**58.** The Commission shall furnish to the Central Government such returns or other information with respect to its regulations, policies or activities as the Central Government may, for the purpose of reporting to Parliament or for the making of policy, from time to time, require.
- Furnishing of returns and information by university and institutions to Commission. 10  
**59.** Each university and each higher educational institution empowered by or under any law for the time being in force to award any degree, shall furnish to the Commission at such time and in such form and manner as may be specified by regulations or as the Commission may seek, such returns and statements and such particulars concerning the financial position of the university or higher educational institution; or the studies in various branches of learning undertaken in that university or higher educational institution, and its rules and regulations concerning standards of teaching and examination in that university or higher educational institution in respect of each such branch of learning or in such other matters, as the Commission may, from time to time, require. 15
- Act to have overriding effect. 1 of 1956  
**60.** The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law, other than the Companies Act, 1956, for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- Power of Central Government to amend Schedule. 20  
**61.** The Central Government may, by notification in the Official Gazette, amend, from time to time, the First, Second, Third or Fourth Schedule to this Act.
- Power of Central Government to make rules. 25  
**62.** (1) The Central Government may, by notification make rules to carry out the purpose 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 form in which an oath of affirmation is to be made under sub-section (8) of section 7;  
(b) the other disqualifications for removal of the Chairperson or other Members under clause (k) of sub-section (2) of section 8;  
(c) the procedure for the inquiry under sub-section (5) of section 8;  
(d) the salaries and allowances payable to and the status, other terms and conditions of service of chairperson under sub-section (1) of section 14; 30  
(e) the sitting fee and other allowances payable to the members under sub-section (2) of section 14;  
(f) the other functions to be discharged by the Commission under clause (n) of sub-section (2) of section 16; 35  
(g) the other functions in relation to the determination, coordination and maintenance of standards in higher education and research to be entrusted to the Commission under clause (m) of sub-section (2) of section 17;  
(h) the sitting fees and other allowances payable to a member of the General Council for attending its meeting under sub-section (5) of section 26; 40  
(i) the other functions to be discharged by the General Council under clause (i) of sub-section (2) of section 27;  
(j) the manner in which Fellows, other than Fellows referred to in sub-section (4) of section 28, shall be chosen from amongst persons of integrity and eminence in higher education and research under sub-section 28; 45  
(k) the other functions to be discharged by the Collegium under clause (g) of sub-section (1) of section 30;



(l) the sitting fees and other allowances payable to a fellow of the Collegium for attending its meeting under sub-section (2) of section 34;

5 (m) the number of experts in management of, or in, organisations, and their qualifications and terms and conditions on which their services shall be obtained by the Collegium under sub-section (3) of section 34;

(n) the form and manner in which an appeal may be preferred and the documents to be accompanied with it and the fees payable therewith under section 38;

10 (o) the form and manner in which the books of account of the Commission shall be maintained under sub-section (1) of section 48;

(p) the salary and allowances payable to, and the other terms and conditions of service of the Chairperson of each Qualifications Advisory Council under sub-section (3) of section 50;

15 (q) the sitting fees or other allowances payable to Members of a Qualifications Advisory Council other than its Chairperson for attending the meetings of such Council under sub-section (4) of section 50;

(r) the form and manner in which the books of account of the Corporation shall be maintained under sub-section (1) of section 56;

(s) any other matter which has to be, or may be, prescribed.

20 **63.** (1) The Commission may, with prior approval of the General Council, by notification, make regulations consistent with this Act and the rule made there under, to carry out the purposes of this Act.

Power of Commission to make regulations.

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

25 (a) the requirements for the award of any degree or diploma in any field of knowledge in higher education and parameters for equivalence of academic qualifications under clause (a) of sub-section (2) of section 17;

(b) the norms of academic quality for accreditation and benchmarking of higher educational institutions under clause (b) of sub-section (2) of section 17;

30 (c) the norms and processes for establishment and winding up of a higher educational institution and university under clause (c) of sub-section (2) of section 17;

35 (d) the norms and processes for declaration of a university or an higher educational institution (not being a college), empowered, by or under any law to award any degree, for commencement of enrolment of students under a course or programme, under clause (d) of sub-section (2) of section 17;

(e) the norms of academic quality for a university to affiliate colleges under clause (e) of sub-section (2) of section 17;

40 (f) the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force under clause (f) of sub-section (2) of section 17;

(g) the norms and mechanisms for transparent, efficient and accountable governance in universities and other higher educational institutions under clause (g) of sub-section (2) of section 17;

45 (h) the standards for leadership positions for appointment as Vice Chancellor of a university or head of Central Educational Institution not being a college, under clause (h) of sub-section (2) of section 17;

(i) the norms and mechanisms to measure the productivity of research programmes funded by the Commission under clause (i) of sub-section (2) of section 17;

- (j) the norms and principles for allocation of grants, for the maintenance and development or research or for any other general or specific purpose, of any class of higher educational institutions and universities under clause (j) of sub-section (2) of section 17;
- (k) the mechanisms for social audit of the processes in the Commission and obtain public feedback on its performance and achievements under clause (k) of sub-section (2) of section 17; 5
- (l) the manner of establishment of inter university centres for providing cutting-edge research facilities and thrust to new and emerging areas of knowledge, common facilities for research for a group of universities or for the universities in general under sub-section (1) of section 19; 10
- (m) the qualifications and manner of appointment of officers and employees of the Commission under sub-section (1) of section 22;
- (n) the number of, salaries and allowances payable to, and other terms and conditions of service of officers and employees of the Commission under sub-section (2) of section 22; 15
- (o) the terms and conditions, the qualifications and the period of appointment of other academic, administrative, accounting, technical and scientific experts as may be considered necessary by the Commission under sub-section (3) of section 22;
- (p) the procedure for the conduct of its business and the exercise of its powers and functions under sub-section (1) of section 23; 20
- (q) the manner in which names of persons may be considered by the Collegium for inclusion in the directory of academics for leadership positions under sub-section (1) of section 31;
- (r) the manner of preparation of the assessment report by a registered accreditation agency and the norms on which such report shall be based under sub-section (1) of section 35; 25
- (s) the form and manner in which an application may be made for intimation of intent to commence academic operations and the documents to be accompanied with it and the fee payable therewith under sub-section (2) of section 35; 30
- (t) the manner of preparation of the assessment report by a registered accreditation agency and the norms on which such report shall be based, to be submitted by a college or higher educational institution along with the application for grant of affiliation to a university under sub-section (2) of section 39;
- (u) the sitting fees or allowances payable to Members nominated to the Board for attending the meetings of the Board under sub-section (7) of section 43; 35
- (v) the salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the Members appointed under certain clauses to the Board under sub-section (1) of section 44;
- (w) the manner of providing officers and employees to the Board and their qualifications, remuneration and other terms and conditions under sub-section (2) of section 44; 40
- (x) the terms and conditions and remuneration of engagement of services of persons of eminence in research both from within and outside the country as consultants or visiting scientists under sub-section (5) of section 44; 45
- (y) the other functions to be discharged by the Board under clause (k) of sub-section (2) of section 45;

(z) the number of officers and employees, and the terms and conditions of appointment and service of the Managing Director, whole-time Directors and other officers and employees of the Corporation under sub-section (6) of section 46;

5 (za) the norms and principles of grants to be allocated to each educational institution under sub-section (2) of section 47;

(zb) the form and manner in which returns, statements and particulars in regard to financing of higher educational institutions and universities are to be furnished by the Corporation under sub-section (1) of section 49;

10 (zc) the form and manner in which returns, statements and particulars concerning the financial position of a university or a higher educational institution are to be furnished under section 59;

(zd) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.

15 (3) No regulation shall be made under clause (l) or clause (n) or clause (w) or clause (z) of sub-section (2) except with the prior approval of the Central Government.

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

Laying of rules, regulations and notifications.

**65.** (1) If, at any time, the Central Government is of the opinion,—

30 (a) that, on account of circumstances beyond the control of the Commission, General Council, Board or Corporation, as the case may be, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

Power of Central Government to supersede Commission, General Council, etc.

35 (b) that the Commission, General Council, Board or Corporation, as the case may be, has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Commission, General Council, Board or Corporation, as the case may be, or the administration of the Commission, General Council, Board, the Corporation, as the case may be, has suffered; or

40 (c) that circumstances exist which render it necessary in the public interest so to do,

45 it may by notification, supersede the Commission, General Council, Board, the Board of Directors of the Corporation, as the case may be, for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Chairperson or the President, as the case may be, to exercise powers and discharge functions of the Commission, General Council, Board or Corporation, as the case may be, under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Commission, General Council, Board or the Board of Directors of the Corporation, as the case may be, to make representations against the

proposed supersession and shall consider the representations, if any, of the Commission, General Council ,Board or the Board of Directors of the Corporation, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Commission, General Council ,Board or Corporation, as the case may be,—

(a) the Chairperson, President, Vice-President and other members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission, General Council ,Board or Corporation, as the case may be, shall, until the Commission, General Council ,Board or Corporation, as the case may be, is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Commission, General Council, Board or Corporation, as the case may be, shall, until the Commission, General Council ,Board or Corporation, as the case may be, is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Commission, General Council ,Board or Corporation, as the case may be, by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

**66.** The Chairperson and other Members of the General Council ,Board or Corporation, as the case may be, shall immediately after entering office and every year thereafter, make a declaration to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any higher educational institution and university which comes under the purview of the General Council ,Board or Corporation, as the case may be, and the same shall be placed in the public domain.

**67.** (1) The Chairperson and other members of the General Council, Board or Corporation, as the case may be, on ceasing to hold office shall not for a period of two years accept any employment (including as consultant or expert or otherwise) in any higher educational institution and university whose matter has been dealt with by such Chairperson or member, as the case may be.

(2) Nothing in sub-section (1) shall prevent the Chairperson or a member, as the case may be, to accept any employment in any university and higher educational institution controlled or maintained by the Central Government or the State Government.

**68.** (1) In the event of the occurrence of any vacancy in the office of the Chairperson or other member of the General Council ,Board or Corporation, as the case may be, by reasons of death, removal, suspension or resignation, the senior most whole-time member of such General Council, Board or Corporation, as the case may be, shall act as the Chairperson till such time the Chairperson is appointed, to fill the vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on account of leave or otherwise, the senior most whole-time member shall discharge the functions of the Chairperson till the Chairperson is able to discharge his functions.

**69.** Notwithstanding anything in this Act, no person shall be eligible to be appointed or nominated or elected in any capacity in the General Council, Board or Corporation, as the case may be, whether as the Chairperson or member for more than two terms.

**70.** The Chairperson or a member of the General Council, Board or Corporation, as the case may be, by notice given in writing under his hand of not less than a period of thirty days, addressed to the Central Government resign from his office:

Resignation of  
Chairperson  
or a member  
of General  
Council,  
Board or  
Corporation.

5 Provided that the Chairperson or a member of General Council, Board or Corporation, as the case may be, shall, unless permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of a period of thirty days from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earliest.

**71. (1)** The Central Government may, by order, remove from office the Chairperson or  
10 any member of the General Council, Board or Corporation, as the case may be, who—

Removal and  
suspension  
and  
Chairperson  
or a member  
of General  
Council,  
Board or  
Corporation.

(a) has been adjudged an insolvent; or

(b) being whole-time member has engaged at any time, during his term of office, in any paid employment; or

15 (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

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

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

20 (f) has been removed or dismissed from the service of office of the Central Government or of a State Government or from a body owned or controlled by the Central Government or a State Government or from any Central or State statutory body;

(g) has acquired such financial or other interest as is likely to affect prejudicially his functioning as Chairperson or other Member, as the case may be; or

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

(i) has been guilty of proved misconduct; or

(j) has been guilty of proved conflict of interest in the discharge of functions.

30 (2) The Chairperson or a member of the General Council, Board or Corporation, as the case may be, shall not be removed from his office under clause (g) or clause (h) or clause (i) of sub-section (1), unless he has been given a reasonable opportunity of being heard in the matter:

Provided that the Central Government may, if it considers necessary in the public interest, suspend such Chairperson or other member.

35 **72.** No act or proceeding of the General Council, Board or Corporation, as the case may be, shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the General Council, Board or Corporation, as the case may be; or

40 (b) any defect in the appointment of a person as a Member of the General Council, Board or Corporation, as the case may be; or

(c) any irregularity in the procedure of the General Council, Board or Corporation, as the case may be, not affecting the merits of the case.

Vacancies,  
etc. not to  
invalidate  
proceedings of  
General  
Council,  
Board, or  
Corporation.

45 **73. (1)** The General Council or Corporation, as the case may be, shall be competent to constitute such other committees for general or special purposes, as it may consider necessary to carry out the functions assigned to it under this Act.

Power to  
appoint  
committees.

(2) The General Council, Board or Corporation, as the case may be may engage such experts for discharging its functions under this Act for such period, on such qualification and on payment of such fees and remuneration as may be specified by regulations made under this Act.

Reference of disputes to Central Government.

**74.** Where any dispute arises regarding any recommendation or advice of General Council, Board or Corporation, as the case may be, made to the Commission, it shall be referred to the Central Government whose decision thereon shall be final and binding. 5

Appeal against decisions of Commission.

**75. (1)** Any person aggrieved by an order made by the Commission under section 74 may prefer an appeal to the Central Government within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefore: 10

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed. 15

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

Protection of action taken in good faith.

**76.** No suit, prosecution or other legal proceeding shall lie against any person for anything which has been done or intended to be done in good faith under this Act. 20

Members, etc., to be public servants.

**77.** The Chairperson and Members and other officers and employees of the Commission, General Council, Board or Corporation, as the case may be, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Power of the Commission, Board, Committee or General Council to call for information or conduct investigation, etc.

**78. (1)** Where the Commission, Board, Committee or General Council, as the case may be, consider it expedient so to do, it may, by order in writing. 25

(a) call upon any higher educational institution or university at any time to furnish in writing, such information or explanation relating to its affairs as the Commission, General Council, Board or Corporation, as the case may be, may require; or

(b) appoint one or more persons to make an inquiry in relation to the affairs of any higher educational institution and university; and 30

(c) direct any of its officers or employees to inspect the books of account or other documents of any higher educational institution and university.

(2) Where any inquiry in relation to the affairs of an higher educational institution or university has been undertaken under sub-section (1),— 35

(a) every officer of the Government Department, if such higher educational institution or university is a department of the Government;

(b) every director, manager, secretary or other officer, if such higher educational institution or university is a company; or

(c) every partner, manager, secretary or other officer, if such higher educational institution or university is a firm; or 40

(3) Every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in sub-section (2), shall produce before the Commission, General Council, Board or Corporation, as the case may be, making inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Commission, General 45



Council, Board or Corporation, as the case may be, with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified by the Commission.

(4) Every higher educational institution and university shall maintain such books of account or other documents as may be specified by regulations made by the Commission.

(5) The Commission, General Council, Board or Corporation, as the case may be, shall have the power to issue such directions to higher educational institution and university as it may consider necessary for proper functioning of such institution.

**79.** (1) Without prejudice to the foregoing provisions of this Act, the Commission, General Council, Board or Corporation, as the case may be, shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the Central Government may give in writing to it from time to time:

Power of Central Government to issue directions.

Provided that the Commission, General Council, Board or Corporation, as the case may be, shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

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

**80.** The Commission, General Council, Board or Corporation, as the case may be, shall furnish to the Central Government any information with respect to their activities as the Central Government may from time to time require.

Commission, General Council, Board or Corporation, to furnish information to Central Government.

**81.** The Central Government may appoint an independent committee once in every five years to review the functioning of the Commission, General Council, Board or Corporation, as the case may be.

Review.

**82.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

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

**83.** (1) With effect from such date, not later than one year from the date of coming into force of this Act, as the Central Government may, in consultation with the Commission, notify, that the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987, the National Council for Teacher Education Act, 1993, shall stand repealed and the University Grants Commission, the All India Council for Technical Education, and the National Council for Teachers Education shall stand dissolved:

Repeal and savings.

3 of 1956.  
52 of 1987.  
73 of 1993.

Provided that anything done or any action taken as regards the educational standards and requirements under the enactments under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act:

Provided further that all the degrees awarded and all the colleges and the higher educational institutions recognised under the University Grants Commission Act, 1956 and

3 of 1956.

the All India Council for Technical Education Act, 1987 shall be deemed to have been awarded or recognised under this Act: 52 of 1987.

Provided also that during the period between the date of coming into force of this Act and the date of repeal of the enactments mentioned in this sub-section, the University Grants Commission, the All India Council of Technical Education and the National Council of Teacher Education shall not take any decision or action, except with the prior approval of the Commission, on any matter as specified by the Commission. 5

(2) Notwithstanding anything contained in the Architects Act, 1972, the Advocates Act, 1961, the Indian Medical Council Act, 1956, the Dentists Act, 1948, the Pharmacy Act, 1948, the Indian Nursing Council Act, 1947, the Indian Medicine Central Council Act, 1970, and the Homeopathy Central Council Act, 1973, the provisions of this Act shall apply to any matter concerning the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research: 20 of 1972.  
25 of 1961.  
102 of 1956.  
16 of 1948.  
8 of 1948.  
48 of 1947.  
48 of 1970.  
59 of 1973. 10

Provided that nothing contained in this section shall be construed as restricting the power of the Bar Council of India to specify standards of higher education concerning practice in courts: 15

Provided further that nothing contained in this section shall be construed as restricting the power of the professional Councils listed in the First Schedule to specify standards of higher education concerning professional practice.

(3) Notwithstanding anything contained in the Indira Gandhi National Open University Act, 1985, the provisions of this Act shall apply to the co-ordination, determination and promotion of standards in distance education systems. 20  
5 of 1985.

(4) If, on the appointed day, any suit, appeal or other proceeding of whatever nature, relating to the the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 the National Council for Teacher Education Act, 1993, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the repeal of the said Acts but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Commission. 25  
3 of 1956.

(5) On and from the date of repeal of the said enactments,—

(a) any reference to the said enactments in any law for the time being in force shall be construed to be a reference to this Act; 30

(b) any reference to the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education, in any law or rule or regulation for the time being in force or any contract or other instrument, shall be construed as a reference to the Commission established under this Act; 35

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

(d) all rights and liabilities of the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education shall be transferred to, and be the rights and liabilities of, the Commission; 40

(e) any reference, by whatever form of words, to the Chairman of the University Grants Commission, the Chairman of the All India Council of Technical Education or the Chairman of the National Council of Teacher Education in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Chairman of the Commission; 45

(f) on the dissolution of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education the person



appointed as Chairman and every other person appointed a Member and holding office as such immediately before such date shall vacate their respective offices and no such Chairperson or other person shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service.

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

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

10 of 1897.

3 of 1956.  
52 of 1987.  
73 of 1993.

15 **84.** Notwithstanding the repeal of the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993, the educational standards, requirements and other provisions of the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993, and the rules and regulations made thereunder shall continue to be in force and operate till new standards are specified under this Act or the rules and regulations made thereunder.

Transitory provisions.

3 of 1956.  
73 of 1993.

THE FIRST SCHEDULE

*[see clause (d) of sub-section (1) of section 26]*

List of professional bodies to be represented on the General Council.

<b>S. No.</b>	<b>List of professional bodies</b>	
1.	Bar Council of India.	5
2.	Central Council of Homeopathy.	
3.	Central Council for Indian Medicine.	
4.	Council of Architecture.	
5.	Dental Council of India.	
6.	Indian Nursing Council.	10
7.	Institute of Chartered Accountants of India.	
8.	Institute of Cost and Works Accountants of India.	
9.	Institute of Company Secretaries of India.	
10.	Institution of Engineers.	
11.	Medical Council of India.	15
12.	Pharmacy Council of India.	
13.	Rehabilitation Council of India.	
14.	Veterinary Council of India.	

THE SECONDSCHEDULE

*[see clause (e) of sub-section (1) of section 26]*

List of research Councils to be represented on the General Council.

<b>S.No.</b>	<b>List of research Councils</b>
5	1. Council for Industrial and Scientific Research.
	2. Department of Atomic Energy.
	3. Defence Research and Development Organisation.
	4. Indian Academy of Sciences.
	5. Indian National Academy of Engineering.
10	6. Indian Council for Agricultural Research.
	7. Indian Council of Historical Research
	8. Indian Council of Medical Research.
	9. Indian Council for Philosophical Research
	10. Indian Council of Social Sciences Research
15	11. Indian Space Research Organization.
	12. Indian National Science Academy.
	13. National Academy of Sciences.

THE THIRD SCHEDULE

*[see sub-section (3) of section 28]*

List of awards whose recipients shall be Fellows of the Collegium

**S. No. List of awards**

- |    |                           |   |
|----|---------------------------|---|
| 1. | Nobel Prize in any field. | 5 |
| 2. | Fields Medal.             |   |

#### THE FOURTH SCHEDULE

*[see clause (l) of sub-section (1) of section 26]*

List of industry associations with national presence eligible for representation on the General Council.

- |    |   |
|----|---|
| 5  | <b>S.No. List of industry associations with national presence eligible for representation on the General Council.</b> |
|    | 1. Associated Chamber of Commerce and Industry of India.  |
|    | 2. Confederation of Indian Industry.  |
|    | 3. Federation of Indian Export Organisations.   |
| 10 | 4. Indian Machine Tools Manufacturers Association.  |
|    | 5. Manufacturers Association of Information Technology.   |
|    | 6. National Association of Software and Service Companies.  |
|    | 7. All-India Manufacturers Association.   |
|    | 8. Federation of Indian Chambers of Commerce and Industry.  |
| 15 | 9. Indian Electrical and Electronics Manufacturers' Association.  |
|    | 10. Organisation of Pharmaceutical Producers of India.  |

## STATEMENT OF OBJECTS AND REASONS

Indian Higher Education is a large and growing system with nearly five hundred and fifty four university level institutions and over thirty two thousand colleges, both publicly and privately funded. With the rapid growth in the higher education sector, numerous concerns have arisen about the regulatory structure in various fields of knowledge in institutions of higher learning. The Higher education sector as a whole is seen as “over regulated but under governed” with a multiplicity of regulatory agencies.

2. The University Grants Commission was constituted as a statutory body under the University Grants Commission Act, 1956 for co-ordinating the activities of higher educational institutions and maintaining standards. It was expected that University Grants Commission would perform the overarching function of promoting and steering the higher education sector in the country.

3. Over time however, several Councils have been set up to promote or regulate areas of technical, professional and medical education. While this has focussed attention on specialised areas of education, it has also led to fragmentation of knowledge with different regulatory agencies taking different views on matters of standards and promotion of higher education. This has prevented flow of ideas across disciplines and created boundaries in the higher educational sector where none should exist. It has, therefore, become imperative that a holistic view of higher education is taken because of the increasingly converging nature of disciplines and the opportunities of knowledge creation that lie at the intersections of existing disciplines.

4. In its report, the Education Commission (Kothari Commission) (1964-66) had recommended that the University Grants Commission should represent the entire spectrum of higher education and that all higher education should be regarded as an integrated whole. The National Policy on Education, 1986, and the Plan of Action, 1992, have also envisaged the establishment of a National Apex Body for bringing about greater coordination and integration in the planning and development of higher education system including research. The National Knowledge Commission in its Report, 2007 had recommended the establishment of an Independent Regulatory Authority for Higher Education. The Committee to advise on the Renovation and Rejuvenation of Higher Education in its Report, 2009, has also recommended for the creation of an all-encompassing the National Commission for Higher Education and Research as a Constitutional body to replace the existing regulatory bodies.

5. In view of the above, it is proposed to enact a law, namely, the Higher Education and Research Bill, 2011 empowering the Central Government to establish the National Commission for Higher Education and Research which shall be an over-arching body to maintain and co-ordinate the standards in higher education in the country. The Higher Education and Research Bill, 2011 seeks to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation; to provide for a comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices and for that purpose to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical, professional and medical education other than agricultural education.

6. The Higher Education and Research Bill, 2011, *inter alia*, provides for the following, namely:—

(a) to establish a National Commission for Higher Education and Research (the Commission) for the determination, coordination, maintenance of standards and promotion of higher education and research including university education, vocational, technical and professional education;

(b) the Commission shall consist of a Chairperson and six other members to be appointed by the President of India on the recommendation of a Selection Committee headed by the Prime Minister with the Speaker of Lok Sabha, the Leader of Opposition in the Lok Sabha and the Ministers in charge of Medical Education and Higher Education in Government of India as members respectively;

(c) to establish a General Council which shall consist of the Chairperson of the Commission, who shall chair the meetings of the Council, all members of the Commission and the Chairpersons or Vice-Chairpersons of State Higher Education Council as may be determined by such Councils to represent each State and Union territory and also consist of the heads of professional bodies, research councils and experts in all sectoral areas of higher education;

(d) the General Council shall advise the Commission in the exercise of its functions and also advise the measures to be taken by the Commission to promote quality of higher education and nurture excellence;

(e) to establish a Collegium which consist of thirty persons of eminence in higher education and research to guide the Commission without interfering in its activities and by offering advice when solicited;

(f) to establish a Board for Research Promotion and Innovation, consisting of a Chairperson and twelve other members to be appointed by the Commission to recommend measures to the Commission to promote and facilitate research in the fields of knowledge in higher educational institutions;

(g) to establish the Higher Education Financial Services Corporation to disburse grants to higher educational institutions;

(h) to make a provision for reference of any difference of opinion between the National Commission for Higher Education and Research under this Act and the National Commission for Human Resources for Health established under the National Commission for Human Resources for Health Act, 2011 to the Joint Committee under this Act for its decision;

(i) to empower the Central Government to supersede the Commission, General Council, the Board for Research Promotion and Innovation and the Higher Education Financial Services Corporation under certain circumstances stated in the Bill;

(j) to empower the Commission, the Board for Research Promotion and Innovation, Corporation or General Council to call for information or conduct investigation in relation to the affairs of any higher Educational institution and University;

(k) to repeal the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987, the National Council for Teacher Education Act, 1993 and to dissolve the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education.

9. The Notes on clauses explain in detail the various provisions contained in the Bill.

10. The Bill seeks to achieve the above objectives.

KAPIL SIBAL.

NEW DELHI;

*The 22nd December, 2011.*



*Notes on clauses*

*Clause 2.*— This clause contains provision for application of the Act. It provides that this Act shall apply to all the higher educational institutions other than those institutions engaged mainly in agricultural education and research.

*Clause 3.*— This clause seeks to define certain expressions used in the proposed legislation. These definitions, *inter alia*, include “academic quality”, “accreditation”, “appropriate statutory regulatory body”, “Central Educational Institution”, “college”, “degree”, “diploma”, “higher education”, “National Commission for Human Resources for Health”, “National Research Professor”, etc.

*Clause 4.*— This clause provides for the establishment of National Commission for Higher Education and Research. Sub-clause (1) of the said clause provides that the Central Government shall, by notification, establish a Commission to be called the “National Commission for Higher Education and Research”. Sub-clause (2) of the said clause provides that the Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. Sub-clause (3) of the said clause provides that the headquarters of the Commission shall be in the National Capital Region and may establish offices in such other locations as it may deem fit.

*Clause 5.*— This clause contains provision for composition of Commission. It provides that the Commission shall consist of- (a) a Chairperson; (b) three whole-time members; and (c) three part-time members, to be appointed, by the President, on the recommendations of the Selection Committee constituted under section 7; (d) the Chairperson of the National Commission for Human Resources for Health referred to in sub-section (3) of section 3 of the National Commission for Human Resources for Health Act, 2011.

*Clause 6.*— This clause contains provisions relating to the qualifications for appointment of Chairperson and Members of the Commission. Sub-clause (1) of the said clause provides that the Chairperson and the whole-time members shall be a person of eminence and standing in the field of academics and research possessing leadership abilities, proven capacity for institution building and governance of institutions of higher learning, and having not less than twenty-five years experience in the profession, out of which at least fifteen years shall be in a leadership role, in the area of academics and research. Sub-clause (2) of the said clause provides that the others part-time Members shall be persons of eminence and standing in the field of education and research with high academic credentials and proven contribution to economic and social development with experience of governance of institutions of higher learning and engagement with policies in the field of higher education, and having not less than twenty years experience in the profession, out of which at least fifteen years shall be in a leadership role, in the area of academics, and research. Sub-clause (3) of the said clause provides that no person, who is not a citizen of India, shall be eligible to be appointed as the Chairperson or a Member.

*Clause 7.*— This clause deals with the Selection Committee. Sub-clause (1) of the said clause provides that the Central Government shall constitute a Selection Committee consisting of-(a) the Prime Minister, who shall be the Chairperson of the Selection Committee; (b) the Speaker of Lok Sabha; (c) the Leader of Opposition in Lok Sabha; (d) the Minister in charge of Higher Education in the Government of India; and (e) the Minister in charge of Medical Education in the Government of India. The *Explanation* to the above said sub-clause provides that for the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Lok Sabha has not been recognised as such, the Leader of the single largest group in opposition to the Government in the Lok Sabha shall be deemed to be the Leader of Opposition. Sub-clause (2) of the said clause provides that the Selection Committee

shall make its recommendations from the panel of three names, submitted by the Collegium under clause (b) of sub-section (1) of section 30, for each vacancy. Sub-clause (3) of the said clause provides that before recommending any person for appointment as a Chairperson or a Member of the Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other conflict of interest, which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be. Sub-clause (4) of the said clause provides that no appointment of the Chairperson or Member of the Commission shall be invalid merely by reason of any vacancy in the Selection Committee. Sub-clause (5) of the said clause provides that subject to the provisions of sub-sections (1) to (4), the Selection Committee may regulate its own procedure for assessing the suitability of the person from the panel of names referred to in sub-section (2) to be recommended to the president for appointment. Sub-clause (6) of the said clause provides that the Central Government shall initiate the process of appointment in respect of any vacancy due to arise in the office of the Chairperson or of other Members of the Commission, six months prior to the date of arising of such vacancy. However, the said sub-clause provides that in case a vacancy arises in the Selection Committee for the reason of death or removal, or resignation from office, such vacancy shall be filled expeditiously, within a period of six months from the date on which the vacancy has arisen. Sub-clause (7) of the said clause provides that every appointment under this section shall take effect from the date on which it is notified by the Central Government in the Official Gazette. Sub-clause (8) of the said clause provides that the Chairperson or other Member shall, before entering office make and subscribe before the President or some other person appointed by the President in that behalf, an oath of affirmation, in such the form as may be prescribed.

*Clause 8.*—This clause relates to resignation and removal of Chairperson and Members. Sub-clause (1) of the said clause provides that the Chairperson or any Member, other than the Member referred to in clause (d) of section 5 may, by notice in writing under his hand addressed to the President, resign from office. Sub-clause (2) of the said clause provides that the President may remove from office the Chairperson or any Member, other than the Member referred to in the clause (d) of section 5, who—(a) has been adjudged an insolvent; (b) has engaged, at any time during his term of office, in any paid employment outside the duties of his office; (c) has become physically or mentally incapable of acting as such Chairperson or other Member; or (d) is of unsound mind and stands so declared by a competent court; (e) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; (f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or other Member; (g) has failed to attend three consecutive meetings of the Commission; (h) has so abused his position as to render his continuance in office prejudicial to the public interest; (i) has been guilty of proved misconduct; (j) has been guilty of proved conflict of interest in the discharge of functions; or (k) has such other disqualifications as may be prescribed.

Sub-clause(3) of the said clause provides that notwithstanding anything in sub-section (2), the Chairperson or a Member shall not be removed from his office on the grounds specified in clause (h) or clause (i) or clause (j) of sub-section (2), except by an order made by the President after an inquiry made in this behalf by the Chairperson of the National Educational Tribunal, in which such Chairperson or such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. Sub-clause(4) of the said clause provides that in the event of inquiry instituted under sub-section (3), the President may suspend such Chairperson or other Member against whom an inquiry has been instituted for a period not exceeding six months if he considers necessary in public interest. Sub-clause (5) of the said clause provides that the Central Government may, by rules, regulate the procedure for the inquiry referred to in sub-section (3).

*Clause 9.*— This clause contains provisions relating to term of office of Chairperson and Members. Sub-clause (1) of the said clause provides that a person appointed as Chairperson and other Members, other than Member referred to in the clause (d) of section 5, shall hold office for a term of five years from the date on which he enters upon his

office. However, the said clause provides that the Chairperson and the whole-time Members shall cease to hold office on attaining the age of seventy years. Sub-clause (2) of the said clause provides that the Commission shall request the Central Government to initiate the process of appointment in respect of any vacancy due to arise on the post of Chairperson or other Members on completion of tenure before a period of six months from the date of arising of such vacancy. However, the said clause provides that the process of appointment shall be completed before such vacancy arises. Sub-clause (3) of the said clause provides that where a vacancy has arisen on account of any reason other than completion of tenure, the process of appointment in respect of such vacancy to the post of Chairperson or other Members shall be completed within a period of six months from the date such vacancy had arisen.

*Clause 10.*— This clause deals with declaration of interest by the Chairperson or other Members. Sub-clause (1) of this clause provides that the Chairperson or other Members shall, immediately after entering office and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution engaged in research or any higher educational institution or in any other professional or financial activity which comes under the purview of the commission and the same shall be displayed on the website of the Commission. Sub-clause (2) of the said clause provides that the Chairperson or any other Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Commission, shall, disclose the nature of his interest at such meeting; and shall not take any part in any deliberation or decision of the Commission with respect to that matter.

*Z*— This clause relates to restriction on re-employment. This clause provides that the Chairperson or other Member on ceasing to hold office, other than the Member referred to in clause (c) and clause (d) of section 5, shall be ineligible, for a period of five years from the date on which they cease to hold office, for further employment in, or, in matters related to, any higher educational institution under the Central Government or a State Government or any private higher educational institution or any accreditation agency.

*Clause 12.*— This clause provides that subject to other provisions of this legislation, the general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.

*Clause 13.*— This clause relates to the Member to act as Chairperson or to discharge his functions in certain circumstances. Sub-clause (1) of the said clause provides that in the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the President may, by notification, authorise one of the other whole-time Members, to act as the Chairperson until the appointment of a person to fill such vacancy. Sub-clause (2) of the said clause provides that when the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the other whole-time Members, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

*Clause 14.*— This clause provides that the salaries and allowances payable to, and the status and other terms and conditions of service of, the Chairperson of the Commission shall be such as may be prescribed. Sub-clause (2) of this clause provides that the members referred to in clause 5 (c) and (d), shall receive such sitting fees.

*Clause 15.*— This clause provides that the vacancies, etc., not to invalidate proceedings of Commission. It provides that no act or proceeding of the Commission shall be invalid merely by reason of— (a) any vacancy in, or any defect in the constitution of, the Commission; (b) any defect in the appointment of a person acting as Member of the Commission; or (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

*Clause 16.*— This clause relates to the Commission to promote higher education and research. Sub-clause (1) of the said clause provides that the Commission shall, in consultation

with the Governing Council and other bodies concerned, take all such steps as it may think fit for the promotion and co-ordination of higher education and research. Sub-clause (2) of the said clause provides that without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (1), may, *inter alia*, provide for all or any of the matters, namely,— (a) to promote autonomy within higher educational institutions; (b) to promote accountability framework in regulatory systems of higher education sector; (c) to promote development of a curriculum framework with specific reference to new or emerging or inter-disciplinary fields of knowledge; (d) to promote, through the development of a flexible academic framework, the exercise of choice by students for self-development, entrepreneurship, acquisition of skills and pursuit of learning; (e) to promote joint and cross-disciplinary programmes between and amongst the universities and other higher educational institutions; (f) to promote synergy of research in universities and higher educational institutions with research in other agencies or laboratories; (g) to promote co-ordination between higher educational institutions and industry towards innovation for mutual benefit and for the well-being of society; (h) to encourage universities to formulate a Code of Good Practices in leadership, governance and management and to develop a framework Code to guide universities in formulating such Code of Good Practices; (i) take such other measures for the promotion of higher education and research in higher educational institutions for the achievement of the goals in sub-section (1); (j) develop measures to relate higher education and research to the world of work and needs of society; (k) encourage universities for enabling colleges to innovate in higher education and research to evolve into universities or institutions with an authorisation to award degrees by itself; (l) take measures to enhance access and inclusion in higher education to remove imbalances in higher education; or (m) perform such other functions as may be prescribed. Sub-clause (3) of the said clause provides that nothing contained in this section shall be construed to imply that the measures taken by the Commission shall be obligatory for higher educational institutions and universities to adopt, but such measures shall serve to act as reference for higher educational institutions and universities to advance quality, access and inclusion in higher education and research therein, and for the achievement of the goals in sub-section (1).

*Clause 17.*— This clause deals with the Commission to determine, co-ordinate, maintain and specify standards of higher education and research. Sub-clause (1) of said clause provides that the commission shall, with the prior approval of the Central Government and subject to the provisions of this Act, make regulations, to determine, co-ordinate and specify standards of higher education and research. Sub-clause (2) of said clause provides that without prejudice to the generality of the foregoing provisions, the regulations referred to in sub-section (1), may, *inter alia*, provide for all or any of the matters, namely,—(a) Specify the requirements for the award of any degree or diploma in any field of knowledge of higher education and research and specify parameters for equivalence between academic qualifications; (b) specify norms and standards of academic quality for accreditation and benchmarking of higher educational institutions and universities ; (c) specify norms and processes for establishment and winding up of a higher educational institutions or a university; (d) specify norms and processes for permitting, a university or an higher educational institution empowered, by or under any law, to award any degree, to enrol students in any course or programme of study for the first time; (e) specify norms of academic quality for a university to affiliated colleges; (f) regulate the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force; (g) specify norms and mechanisms for transparent, efficient and accountable governance in universities and other higher educational institutions; (h) specify and co-ordinate standards for leadership positions for appointment as Vice-Chancellor of a university or the head of a Central Educational Institution not being a college; (i) specify norms to measure the productivity of research programmes; (j) specify norms and principles for allocation of grants, for the maintenance and development or research or for any other general or specific purpose, of any class of higher educational institutions and universities; (k) specify a framework for enabling mobility of students emerging from vocational education into general higher education; (l) specify mechanisms for social audit of the processes in the Commission and obtain public feedback

on its performance and achievements to foster accountability; or (m) discharge such other functions in relation to the determination, coordination and maintenance of standards in higher education and research as the Central Government may subject to the provisions of this Act, prescribe. Sub-clause (3) of said clause provides that the Commission shall, in the exercise of powers and functions under this section, create an enabling environment for universities to emerge as autonomous, self-regulatory bodies. Sub-clause (4) of said clause provides that nothing contained in this Act shall prevent the National Board for Health Education constituted under the National Commission for Human Resources for Health Act, 2011 to approve and notify minimum norms and standards of maintenance of academic quality for accreditation and benchmarking of education in recognised health educational institutions imparting approved courses in the discipline of health throughout the period of accreditation.

*Clause 18.*— This clause relates to advise, monitor and cause to be undertaken policy research. Sub-clause (1) of the said clause provides that the Commission shall advise, when called upon to do so or otherwise, the Central Government or any State Government or any professional body, on policies relating to higher education and research in any field of knowledge therein. Sub-clause (2) of the said clause provides that the Commission shall cause to be undertaken research concerning policy in higher education to identify future directions and processes in higher education; or to assess future knowledge manpower requirements in different fields of knowledge for meeting the needs of the economy; or research to develop a vision on future trends in knowledge; or in such other matters of policy as the Commission may deem fit. . Sub-clause (3) of the said clause provides that the Commission shall monitor, through a national database, all matters concerning academic quality, sources of funding, access and inclusion in higher education and research. Sub-clause (4) of the said clause provides that the Commission shall advise and facilitate a body or institution, seeking such advice or facilitation, in regard to a proposal for the establishment of a university in accordance with the norms and standards specified by it or for development of an accountability framework towards achievement of the objectives and purposes of the body or institution.

*Clause 19.*—This clause contains provisions relating to establishment of inter university centres. Sub-clause (1) of the said clause provides that the Commission may, on the recommendations of the Board and with the prior approval of the Central Government, establish, in such manner as may be specified by regulations, inter university centres for providing research facilities and thrust to new and emerging areas of knowledge, common facilities for research for a group of universities or for the universities in general and provide for their maintenance by allocating and disbursing such grants as the Commission may deem necessary. Sub-clause (2) of the said clause provides that the inter university centres established before the commencement of this Act shall be deemed to have been established under this Act. However, the said sub-clause provides that the Commission shall, in consultation with the Central Government, in respect of an inter university centre, established before the commencement of this Act, whose objectives are not in conformity with the provisions specified in sub-section (1), decide on the continuance of such Centre as an inter university centre under this Act.

*Clause 20.*— This clause contains provisions relating to the maintenance of directory of academics for leadership positions. Sub-clause (1) of the said clause provides that the Commission shall maintain the directory of academics for leadership positions consisting of persons fulfilling standards for leadership positions for appointment as Vice Chancellor or head of a Central Educational Institution not being a college, prepared by the Collegium from time to time under sub-section (2) of section 31. Sub-clause (2) of the said clause provides that the Commission shall, when called upon to do so by the Central Government or Central Educational Institution not being a college, as the case may be, recommend a panel of five names from the directory of academics for leadership positions for appointment to the post of Vice Chancellor of such Central University or Central Educational Institution. Sub-clause (3) of the said clause provides that the notwithstanding anything contained in this



section or in section 31, the Chancellor, State Government or the Governing Body, by whatever name called, of a university, other than a Central Educational Institution, may appoint a person as Vice-Chancellor subject to such person satisfying the standards for leadership positions, specified by the Commission under clause (h) of sub-section (2) of section 17.

*Clause 21.*— This clause deals with the Commission to prepare statements on vision of higher education. Sub-clause (1) of the said clause provides that the Commission shall prepare annually an evidence based statement on the status of higher education and research and its relation to global trends, and assessment of its performance along with a report on the activities of the Commission. Sub-clause (2) of the said clause provides that the statement and report referred to in sub-section (1) shall be provided to the General Council for observations and recommendations and to the Collegium for assessment of the performance of the Commission and recommendations thereto. Sub-clause (3) of the said Clause provides that the Commission shall present to the President, the statement and the report, along with the assessment and recommendations received under sub-section (2). Sub-clause (4) of the said clause provides that the Commission shall, in respect of every State and Union territory, before the expiry of five years from the date of commencement of this Act and at an interval of every five years thereafter, and such other times as it deems fit, prepare a report on the status of higher education and research in such State or Union territory and its relation to national trends. Sub-clause (5) of the said clause provides that the Commission shall present to the Governor of the State or the administrator of an Union territory, as the case may be, such report prepared under sub-section (4) on the status of higher education and research in a State or Union territory and its relation to national trends. Sub-clause (6) of the said clause provides that the Commission shall present to the President, before the expiry of five years from the date of commencement of this Act and at an interval of every five years thereafter, a statement on the vision of higher education and research in the forthcoming decade; an analysis of the performance of higher education sector and implementation of policies in the past five years, and shall make in such statement, recommendations as to the measures that ought to be taken for renovation and rejuvenation of higher education and research, including - (a) vision, policy and strategy for emerging fields of knowledge and norms for developing requirements of such fields of knowledge; (b) development of qualifications framework to reflect the vision of higher education and research; (c) norms and mechanisms for evaluating cost and price of higher education and research. However, the said sub-clause provides that before the report is presented to the President, the Commission shall provide such report to the General Council and to the Collegium for offering comments or suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) on the report, or any part of it thereof; and such comments or suggestions received thereon shall be appended to the report presented to the President. Sub-clause (7) of the said clause provides that the President shall cause to be laid before both Houses of Parliament, such reports prepared by the Commission under sub-section (3) and sub-section (6), along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission or the General Council or the Collegium. Sub-clause (8) of the said clause provides that the Governor of every State shall cause to be laid before the Legislative Assembly of such State, the report prepared by the Commission under sub-section (5) concerning the state of higher education and research in such State, along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation made by the Commission.

*Clause 22.*— This clause relates to the Officers and other staff of Commission. Sub-clause (1) of the said clause provides that the Commission may, for the efficient performance of its functions under this Act, appoint, in such manner and with such qualifications, officers and employees, as may be specified by regulations. Sub-clause (2) of the said clause provides that the number of, the salaries and allowances payable to, and the other terms and conditions of service of, officers and employees of the Commission, shall be such as may be specified by regulations. Sub-clause (3) of the said clause provides that the Commission may appoint,

in such manner for such temporary period and on such terms and conditions as may be specified by regulations, such other academic, management, accounting, technical and scientific experts as it may consider necessary for the efficient performance of its functions. Sub-clause (4) of the said clause provides that every appointment under sub-section (3), including the qualifications of the person so appointed and the manner, the terms and conditions and the period of such appointment, shall be disclosed on the website of the Commission.

*Clause 23.*— This clause empowers the commission to delegate powers. Sub-clause (1) of the said clause provides that the Commission may, by regulations made, by notification in the Official Gazette under this Act, delegate to its Chairperson 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 officers and internal administration of the Commission. Sub-clause (2) of the said clause provides that no regulation shall be made under this section except with the previous approval of the Central Government.

*Clause 24.*— This clause relates to review of performance of Commission. Sub-clause (1) of the said clause provides that the President shall, within five years from the commencement of this Act and thereafter at the expiration of every fifth year, constitute a Committee to evaluate and review the performance of the Commission in the said period, consisting of persons of international eminence and standing, to be appointed by the President on the basis of a panel of names to be proposed by the Collegium. Sub-clause (2) of the said clause provides that the Committee referred to in sub-section (1) shall evaluate and review the performance of the Commission and make recommendations to the President as to—(a) the extent of fulfillment of the goals and objectives of the Commission stated in the Preamble to this Act, as demonstrated by the state of higher education and research; (b) the interaction between the Commission, the General Council and the Collegium; (c) future directions of the Commission along with corrective measures, if any; (d) such other matters as may be referred to the Committee by the President. Sub-clause (3) of the said clause provides that the President shall cause to be laid before both Houses of Parliament, the report of the Committee constituted under sub-section (1) along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each recommendation of the Committee.

*Clause 25.*— This clause empowers the Central Government to frame national policy. Sub-clause (1) of the said clause provides that the Central Government shall, at such times as it thinks fit, prepare in consultation with the State Governments and the Commission, a national policy for the development of higher education and research, which shall guide the Commission in the exercise of its powers and functions under this Act. Sub-clause (2) of the said clause provides that the Central Government shall inform the Commission of all the decisions taken by it on matters of policy concerning higher education and research.

*Clause 26.*— This clause contains provisions for the establishment of General Council. Sub-clause (1) of the said clause provides that the Central Government shall, by notification, establish, a General Council, consisting of—(a) the Chairperson of the Commission, who shall chair the meetings of the Council; (b) all Members of the Commission; (c) the Chairperson or Vice-Chairperson of a State Higher Education Council, as may be determined by such Council, to represent each State and Union territory. However, the said sub-clause provides that where a State Higher Education Council has not been constituted in a State or Union territory, the State Government concerned shall nominate a Vice Chancellor of a university located in such State or Union territory. The said sub-clause further provides that where no university is located in a Union territory, the administration of such Union territory shall nominate a senior academic to represent such Union territory. *The Explanation* to the said sub-clause provides that In respect of a Union territory, the provisions of this clause shall have the effect as if for the words “State Government”, the words “Central Government” had been substituted; (d) the head of each professional body listed in the First Schedule; (e) the head of each research Council listed in the Second Schedule; (f) one person, by rotation, from



amongst Vice Chancellors of Central Universities; (g) one person, by rotation, from amongst Directors of Indian Institutes of Technology; (h) one person, by rotation, from amongst Directors of Indian Institutes of Management; (i) one person, by rotation, from amongst the Vice Chancellors of National Law Universities; (j) one person, by rotation, from amongst heads of institutions of national importance in medical education; (k) one person to be nominated by the Central Government, from amongst academics in higher education and research from each of the sectoral areas, namely- (i) agriculture and allied areas; (ii) environment and forestry; (iii) medicine, pharmaceuticals and allied areas; (iv) industrial training; (v) economics and finance; (vi) sports; (vii) archaeology and epigraphy; (viii) Indian languages; (ix) creative arts, performing arts and culture; (x) bio-technology and emerging areas of technology; (l) three persons, to be nominated by the Central Government, from amongst heads of associations of industry, trade or commerce with national presence listed in the Fourth Schedule; (m) two persons, to be nominated by the Commission, from amongst heads of civil society or non-governmental organizations with national presence having experience of engagement with issues relating to education; (n) the Chairman of the Central Board of Secondary Education; (o) the Director of the National Council of Education Research and Training; (p) the Chairperson or a Member of the National Commission for Human Resources for Health referred to in sub-section (3) of section 3 of the National Commission for Human Resources for Health Act, 2011; (q) a principal of an autonomous college of excellence to be nominated by the Commission. Sub-clause (2) of the said clause provides that the meetings of the General Council shall be convened at least once in every six months and at such other times as the Chairperson may consider necessary. However, the sub-clause provides that a meeting of the General Council shall also be convened if at least one-fifth of the total strength of the General Council express in writing, letters addressed to the Chairperson, the desire to convene such meeting to deliberate on such matter as may be expressed in such letter. Sub-clause (3) of the said clause provides that the tenure of the persons nominated to the General Council under clauses (c) to (j) shall be two years. Sub-clause (4) of the said clause provides that the General Council shall have the power to lay down its own procedure for the conduct of its meetings. Sub-clause (5) of the said clause provides that no person being a member of the General Council, shall receive any remuneration except such sitting fees or other allowances, as may be prescribed, for attending the meetings of the General Council. Sub-clause (6) of the said clause provides that the Commission shall provide funds and administrative support to the General Council for the conduct of its meetings and other related matters.

*Clause 27.*— This clause deals with the powers and functions of the General Council. Sub-clause (1) of the said clause provides that the General Council shall make recommendations and advise the Commission in the exercise of its functions. Sub-clause (2) of the said clause provides that without prejudice to the provisions of sub-section (1), the General Council may—(a) advise on the measures to be taken for enhancing access, inclusion and equity in higher education; (b) advise on the measures to be taken for connecting higher education and research to the practice of professions; (c) suggest measures to remove imbalances (including those relating to regions, academic disciplines, gender and other socio-economic factors) in the development of higher education and research; (d) advise on the adequacy of funding for higher education; (e) make observations and suggestions in respect of the statement and report prepared by the Commission under sub-section (1) of section 21; (f) make observations and suggestions on the report prepared by the Commission under sub-section (5) of section 21; (g) advise on the course of reforms to rejuvenate higher education and research; (h) advise on the measures to be taken by the Commission to promote quality of higher education and nurture excellence; (i) discharge such other functions as may be prescribed. Sub-clause (3) of the said clause provides that the General Council shall, for the discharge of its functions or reporting or advising upon any matter, constitute Expert Advisory Groups, consisting of such number of persons as it may deem fit, in each of the following areas, namely—(a) legal education; (b) health and medical education; (c) education related to general sciences, humanities, social sciences, engineering or technology; (d) vocational education; (e) distance education systems; (f) such other fields of knowledge as

the General Council may deem fit. Sub-clause (4) of the said clause provides that the Expert Advisory Group referred to in sub-section (3) may include persons who are not members of the General Council. However, the said sub-clause provides that the strength of the members of the General Council in such Expert Advisory Group shall not exceed one-third of the strength of the Group. The said sub-clause further provides that a member of the General Council, nominated in this behalf by the General Council, shall preside over every Expert Advisory Group. The said sub-clause also provides also that the head of the Bar Council of India shall preside over the Expert Advisory Group concerning legal education. The said sub-clause also provides that the head of the professional body concerning medical practice shall preside over the Expert Advisory Group concerning health and medical education.

*Clause 28.*— This clause relates to establishment of collegium of scholars. Sub-clause (1) of the said clause provides that the Central Government shall, by notification, establish, a “Collegium of Scholars”, which shall consist of thirty Fellows, being persons of integrity and eminence in higher education and research. Sub-clause (2) of the said clause provides that the no person shall be eligible for appointment as a Fellow of the Collegium unless he – (a) is a citizen or an overseas citizen of India; (b) has made substantial contribution to the advancement of knowledge demonstrated through publications; and (c) is, or has been, a National Research Professor or a recipient of awards specified in the Third Schedule, shall be eligible to be a Fellow of the Collegium. Sub-clause (3) of the said clause provides that the first Fellows of the Collegium shall be persons who are, or have been, National Research Professors or recipients of awards specified in the Third Schedule. However, the said sub-clause provides that in case no such person expresses willingness to be a Fellow of the Collegium, then the Selection Committee, referred to in section 7, shall nominate not more than ten persons of integrity and eminence in higher education and research, who shall be the first Fellows of the Collegium. Sub-clause (4) of the said clause provides that the Fellows, other than Fellows referred to in sub-section (3), shall be chosen, in such manner as may be prescribed, from amongst persons of integrity and eminence in higher education and research proposed by any Fellow, to represent fields of knowledge which in their opinion are not adequately represented in the Collegium. Sub-clause (5) of the said clause provides that the every person so chosen shall be notified as Fellow and shall, as soon as may be after notification of his appointment, and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution. Sub-clause (6) of the said clause provides that the declaration so made under sub-section (5) shall be placed on the website of the Commission.

*Clause 29.*— This clause deals with tenure and resignation of Fellow. It provides that every Fellow, other than a Fellow referred to in clause (c) of sub-section (3) of section 28, shall continue as such for a period of ten years from the date of his notification as Fellow.

*Clause 30.*— This clause provides functions of collegium. Sub-clause (1) of the said clause provides that the Collegium shall –(a) recommend to the Commission a vision on the emerging trends in different fields of knowledge; (b) recommend ,in respect of appointment of Chairperson or Member of the Commission, a panel of three persons for each post to the Selection Committee constituted under section 7; (c) recommend persons for inclusion in the directory of academics for leadership positions in accordance with standards for leadership positions, specified by regulations under clause (h) of sub-section (2) of section 17; (d) make an assessment of the performance of the Commission in respect of the statement and report referred to in sub-section (1) of section 21; (e) make observations and suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) on the report prepared by the Commission under sub-section (6) of section 21; (f) propose eligible persons as members of Board, as provided for in clauses (a) and (d) of sub-section (5) of section 43; (g) discharge such other functions as may be prescribed. Sub-clause (2) of this clause provides that the Collegium may constitute Advisory Committees comprised of Fellows, for consideration on matters referred to it for advise or the making of assessments or suggestions on statement or reports of the Commission.

*Clause 31.*— This clause contains provisions relating to directory of Academics for Leadership positions. Sub-clause (1) of the said clause provides that the Collegium shall recommend, from time to time and in such manner as may be specified under regulations, names of persons, for inclusion in the directory of academics for leadership positions. Sub-clause (2) of the said clause provides that the Central Government, State Governments, State Higher Education Councils, universities and other higher educational institutions, professional bodies listed in the First Schedule and research Councils listed in the Second Schedule may, from time to time, refer, names of suitable persons, to the Commission for inclusion in the directory of academics for leadership positions. However, the said sub-clause provides that the Commission shall forward the names of such person or persons referred to it, along with the credentials of such person so referred, to the Collegium. Sub-clause (3) of the said clause provides that a person shall be eligible for inclusion in the directory of academics for leadership positions only if he satisfies such standards for leadership positions specified under regulations under clause (h) of sub-section (2) of section 17. Sub-clause (4) of the said clause provides that the directory of academics for leadership positions shall be available for all universities and other higher educational institutions, if they so require. Sub-clause (4) of the said clause provides that the directory of academics for leadership positions shall be available for all universities and other higher educational institutions, if they so require.

*Clause 32.*— This clause relates to meetings of Collegium. Sub-clause (1) of the said clause provides that the meetings of the Collegium shall be convened at least once every six months and at such other times as may be required by the Chair. However, the said sub-clause provides that a meeting of the Collegium shall also be convened if at least one fifth of the total strength of the Collegium express to the Chair, the desire to convene such meeting to deliberate on such matter as may be expressed. Sub-clause (2) of the said clause provides that the Collegium shall act collectively in the performance of its functions, and decisions in such meetings shall be taken, by resolution, by majority of Fellows present and voting. Sub-clause (3) of the said clause provides that the Chairperson or such Member of the Commission, as the Chairperson may nominate, shall attend and participate in the meetings of the Collegium, but shall not have the right to vote on any resolution before the Collegium. Sub-clause (4) of the said clause provides that subject to the provisions of this Act, the Collegium shall have the power to lay down its own procedure for the conduct of its business and the exercise of its functions. Sub-clause (5) of the said clause provides that no act or proceeding of the Collegium shall be invalid merely by reason of—(a) any vacancy in, or any defect in the constitution of, the Collegium; (b) any defect in the appointment of a person as Fellow of the Collegium; or (c) any irregularity in the procedure of the Collegium not affecting the merits of the case. The *Explanation* to the said sub-clause provides that for the purposes of this section, the word “present” shall not be interpreted to be limited to physical presence of the Fellow but shall be construed in a broader sense in the Fellow being available to indicate his preference by such means, including electronic methods, as the Collegium may deem fit.

*Clause 33.*— This clause relates to Chair and Co-Chair of Collegium. Sub-clause (1) of the said clause provides that the Collegium shall have a Chair and a Co-Chair, selected by majority from amongst Fellows of the Collegium; and shall have a tenure of two years. Sub-clause (2) of the said clause provides that the Chair or Co-Chair, as the case may be, shall preside over all meetings of the Collegium. Sub-clause (3) of the said clause provides that the Chair and Co-Chair shall perform such functions for carrying out the purposes of this Act, as the Collegium may, by resolution, deem fit.

*Clause 34.*— This clause deals with funds and administrative support to Collegium. Sub-clause (1) of the said clause provides that the Commission shall provide funds and administrative support and assistance to the Collegium for the discharge of its functions under this Act. Sub-clause (2) of the said Clause provides that no Fellow shall receive any remuneration except such sitting fees or allowances, as may be prescribed, for attending the meetings of the Collegium. Sub-clause (3) of the said clause provides that the Collegium may obtain the services of such experts in management of, or in, organisations, with such qualifications and on such terms and conditions, as may be prescribed.

*Clause 35.*— This clause contains provisions for the enrolment of students. Sub-clause (1) of the said clause provides that every university or institution of higher education empowered by or under any law for the time being in force to award any degree, intending to enroll students for the first time in any course or programme of study, shall intimate such intention to the Commission, along with an assessment report prepared in accordance with section 4 of the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2010. However, the said sub-clause provides that in a case where such university or institution intends to impart medical education, such University or institution shall provide an assessment report of its attached hospital and clinical establishment, prepared in such manner and in accordance with such norms as may be specified by the Central Government or by such authority empowered by law. The *Explanation* to the said sub-clause provides that for the removal of doubts, it is hereby clarified that the university or higher educational institution referred to in the proviso includes those universities or higher educational institutions which award any degree and does not include any college or institution which seeks affiliation with such university or institution. Sub-clause (2) of the said clause provides that the Commission shall specify the manner in which a higher educational institution intending to commence enrolment of students shall give such intimation to it and shall also notify the procedure of processing including any fees payable for such intimation. Sub-clause (3) of the said clause provides that the Commission shall process the intimation given to it under sub-section (1) expeditiously and in a transparent manner giving opportunity for the institution concerned wherever necessary and in no case shall the application be kept pending beyond one hundred and twenty days after which it shall be deemed to have the Commission's concurrence for enrolment of students.

*Clause 36.*— This clause relates to notification of declaration by Commission. Sub-clause (1) of the said clause provides that the Commission shall, within a period of one hundred and twenty days from the receipt of intimation under sub-section (1) of section 35 declare by notification, either—(a) that student enrolment can proceed as requested; or (b) that the Commission is unable to accede to the request for reasons recorded in writing. Sub-clause (2) of the said clause provides that the notification of the Commission under clauses (a) and (b) of sub-section (1) along with reasons therefore, shall be published on the website of the Commission. Sub-clause (3) of the said clause provides that the declaration in respect of a university or higher educational institution empowered by or under any law to award a degree existing on the date of commencement of this Act shall be deemed to have been notified under this Act unless revoked under section 37.

*Clause 37.*— This clause provides revocation of permission to enrol students. Sub-clause (1) of the said clause provides that if the Commission, after making such enquiry as may be specified by regulations, is satisfied that public interest so requires, it may revoke, by notification, the permission to enroll students in any course or programme of study to the higher education institution or university in any of the cases, namely —(a) where the higher education institution or university, in the opinion of the Commission, makes wilful or continuous default in doing anything required of it by or under this Act or the rules or regulations made thereunder; (b) where the higher education institution or university fails, within the period fixed in this behalf by its declaration, or any longer period which the Commission may have granted therefore, to show, to the satisfaction of the Commission, that such higher education institution or university is in a position fully and efficiently to discharge the duties and obligations imposed on it by its recognition; or (c) where the higher education institution or university has ceased to exist. Sub-clause (2) of the said clause provides that no permission shall be revoked under sub-section (1) unless the Commission has given to the higher education institution or university, as the case may be, not less than sixty days notice, in writing, stating the grounds on which it is proposed to revoke the permission, and has considered any cause shown by the higher education institution or university within the period of that notice, against the proposed revocation. Sub-clause (3) of the said clause provides that where the Commission revokes the permission under this section, it shall serve an order of revocation upon the institution or university, and fix a date on which the revocation shall take effect; and such revocation shall be without prejudice to the action that may be

taken against it under any other law for the time being in force. However, the said sub-clause provides that the Commission may, instead of revoking the permission, permit it to remain in force subject to such further terms and conditions as they think fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the higher educational institution or university, and shall be of like force and effect as if they were contained in the permission. Sub-clause (4) of the said clause provides that the Commission shall, while revoking permission, take, or cause to be taken, such measures which may be necessary to protect the academic interests of students in such higher educational institution or university. Sub-clause (5) of the said clause provides that without prejudice to action that may be taken under any other law for the time being in force, a university or higher educational institution shall be liable to pay or provide the costs involved, as may be determined by the Commission, in the implementation of the measures taken, or caused to be taken, by the Commission under sub-section (4). Sub-clause (6) of the said clause provides that the Commission shall publish on its website the details of any action initiated under this section and the final decision on the revocation of the permission or otherwise together with all documents and reasons for such decision.

*Clause 38.*— This clause lays down the provisions for appeal to the National Educational Tribunal. It provides that any person aggrieved by an order of the Commission, for the permission or rejection or revocation of permission under this Chapter, may prefer an appeal, in such form and manner and accompanied by such fees as may be prescribed, against such order to the National Educational Tribunal within a period of ninety days of such order. However, the said sub-clause provides that the National Educational Tribunal may entertain an appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of ninety days.

*Clause 39.*— This clause deals with duties and obligations of university in maintenance of standards of academic quality. Sub-clause (1) of the said clause provides that a University, fulfilling such norms of academic quality as may be specified by regulations made under clause (e) of sub-section (2) of section 17, may exercise the power to affiliate any college or any higher educational institution. Sub-clause (2) of the said clause provides that a college or higher educational institution seeking affiliation of a university, shall, along with its application for affiliation to the University, submit an assessment report prepared in such manner and in accordance with such norms as may be specified under regulations, from a registered accreditation agency. However, the said sub-clause provides that in respect of a college or institution intending to impart medical education, such college or institution shall provide an assessment report of its attached hospital and clinical establishment, prepared in such manner and in accordance with such norms as may be specified by the National Commission for Human Resources for Health. Sub-clause (3) of the said clause provides that each university shall maintain standards of academic quality in higher education and research in such University and in colleges and institutions affiliated to it. Sub-clause (4) of the said-clause provides that each affiliating University shall take measures to support and develop academic quality in colleges and institutions affiliated to it without impinging on the autonomy of such colleges and institutions in its administrative and financial matters.

*Clause 40.*— This clause contains provisions for revocation of permission to enrol students in the health educational institution or health institution or their affiliation to University without prior consent of regulatory authority in health education. It provides that nothing contained in this Act shall confer powers upon the Commission established under this Act to revoke permission to establish or wind up a health educational institution or health institution or to enrol students in the health educational institution or health institution or refuse affiliation of any college or any institution to a University solely on the ground that it fails to meet the norms and standards specified under this Act or any other law for the time being in force without prior consent of the statutory regulatory body referred to in clause (a) of section 2 of the National Commission for Human Resources for Health Act, 2011.

*Clause 41.*— This clause provides that University to be public authority under Right to Information Act, 2005. It provides that the provisions of the Right to Information Act, 2005



shall apply to each University as if it were a public authority defined in clause (h) of section 2 of the said Act.

*Clause 42.*— This clause contains provisions relating to right to confer degrees. Sub-clause (1) of the said clause provides that the right to confer or award a degree shall be exercised only by an institution or university which has been permitted to enrol students, under clause (a) of sub-section (1) of section 36 or deemed to have been so declared under sub-section (3) of section 36. Sub-clause (2) of the said clause provides that the subject to the provisions of sub-section (1), no person, institution, organisation or agency shall confer, or award, or hold him or itself out as entitled to confer or award, any degree.

*Clause 43.*— This clause relates to Board for Research Promotion and Innovation. Sub-clause (1) of the said clause provides that the Central Government shall, by notification, establish a Board to be called the Board for Research Promotion and Innovation. Sub-clause (2) of the said clause provides that the board shall consist of a Chairperson and twelve other members to be appointed by the Commission. Sub-clause (3) of the said clause provides that the Chairperson of the Board shall be a person of eminence and standing in academia with significant and proven contribution to knowledge through research in any field of knowledge. Sub-clause (4) of the said clause provides that the Chairperson of the Board shall be appointed by the Commission from a panel of three names recommended by the Collegium under clause (b) of sub-section (1) of section 30. Sub-clause (5) of the said clause provides that of the other Members of the Board—(a) three shall be persons of eminence and standing in academia with significant and proven contribution to knowledge through research in various field of knowledge, as proposed by the Collegium; (b) one shall be a whole-time Member of the Commission to be nominated by the Commission, from amongst whole-time Members; (c) one shall be a Member, other than whole-time Member, of the Commission to be nominated by the Commission, from amongst such Members referred to in clause (c) of section 5; (d) three persons, by rotation, from amongst from amongst such Members of the General Council being heads of research Councils listed in the Second Schedule, as proposed by the Collegium; (e) two persons, by rotation, from amongst from amongst such Members of the General Council, nominated under clause (c) of sub-section (1) of section 26; (f) two shall be person of eminence and standing in academia with significant and proven contribution to research in medicine and allied fields of knowledge, to be nominated by the National Commission for Human Resources for Health. Sub-clause (6) of the said clause provides that the Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be delegated by the Board. Sub-clause (7) of the said clause provides that the Members of the Board nominated under clause (b) to (e) shall be non-executive Members and shall not be entitled to receive any remuneration except such sitting fees or allowances, as may be specified by regulations, for attending the meetings of the Board. Sub-clause (8) of the said clause provides that the Chairperson and such Members of the Board appointed under clause (a) of sub-section (5) shall, hold office for a period of five years from the date of assuming office. Sub-clause (9) of the said clause provides that the Members nominated under clause (d) or (e) of sub-section (5) shall have a tenure of two years.

*Clause 44.*— This clause deals with terms and conditions of service of Chairperson and certain Members of the Board and administrative arrangements for discharge of functions by Board. Sub-clause (1) of the said clause provides that the salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the Members of the Board shall be such as may be specified by regulations. Sub-clause (2) of the said clause provides that the Commission may, for the efficient performance of functions by the Board under this Act, provide to the Board, in such manner, officers and employees, with such qualifications and on such remuneration and other terms and conditions, as may be specified by regulations. Sub-clause (3) of the said clause provides that the subject to the regulations made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act. Sub-clause (4) of the said clause provides that the Board shall have the power to co-opt as members of any committee appointed under sub-section (4), such persons who are not members of the

Board as it may think fit, and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee. Sub-clause (5) of the said clause provides that the Board may engage the services of such persons, being persons of eminence in research both from within and outside the country as consultants or visiting scientists on such terms and conditions and remuneration as may be specified by regulations. Sub-clause (b) of this clause provides that the research proposals of higher educational institutions and universities approved by the Commission under sub-section (5) shall be provided by the Board to the Corporation referred to in section 46 for disbursement of grants to such institutions and universities.

*Clause 45.*— This clause provides the powers and functions of Board. Sub-clause (1) of the said clause provides that the Board shall recommend measures to the Commission to promote and facilitate research in the fields of knowledge in higher educational institutions (including research in recognised health educational institutions referred to in clause (r) of section 2 of the National Commission for Human Resources for Health Act, 2011). Sub-clause (2) of the said clause provides that without prejudice to the generality of the foregoing provisions and the scope and powers of other national agencies mandated to administer or fund research, the measures recommended under sub-section (1), may, *inter alia*, provide for all or any of the matters, namely,—(a) research and innovation policy for the sustained global competitiveness of the country and harmonious development of society; (b) promoting transformative and multi-disciplinary research in higher educational institutions; (c) balancing the research portfolio amongst various fields of knowledge for the continuous development of all fields of knowledge in a holistic manner; (d) facilitating the modernisation of research infrastructure in higher educational institutions; (e) inspiring youth to take up research as a career and attracting talent to research by devising schemes for scholarships and fellowships; (f) promoting inclusion in research amongst youth by devising schemes aimed at otherwise disadvantaged sections of society; (g) promoting synergy of research in higher educational institutions with research in other agencies or laboratories; (h) facilitating higher educational institutions in developing linkages with industry for collaborative research; (i) facilitating higher educational institutions in approaching agencies involved with research to obtain funding for research in such institutions; (j) establishing and supporting inter university centres for providing research facilities and thrust to new and emerging areas of knowledge through development of common facilities for research for a group of universities or for the universities in general; (k) discharging such other functions as may be specified by the regulations . Sub-clause (3) of the said clause provides that the Board shall identify and recommend to the Commission grant funding for competitive, merit-based proposals by higher educational institutions for research and related infrastructure in such institutions. However, the said sub-clause provides that the broad funding available to fund research and related infrastructure for a given financial year shall be intimated by the Commission to the Board in advance and the Board shall, while recommending the proposals, duly take into account the funds so available. Sub-clause (4) of the said clause provides that the Board shall, while identifying and recommending proposals to the Commission under sub-section (3), give due attention and importance to – (a) the balanced development of all fields of knowledge; (b) the significance of research in emerging fields of knowledge that promote the sustained global competitiveness of the country and harmonious development of society; (c) such research that aims to discover novel phenomena, theories, processes, products, materials, tools or equipments that addresses significant challenges for the people of the country and the global environment. Sub-clause (5) of the said clause provides that the Commission shall approve, reject return to the Board for reconsideration, such of the proposals for research funding as are identified and recommended by the Board under sub-section (3), as it may deem fit. However, the said sub-clause provides that the Commission while approving any proposal for research funding shall specify the outcome-based parameters for assessment of the productivity of the research proposal. The said sub-clause further provides that no research proposal shall be rejected or returned without assigning reasons for such decision. Sub-clause (6) of the said clause provides that the research proposals of higher educational institutions approved by the Commission under sub-section (5) for funding shall be provided



to the Corporation referred to in section 46 for disbursement of grants to such institution.

*Clause 46.*—This clause contains provision for the establishment of Higher Education Financial Services Corporation. Sub-clause (1) of the said clause provides that there shall be established, on and from such date as the Central Government may notify, a Corporation called the Higher Education Financial Services Corporation for the purposes of this Act. Sub-clause (2) of the said clause provides that the Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. Sub-clause (3) of the said clause provides that the general superintendence and direction of the affairs of the Corporation shall be entrusted to a Board of Directors. Sub-clause (4) of the said clause provides that the Board of Directors, referred to in sub-section (3), shall consist of—(a) the Chairperson or such Member of the Commission, as the Commission may nominate, who shall be the non-executive Chairperson of the Corporation and shall preside over its meetings; (b) two persons from amongst such members of the General Council nominated to it under clause (c) of sub-section (1) of section 26; (c) one person, by rotation, from amongst such Members of the General Council nominated to it under clause (d) of sub-section (1) of section 26; (d) one person, by rotation, from amongst such Members of the General Council nominated to it under clause (e) of sub-section (1) of section 26; (e) one person, by rotation, from amongst such Members of the General Council nominated to it to represent Central Educational Institutions under clause (f) to clause (j) of sub-section (1) of section 26; (f) two nominees of the Central Government, of whom one shall be nominated by the Ministry dealing with the subject of finance; (g) two persons being experts in matters of finance, banking and management to be appointed who shall be whole-time officers of the Corporation; or (h) a Managing Director who shall be a whole-time officer of the Corporation. Sub-clause (5) of the said clause provides that the Corporation shall, with the prior approval of the Central Government and the Commission, notify its memorandum and articles of association; and such memorandum shall provide for the duties and responsibilities of the Managing Director and other officers of the Corporation. Sub-clause (6) of the said clause provides that the Corporation may appoint the Managing Director, the Directors referred to in clause (g) of sub-section (4) and such other number of officers and other employees with such qualifications and on such terms and conditions as may be specified by the regulations. Sub-clause (7) of the said clause provides that the Board of Directors shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided in the articles of association. Sub-clause (8) of the said clause provides that the Corporation shall not amend or alter its memorandum or articles of association except with the prior approval of the Central Government and the Commission.

*Clause 47.*— This clause deals with duties and functions of Corporation. Sub-clause (1) of the said clause provides that the Corporation shall disburse, in accordance with the norms and principles specified by regulations made by the Commission under clause (j) of sub-section (2) of section 17, financial assistance by way of grants and loans to higher educational institutions; and perform such other functions incidental and related to such assistance. Sub-clause (2) of the said clause provides that the Corporation, at the beginning of each financial year, shall, on the basis of the allocation of grants for that financial year communicated by the Commission, prepare a proposal, based on the information provided by each higher educational institution and in accordance with the norms and principles specified by regulations, of grants to be allocated to each higher educational institution in that financial year. Sub-clause (3) of the said clause provides that the Managing Director of the Corporation shall be responsible for disbursal of grants to higher educational institutions. Sub-clause (4) of the said clause provides that in the discharge of its duties and functions, the Corporation shall be guided by such instructions from time to time as may be given to it by the Commission.

*Clause 48.*— This clause contains provisions relating to accounts and audit. Sub-clause (1) of the said clause provides that the Corporation shall cause to be maintained such

books of account and other books in relation to its account in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed. Sub-clause (2) of the said clause provides that the Corporation 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 Corporation may, in consultation with the Comptroller and Auditor-General, determine. Sub-clause (3) of the said clause provides that the accounts of the Corporation shall be audited by the Comptroller and Auditor-General at such times and in such manner as he thinks fit. Sub-clause (4) of the said clause provides that the notwithstanding anything in sub-section (3), the accounts and related matters of the Corporation shall be audited by an auditor duly qualified to act as auditor of companies under sub-section (1) of section 226 of the Companies Act, 1956, who shall be appointed by the Commission and such remuneration as the Commission may fix shall be paid to the auditors by the Corporation. Sub-clause (5) of the said clause provides that the every auditor shall be supplied with a copy of the annual accounts of the Corporation, and it shall be his duty to examine it together with the accounts and vouchers relating thereto; and every auditor shall at all reasonable times have access to the books, accounts and other documents of the Corporation, and may in relation to such accounts examine any Director or officer of the Corporation. Sub-clause (6) of the said clause provides that the auditor shall make a report to the Commission upon the annual accounts and audit, and in every such report they shall state whether in their opinion the accounts contain all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the affairs and in accordance with the norms and principles specified by the Commission, and in case they have called for any *explanation* or information from the Corporation whether it has been given and whether such *explanation* or information is satisfactory. Sub-clause (7) of the said clause provides that the Commission shall take such consequential action, in accordance with this Act and the regulations made thereunder, on the report made to it under sub-section (6); and a report on the action so taken along with an explanatory memorandum thereon shall be provided to the Central Government. Sub-clause (8) of the said clause provides that the Central Government shall, in respect of each financial year, cause to be laid before both Houses of Parliament, the annual accounts of the Corporation together with the audit report of the Comptroller and Auditor-General thereon and the report on the action taken along with the explanatory memorandum thereon, referred to in sub-section (7).

*Clause 49.*— This clause relates to furnishing of returns and information to by the Corporation. Sub-clause (1) of the said clause provides that the Corporation shall furnish to the Commission, quarterly and at such other times, and in such form and manner as may be specified by regulations or as the Commission may direct, such returns and statements and such particulars in regard to financing of higher educational institutions, as the Commission may require. Sub-clause (2) of the said clause provides that the Corporation shall furnish to the Central Government, for the purpose of reporting to Parliament, such returns or other information with respect to its policies or activities, as may be required.

*Clause 50.*— This clause deals with qualifications, advisory councils in vocational education. Sub-clause (1) of the said clause provides that the Central Government shall, by notification, establish, such number of Qualifications Advisory Councils in vocational education as it may deem fit to aid and advise it in discharging its functions and exercising powers in respect of vocational education under this Act. Sub-clause (2) of the said clause provides that the each Qualifications Advisory Council shall be headed by a Chairperson and eight other members. Sub-clause (3) of the said clause provides that the Chairperson of each Qualifications Advisory Council shall be appointed by the Commission, and shall be an academic in a university with proven experience in vocational education or in relevant areas of higher education relating to practice of professions. Sub-clause (4) of the said clause provides that the every appointment as Chairperson of the Qualifications Advisory Council under sub-section (3) shall take effect only after its ratification, by majority, by the General Council. Sub-clause (5) of the said clause provides that the of the eight other Members – (a) two shall be nominated by the Commission from amongst heads of State Councils of Vocational Education; (b) two shall be nominated by the Commission from amongst Members of the

General Council with exposure to vocational education or in relevant areas of higher education relating to practice of professions; (c) the Chairperson or a Member of the National Council of Vocational Training to be nominated by the Chairperson of the National Council of Vocational Training; (d) one shall be nominated by the Central Government to represent trade unions in the relevant skill area; (e) two possessing exposure to the relevant skill areas shall be nominated by the Commission to represent associations of industry, trade or commerce with national presence listed in the Fourth Schedule. However, the said sub-clause provides that the Commission shall make the nominations under this clause only after consultations with the members of the General Council nominated to it under clause (k) of sub-section (1) of section 24 from amongst heads of associations of industry, trade or commerce with national presence listed in the Fourth Schedule. Sub-clause (6) of the said clause provides that the salary and allowances payable to, and the other terms and conditions of service of the Chairperson of each Qualifications Advisory Council shall be such as may be prescribed. Sub-clause (7) of the said clause provides that no member of any Qualifications Advisory Council other than the Chairperson of such Council, shall receive any remuneration except such sitting fees or other allowances, as may be prescribed, for attending the meetings of such Council. Sub-clause (8) of the said clause provides that the Commission shall provide funds and administrative support to each Qualifications Advisory Council for the conduct of its meetings and other related matters.

*Clause 51.*— This clause contains provisions for duties and functions of Qualifications Advisory Council. It provides that each Qualifications Advisory Council constituted for specific skill areas shall perform the following duties and functions, namely—(a) advise and make recommendations on qualifications framework in such skill areas defining the competencies required by students pursuing vocational education in such skill areas; (b) advise and make recommendations on standards of academic quality and benchmarking such standards in programmes of study leading to the award of any diploma in such skill areas; (c) advise and make recommendations on norms for accreditation of higher educational institutions imparting vocational education in such skill areas; (d) advise and contribute to policy in vocational education; (e) prepare reports on industry requirements in such skill areas and advice on skill needs in the context of the workplace; (f) suggest elements of curriculum and syllabus to impart the required competencies in such skill areas; (g) perform such other functions or make such other recommendations as may be referred to it by the Commission.

*Clause 52.*— This clause deals with Joint Mechanism. Sub-clause (1) of the said clause provides that notwithstanding anything contained in this Act or any other law for time being in force, in case any difference of opinion arises between the National Commission for Higher Education and Research established under this Act and the National Commission for Human Resources for Health established under the National Commission for Human Resources for Health Act, 2011, such difference of opinion may be referred to a Joint Committee consisting of— (a) the Cabinet Secretary – *ex officio*, Chairperson; (b) the Chairperson of National Commission for Higher Education and Research – *ex officio*, Member; (c) the Chairperson for National Commission for Human Resources for Health – *ex officio*, Member; (d) the Secretary in charge of Department dealing with the subject of Higher Education – *ex officio*, Member; (e) the Secretary, in charge of the Department dealing with the subject of Health and Family Welfare – *ex officio*, Member. Sub-clause (2) of the said clause provides that the Secretary, Department of Higher Education in the Ministry of Human Resource Development, Government of India shall be the convener of the meetings of the Joint Committee referred to in sub-section (1). Sub-clause (3) of the said clause provides that the Joint Committee shall follow such procedure as it may consider expedient and resolve the difference of opinion, within a period of two months from the date of reference made under sub-section (1). Sub-clause (4) of the said clause provides that the decision of the Joint Committee shall be binding on the National Commission for Higher Education and Research and the National Commission for Human Resources for Health.

*Clause 53.*— This clause contains provision for grants by the Central Government. It provides that the Central Government shall, after due appropriation made by Parliament,

make to the Commission grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

*Clause 54.*— This clause relates to National Commission on Higher Education and Research Fund . Sub-clause (1) of the said clause provides that there shall be constituted a Fund to be called the National Commission for Higher Education Fund and Research and there shall be credited thereto-(a) any grants and loans made to the Commission by the Central Government (b) all fees and charges received by the Authority under this Act; (c) all sums received by the Authority from such other sources as may be decided upon by the Central Government. Sub-clause (2) of the said clause provides that the Fund referred to in sub-section (1) shall be applied for meeting-(a) salaries and allowances to the Chairperson and Members officers and other employees of the Commission; (b) the other expenses of the Commission in connection with the discharge of its functions and for the purposes of the Act; (c) the expenses of the General Council, Board ,Corporation in connection with the discharge of their functions and for the purposes of this Act.

*Clause 55.*— This clause contains provision relating to furnishing of statement of estimated expenditure for development of higher education and research. Sub-clause (1) of the said clause provides that the Commission shall, in respect of each financial year, provide to the Central Government a statement of the estimated expenditure on development of higher education and research for that year, referred to as the “annual financial statement on higher education and research”; and such estimated expenditure shall be based on norms and principles specified under regulations. Sub-clause (2) of the said clause provides that the Commission shall provide, that part of the estimated expenditure planned to be appropriated towards research, along with an explanatory memorandum on the research programmes proposed to be funded and an assessment of the productivity of research programmes, be based on norms as may be specified by regulations, funded in the past five years. Sub-clause (3) of the said clause provides that the Central Government shall cause the annual financial statement on higher education and research, with such modifications as it may recommend, to be laid before both Houses of Parliament.

*Clause 56.*— This clause deals with accounts and audit. Sub-clause (1) of the said clause provides that the Commission, General Council, Board shall cause to be maintained such books of account and other books in relation their account in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed. Sub-clause (2) of the said clause provides that the Commission, General Council, Board shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General by such date, as the Commission may, in consultation with the Comptroller and Auditor-General, determine. Sub-clause (3) of the said clause provides that the accounts of the Commission, General Council, and Board shall be audited by the Comptroller and Auditor-General at such times and in such manner as he thinks fit.

*Clause 57.*— This clause lays down the provision for laying of annual accounts of Commission, General Council, etc. It provides that the Central Government shall, in respect of each financial year, cause to be laid before both Houses of Parliament, the annual accounts of the Commission General Council, Board together with the audit report thereon along with an explanatory memorandum on the action so taken, by the Commission, on such report.

*Clause 58.*— This clause relates to furnishing of returns and information to the Central Government by Commission. It provides that the Commission shall furnish to the Central Government such returns or other information with respect to its regulations, policies or activities as the Central Government may, for the purpose of reporting to Parliament or for the making of policy, from time to time require.

*Clause 59.*— This clause deals with furnishing of returns and information by university and institutions to Commission. It provides that each university and each higher educational institution empowered by or under law to award any degree, shall furnish to the Commission

at such time and in such form and manner as may be specified by regulations or as the Commission may seek, such returns and statements and such particulars concerning the financial position of the University or higher educational institution; or the studies in the various branches of learning undertaken in that University or higher educational institution, and its rules and regulations concerning standards of teaching and examination in that University or institution in respect of each such branch of learning or in such other matters, as the Commission may, from time to time, require.

*Clause 60.*— This clause lays down the provision for overriding effect of the proposed legislation. It provides that the provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law, other than the Companies Act, 1956, for the time being in force or in any instrument having effect by virtue of any law other than this Act.

*Clause 61.*— This clause empowers Central Government to amend the Schedule. It provides that the Central Government may, by notification in the Official Gazette, amend, from time to time, the First, Second or Third or Fourth Schedule to this Act.

*Clause 62.*— This clause empowers the Central Government to make rules. Sub-clause (1) of the said clause provides that the Central Government may, by notification make rules to carry out the purposes of this Act. Sub-clause (2) of the said clause specifies matters for which such rules may be made by the Central Government.

*Clause 63.*— This clause empowers the Commission to make regulations. Sub-clause (1) of the said clause provides that the Commission may, with prior approval of the Central Government and after previous publication, by notification, make regulations consistent with this Act and the rule made there under, to carry out the purposes of this Act. Sub-clause (2) of the said clause specifies matters for which such regulations may be made by the Commission. Sub-clause (3) of this clause provides that certain matters under sub-clause (2) shall not be made except with the prior approval of the Central Government.

*Clause 64.*— This clause provides for laying of rules, regulations and notifications before Parliament. It provides that every rule and every regulation made and every notification issued by the Central Government under this Act, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification should not be made or issued, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

*Clause 65.*— This clause confers powers on the Central Government to supersede commission, General Council, etc. Sub-clause (1) of the said clause provides that if, at any time the Central Government is of the opinion—(a) that, on account of circumstances beyond the control of the Commission, General Council, Board or Corporation, as the case may be, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or (b) that the Commission, General Council, Board or Corporation, as the case may be, has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Commission, General Council, Board or Corporation, as the case may be, or the administration of the Commission, General Council, Board, the Corporation, as the case may be, has suffered; or (c) that circumstances exist which render it necessary in the public interest so to do, It may by notification, supersede the Commission, General Council, Board, the Board of Directors of the Corporation, as the case may be, for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Chairperson or the President, as the case may be, to exercise powers and discharge



functions of the Commission, General Council, Board or Corporation, as the case may be, under this Act. However the said sub-clause provides that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Commission, General Council, Board or the Board of Directors of the Corporation, as the case may be, to make representations against the proposed supersession and shall consider the representations, if any, of the Commission, General Council, Board or the Board of Directors of the Corporation, as the case may be. Sub-clause (2) of the said clause provides that upon the publication of a notification under sub-section (1) superseding the Commission, General Council, Board or Corporation, as the case may be, (a) the Chairperson, President, Vice-President and other members shall, as from the date of supersession, vacate their offices as such; (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission, General Council, Board or Corporation, as the case may be, shall, until the Commission, General Council, Board or Corporation, as the case may be, is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and (c) all properties owned or controlled by the Commission, General Council, Board or Corporation, as the case may be, shall, until the Commission, General Council, Board or Corporation, as the case may be, is reconstituted under sub-section (3), vest in the Central Government. Sub-clause (3) of the said clause provides that on or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Commission, General Council, Board or Corporation, as the case may be, by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment. Sub-clause (4) of the said clause provides that the Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

*Clause 66.*— This clause deals with declaration of interest. It provides that the Chairperson and other Members of the General Council, Board or Corporation, as the case may be, shall immediately after entering office and every year thereafter, make a declaration to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any higher educational institution which comes under the purview of the General Council, Board or Corporation, as the case may be, and the same shall be placed in the public domain.

*Clause 67.*— This clause relates to restriction of re-employment. Sub-clause (1) of the said clause provides that the Chairperson and other members of the General Council, Board or Corporation, as the case may be, on ceasing to hold office shall not for a period of two years accept any employment (including as consultant or expert or otherwise) in any higher educational institution whose matter has been dealt with by such Chairperson or member, as the case may be. Sub-clause (2) of the said clause provides that nothing in sub-section (1) shall prevent the Chairperson or a member, as the case may be, to accept any employment in any higher educational institution controlled or maintained by the Central Government or the State Government.

*Clause 68.*— This clause provides that Member to act as Chairperson or to discharge his functions in certain circumstances. Sub-clause (1) of the said clause provides that in the event of the occurrence of any vacancy in the office of the Chairperson or other member of the General Council, Board or Corporation, as the case may be, by reasons of death, removal, suspension or resignation, the senior most whole-time member of such General Council, Board or Corporation, as the case may be, shall act as the Chairperson till such time the Chairperson is appointed, to fill the vacancy. Sub-clause (2) of the said clause provides that when the Chairperson is unable to discharge his functions owing to absence on account of leave or otherwise, the senior most whole-time member shall discharge the functions of the Chairperson till the Chairperson is able to discharge his functions.

*Clause 69.*— This clause relates to restriction on holding office for more than two terms. It provides that notwithstanding anything in this Act, no person shall be eligible to be

appointed or nominated or elected in any capacity in the General Council, Board or Corporation, as the case may be, whether as the Chairperson or member for more than two terms.

*Clause 70.*— This clause contains provision for resignation of Chairperson or a member of General Council, Board or Corporation. It provides that the Chairperson or a member of the General Council, Board or Corporation, as the case may be, by notice given in writing under his hand of not less than a period of thirty days, addressed to the Central Government resign from his office. However, the said sub-clause provides that the Chairperson or a member General Council Board or Corporation, as the case may be, shall, unless permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of a period of thirty days from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest.

*Clause 71.*— This clause provides removal and suspension of Chairperson or a member of General Council, Board or Corporation. Sub-clause (1) of the said clause provides that the Central Government may, by order, remove from office the Chairperson or any member of the General Council ,Board or Corporation, as the case may be, who—(a) has been adjudged an insolvent; or (b) being whole-time member has engaged at any time, during his term of office, in any paid employment; or (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or (d) has become physically or mentally incapable of acting as such Chairperson or other Member; or (e) is of unsound mind and stands so declared by a competent court; or (f) has been removed or dismissed from the service or office of the Central Government or of a State Government or from a body owned or controlled by the Central Government or a State Government or from any Central or State statutory body; (g) has acquired such financial or other interest as is likely to affect prejudicially his functioning as Chairperson or other Member, as the case may be; or (h) has so abused his position as to render his continuance in office prejudicial to public interest; or (i) has been guilty of proved misconduct; or (j) has been guilty of proved conflict of interest in the discharge of functions. Sub-clause (2) of the said clause provides that the Chairperson or a member of the General Council ,Board or Corporation, as the case may be, shall not be removed from his office under clause (g) or clause (h) or clause (i) of sub-section (1), unless he has been given a reasonable opportunity of being heard in the matter. However, the said sub-clause provides that the Central Government may, if it considers necessary in the public interest, suspend such Chairperson or other member.

*Clause 72.*— This clause relates to vacancies ,etc not to invalidate proceedings of General Council ,Board or Corporation. It provides that no act or proceeding of the General Council ,Board or Corporation, as the case may be shall be invalid merely by reason of—(a) any vacancy in, or any defect in the constitution of, the General Council ,Board or Corporation, as the case may be; or (b) any defect in the appointment of a person as a Member of the General Council ,Board or Corporation, as the case may be ; or (c) any irregularity in the procedure of the General Council ,Board or Corporation, as the case may be not affecting the merits of the case.

*Clause 73.*— This clause deals with power to appoint committees. Sub-clause (1) of the said clause provides that the General Council, Board or Corporation, as the case may be, shall be competent to constitute such other committees for general or special purposes, as it may consider necessary to carry out the functions assigned to it under this Act. Sub-clause (2) of the said clause provides that the General Council ,Board or Corporation, as the case may be may engage such experts for discharging its functions under this Act for such period, on such qualification and on payment of such fees and remuneration as may be specified by regulations made under this Act.

*Clause 74.*— This clause relates to reference of disputes to the Central Government. It provides that where any dispute arises regarding any recommendation or advice of General Council, Board or Corporation, as the case may be, made to the Commission, it shall be referred to the Central Government whose decision thereon shall be final and binding.



*Clause 75.*— This clause provides for appeal against decisions of Commission. Sub-clause (1) of the said clause provides that any person aggrieved by an order made by the Commission under section 74 may prefer an appeal to the Central Government within such period as may be prescribed. Sub-clause (2) of the said clause provides that no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor. However, the said sub-clause provides that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period. Sub-clause (3) of the said clause provides that every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed. Sub-clause (4) of the said clause provides that the procedure for disposing of an appeal shall be such as may be prescribed. However, the said sub-clause provides that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

*Clause 76.*— This clause relates to protection of action taken in good faith. It provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which has been done or intended to be done in good faith under this Act.

*Clause 77.*— This clause specifies the Members, etc., as public servants. It provides that the Chairperson and Members and other officers and employees of the Commission, General Council, Board or Corporation, as the case may be, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 78.*— This clause contains provisions relating to power of the Commission, Board, Committee or General Council to call for information or conduct investigation, etc. Sub-clause (1) of the said clause provides that where the Commission, Board, Committee or General Council, as the case may be, consider it expedient so to do, it may, by order in writing- (a) call upon any higher educational institution or university at any time to furnish in writing, such information or explanation relating to its affairs as the Commission, General Council, Board or Corporation, as the case may be, may require; or (b) appoint one or more persons to make an inquiry in relation to the affairs of any higher educational institution and university; and (c) direct any of its officers or employees to inspect the books of account or other documents of any higher educational institution and university. Sub-clause (2) of the said clause provides that where any inquiry in relation to the affairs of an higher educational institution has been undertaken under sub-section (1),—(a) every officer of the Government Department, if such higher educational institution or university is a department of the Government; (b) every director, manager, secretary or other officer, if such higher educational institution or university is a company; or (c) every partner, manager, secretary or other officer, if such higher educational institution or university is a firm; or sub-clause (3) of the said clause provides that every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in sub-section (2), shall produce before the Commission, General Council, Board or Corporation, as the case may be, making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Commission, General Council, Board or Corporation, as the case may be, with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified by the Commission. Sub-clause (4) of the said clause provides that every higher educational institution shall maintain such books of account or other documents as may be specified by regulations made by the Commission. Sub-clause (5) of the said clause provides that the Commission, General Council, Board or Corporation, as the case may be, shall have the power to issue such directions to higher educational institution as it may consider necessary for proper functioning of such institution.

*Clause 79.*— This clause confers powers upon the Central Government to issue directions. Sub-clause (1) of the said clause provides that without prejudice to the foregoing provisions of this Act, the Commission, General Council, Board or Corporation, as the case may be, shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the Central Government may give in

writing to it from time to time. However, the said sub-clause provides that the Commission, General Council, Board or Corporation, as the case may be, shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection. Sub-clause (2) of the said clause provides that if any dispute arises between the Central Government and the Commission, General Council, Board or Corporation, as the case may be, as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

*Clause 80.*— This clause provides that the Commission, General Council, Board or Corporation, as the case may be, shall furnish to the Central Government any information with respect to their activities as the Central Government may from time to time require.

*Clause 81.*— This clause provides that the Central Government may appoint an independent committee once in every five years to review the functioning of the Commission, General Council, Board or Corporation, as the case may be.

*Clause 82.*— This clause makes provisions for removal of difficulties. Sub-clause (1) of the said clause provides that if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. However, the said sub-clause provides that no order shall be made under this section after the expiry of two years from the date of commencement of this Act. Sub-clause (2) of the said clause provides that every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

*Clause 83.*— This clause contains provisions relating to repeal and savings. Sub-clause (1) of the said clause provides that with effect from such date, not later than one year from the date of coming into force of this Act, as the Central Government may, in consultation with the Commission, notify, the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 the National Council for Teacher Education Act, 1993 shall stand repealed and the University Grants Commission, the All India Council for Technical Education, and the National Council for Teachers Education shall stand dissolved. However, the said sub-clause provides that anything done or any action taken as regards the educational standards and requirements under the enactments under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act. The said sub-clause further provides that all the degrees awarded and all the colleges and the educational institutions recognised under the University Grants Commission Act, 1956 and the All India Council for Technical Education Act, 1987 shall be deemed to have been awarded or recognised under this Act. The said sub-clause also provides that during the period between the date of coming into force of this Act and the date of repeal of the enactments mentioned in this subsection, the University Grants Commission, the All India Council of Technical Education and the National Council of Teacher Education shall not take any decision or action, except with the prior approval of the Commission, on any matter as specified by the Commission. Sub-clause (2) of the said clause provides that notwithstanding anything contained in the Architects Act, 1972, the Advocates Act, 1961, the Indian Medical Council Act, 1956, the Dentists Act, 1948 the Pharmacy Act, 1948, the Indian Nursing Council Act, 1947, the Indian Medicine Central Council Act, 1970, and the Homoeopathy Central Council Act, 1973, the provisions of this Act shall apply to any matter concerning the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research. However, the said sub-clause provides that nothing contained in this section shall be construed as restricting the power of the Bar Council of India to specify standards of higher education concerning practice in courts. The said sub-clause further provides that nothing contained in this section shall be construed as restricting the power of the professional Councils listed in the First Schedule to specify standards of higher education concerning professional practice. Sub-clause (3) of the said clause provides that notwithstanding anything contained

in the Indira Gandhi National Open University Act, 1985, the provisions of this Act shall apply to the co-ordination, determination and promotion of standards in distance education systems. Sub-clause (4) of the said clause provides that if, on the appointed day, any suit, appeal or other proceeding of whatever nature, relating to the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 the National Council for Teacher Education Act, 1993, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the repeal of the said Acts but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Commission. Sub-clause (5) of the said clause provides that on and from the date of repeal of the said enactments - (a) any reference to the said enactments in any law for the time being in force shall be construed to be a reference to this Act; (b) any reference to the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education, in any law or rule or regulation for the time being in force or any contract or other instrument, shall be construed as a reference to the Commission established under this Act; (c) all property, movable and immovable, of or belonging to the University Grants Commission, the All India Council of Technical Education and the National Council of Teacher Education shall vest in the Commission; (d) all rights and liabilities of the University Grants Commission, the All India Council of Technical Education or the National Council of Teacher Education shall be transferred to, and be the rights and liabilities of, the Commission; (e) any reference, by whatever form of words, to the Chairman of the University Grants Commission, the Chairman of the All India Council of Technical Education or the Chairman of the National Council of Teacher Education in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Chairman of the Commission; (f) on the dissolution of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education the person appointed as Chairman and every other person appointed a Member and holding office as such immediately before such date shall vacate their respective offices and no such Chairperson or other person shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service. Sub-clause (6) of the said clause provides that on the dissolution of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education on repeal of the said enactments, the Central Government, by notification, shall take consequential action in regard to officers and staff in the regular service of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education. Sub-clause (7) of the said clause provides that save as otherwise provided in this section, the mention of particular matters in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

*Clause 84.*—This clause deals with transitory provision. It provides that notwithstanding the repeal of the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993, the educational standards, requirements and other provisions of the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993, and the rules and regulations and thereunder shall continue to be in force and operate till new standards are specified under this Act or the rules and regulations made thereunder.

## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 54 of the Bill provides that the National Commission for Higher Education and Research shall have its own fund into which the grants and loans made to the Commission by the Central Government, all fees and charges and other sums received by the Commission shall be credited. The Fund shall be used for meeting the salaries and allowances to the Chairperson and Members, officers and other employees of the Commission and other expenses of the Commission and the expenses of the General Council, Board for Research Promotion and Innovation and Higher Education Financial Services Corporation.

2. It is estimated that the administrative expenditure (Plan and Non-plan) involved in supporting the Commission shall be approximately the same as involved in supporting the existing regulatory bodies (University Grants Commission, All India Council for Technical Education and the National Commission for Teachers Education, which shall be subsumed by the Commission.

3. Sub-clause (5)(c) of clause 83 of the Bill provides that all property, movable and immovable, belonging to the existing regulatory bodies shall vest in the Commission. Hence, no substantial increase in the capital cost is estimated. Expenditure on account of salaries and other recurring expenses shall also be not substantially higher than what is presently incurred on all these regulatory bodies.

4. Sub-clause (1) of clause 46 of the Bill empowers the Commission to establish the Higher Education Financial Services Corporation. Sub-clause (1) of clause 47 of the Bill provides that the said Corporation shall disburse, in accordance with the norms and principles specified by regulations made by the Commission, financial assistance by way of grants to universities and higher educational institutions. Most of the grants now flow from the Government to the universities and higher educational institutions through the existing regulatory bodies. With the creation of the Corporation, these grants shall flow through it. No substantial increase in the financial burden of the Government is expected on this account.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 62 empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) the other disqualifications for removal of the Chairperson or other Members under clause (k) of sub-section (2) of section 8; (b) the procedure for the inquiry under sub-section (5) of section 8; (c) the salaries and allowances payable to, and the status and other terms and conditions of services of the chairperson under sub-section (1) of section 14; (d) the sitting fees and other allowances payable to members under sub-section (2) of section 14; (e) the other functions to be discharged by the Commission under clause (n) of sub-section (2) of section 16; (f) the other functions to be discharged by the General Council under clause (i) of sub-section (2) of section 27; (e) the form and manner in which an appeal may be preferred and the documents to be accompanied with it and the fees payable therewith under section 38; and (h) any other matter which has to be, or may be, prescribed.

2. Sub-clause (1) of clause 63 of the proposed legislation empowers the Commission to make, with prior approval of the General Council and after publication, by notification in the Official Gazette, regulations for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such regulations may be made. These matters, *inter alia*, include: (a) the norms and processes for establishment and winding up of a higher educational institution under clause (c) of sub-section (2) of section 17; (b) the norms of academic quality for a university to affiliate colleges under clause (e) of sub-section (2) of section 17; (c) 'the norms and mechanisms to measure the productivity of research programmes funded by the Commission under clause (i) of sub-section (2) of section 17; (d) the manner in which names of persons may be considered by the Collegium for inclusion in the directory of academics for leadership positions under sub-section (1) of section 20; (e) the procedure for the conduct of its business and the exercise of its powers and functions under sub-section (2) of section 24; (f) the norms of academic quality for accreditation and benchmarking of higher educational institutions under clause (b) of sub-section (2) of section 26; (g) the powers and duties as may be exercised by the Chairperson of the Board under sub-section (6) of section 43; (h) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.

3. The rules made by the Central Government and regulations made by the Commission shall be laid, as soon as they are made, before each House of Parliament.

4. The matters in respect of which rules and regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

## RAJYA SABHA

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### BILL

to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation and to provide for comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices and for that purpose to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical, professional and medical education other than agricultural education and for matters connected therewith or incidental thereto.

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*(Shri Kapil Sibal, Minister of Human Resource Development)*