

**Agenda & Background Notes for the 57th Meeting of
Central Advisory Board of Education (CABE)**

19th June 2010 at 11.00 A.M.

**Venue: Convention Hall,
Ashok Hotel, New Delhi**

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MINUTES OF THE 56TH MEETING OF THE CENTRAL ADVISORY BOARD OF EDUCATION HELD ON 31ST AUGUST, 2009

The 56th Meeting of the Central Advisory Board of Education (CABE) was held on 31st August, 2009 under the Chairmanship of Shri Kapil Sibal, Hon'ble Minister for Human Resource Development, Government of India. List of the participants is at Annexure-I.

2.1 At the outset, Shri R.P. Agrawal, Secretary, Department of Higher Education, Government of India and Member Secretary, CABE, welcomed Shri Kapil Sibal, Hon'ble Chairman of CABE and Minister of Human Resource Development, Government of India, Smt. D. Purandeshwari, Hon'ble Vice-Chairperson and Minister of State (HRD), Dr. C.P. Joshi, Hon'ble Minister of Rural Development, Dr. M.S.Gill, Hon'ble Minister of Sports and Youth Affairs, Shri Malikarjun Kharge, Hon'ble Minister of Labour and Employment, Shri Kanti Lal Bhuria, Hon'ble Minister of Tribal Affairs, Prof. Narendra Jadav, Member (Education), Planning Commission and all Hon'ble Ministers of the State Government and distinguished members of CABE. He also offered heartfelt condolence on the sad demise of Shri Habib Tanveer.

2.2 Shri R.P. Agrawal, Member Secretary briefly outlined the agenda of the meeting and mentioned that the 11th Plan is an investment in Education plan, with the Plan outlays for XI Plan on education being put at five to five and-a-half times of expenditure, which was incurred in the last X Plan. He further stated that the Government have an ambitious target of creating a technically skilled manpower of 500 million strong technically qualified and healthy youth. Keeping that in mind, the role of CABE, which is the highest body to advise the Central and State Governments in the field of education, becomes extremely important. He mentioned that since the last meeting, many developments have taken place including the historic Right of Children to Free and Compulsory Education Bill, which has been passed by both the Houses of Parliament. Prof. Yash Pal has given his Report on the Rejuvenation and Renovation of Higher Education sector wherein he has proposed an over-arching and all-encompassing regulatory body for regulating the higher education. The Hon'ble Minister of HRD has embarked upon reform measures and has given impetus to the process of educational reforms.

2.3 Once again welcoming the Honourable Ministers of Human Resource Development, other Honourable Union Ministers, the Honourable Ministers of the State Governments, and all distinguished members of CAGE, he requested Shri Kapil Sibal, Minister of Human Resource Development and Chairman, CAGE, to kindly set the tone of the meeting by giving his opening remarks.

3. Shri Kapil Sibal, Chairman, CAGE and Hon'ble Minister of Human Resource Development

Shri Kapil Sibal, HRM, touched upon many vital issues in his opening remarks. He apprised the CAGE about the activities undertaken by the Government since the last meeting, in the field of elementary, secondary and higher education. Hon'ble Minister urged all members to come together to think about the future of the country's children. He reminded that no asset in the country is more precious than the asset of children. He stated that the best investment, which the country can make, is in education. He emphasised on quality and also on access to education. He invited all Hon'ble Ministers and Members to come together to perceive that it is through this process of consultation that we can achieve our potential to become wealthiest nation of the world by developing our human resources. In his speech, he reiterated the objectives of this Department about expansion, inclusion and excellence in education. Hon'ble Minister also touched upon the Right of Children to Free and Compulsory Education Bill and various reform measures in Secondary, Higher and Technical Education.

3.1 The text of the Inaugural Speech of Shri Kapil Sibal, HRM is given at Annexure-II.

3.2 Shri Mallikarjun Kharge, Hon'ble Minister of Labour and Employment

Shri Mallikarjun Kharge, Hon'ble Minister of Labour and Employment stressed the need to concentrate on quality education and pointed out that academic standards must be clearly defined and efforts should be made that all students attain those standards. He also mentioned that there is shortage of qualified teachers and emphasized that Government must set up a large number of institutions for the training of teachers. He further stated that in many schools qualified teachers are not available, particularly in Science, Mathematics and English language. He said that this has become a major problem not only in Govt. schools, but also in aided schools. He requested all the State Ministers and Secretaries, who have

come to this meeting, to take note of this and try to fill up the vacancies. He said that if the vacancies are not filled then the level of learning of the students, particularly poor students, will not be high and they will not be able to get further professional education. He also said that while education has a greater purpose, we must also link the academic achievements with the requirements of different sectors of economy. On the one hand, the industry is crying for employable manpower and, on the other hand, millions of youth are looking for a gainful employment. He mentioned that there are forty million youth on the live registers of employment exchanges but their skills do not seem to meet the requirement of the job market. Thus, there is a need to link education to requirements of the market. There should be continuous interaction between academic institutions, government and industry so that the course curriculum keeps pace with the requirements of the industry. The soft skills such as communication skills, interpersonal behaviour, presentation skills, English language proficiency, etc should also be imparted from the school level itself. 21st Century will be driven by technology and, therefore, computer literacy should be introduced at the school level. There should be clear pathways for vertical and horizontal mobility from academics to vocational skills to career and vice-versa. We must create a National Qualification Framework which should ensure that there is a smooth transaction from school to vocational training and higher education, both in technical education and humanities so that even a plumber could think of doing Ph.D. some day, or a paramedic is also able to become a doctor on acquisition of required skills. He mentioned that some preliminary work has been done by Ministry of HRD and his ministry has also started working on creating a national vocational qualification framework under the World Bank project. He said that there is a need to work together so that this framework is comprehensive and fulfils the aspirations of our people

3.3 Dr. C.P. Joshi, Hon'ble Minister of Rural Development

Dr. C.P. Joshi, Hon'ble Minister of Rural Development thanked Hon'ble Minister of HRD for discussing the issues relating to expansion, equity and quality of education. He stated that although significant progress has been made in the elementary education under SSA, the drop-out rate at high school and upper primary levels continues to be a matter of concern. He was hopeful that the GER of Higher Education, which is 12.4% at present, may increase in near future. All these developments have direct relations as to how to address primary education. He suggested that there is a need for change in the teachers' training

curriculum. He emphasized the need for change in the curriculum in B.Ed. and BTC, as they have become outdated. This will not only help in bringing qualitative change in teaching but will also help in recruiting good quality teachers in future. He urged that in order to improve quality in education, utmost efforts should be made to recruit good teachers. He suggested interventions for improving quality in education. He suggested that if we emphasise on the proper methods of teaching and subject, there will be a definite improvement in the quality of education and the rate of drop-out at primary and high school levels will be reduced significantly. He also stated that adult education should be linked with learning lifeskills so that the productive assets in the country could be developed. The need of the hour is linkage of skill development with the curriculum so that the children, who had dropped out of school or could not get admission in higher education, may equip themselves with the productive skills. The 73rd Constitutional Amendment emphasizes the role of States to come forward for setting up Educational Committees in the District Boards or in the Panchayat Samitis, which could play active role in the improvement of quality of school education, general enrolment in the school and successful implementation of Mid Day Meal Scheme. He emphasized that Panchayati Raj Institutions should play a vital role in the education as envisaged in the 73rd Constitutional Amendment. He also emphasized that there should be a functional accord between the panchayats and the teachers, which should establish accountability and intervention so as to maintain quality of education. He welcomed the various steps taken by Department of Higher Education in the higher education sector in order to maintain quality of education. Changes in the curriculum are required so that the developments taking place in the world could be gainfully utilized. He also emphasized that there should be a monitoring authority to regulate academic curriculum of universities and colleges from time to time. He was of the view that private players should also be given responsibility in higher education so that they could come up with new curriculum and new technology in their set up. He also stated that representation of SC, ST, minorities and girls in the enrolment needs to be improved. In his concluding remarks, he emphasized that more responsibility should be given to Panchayati Raj Institutions in the expansion of education and we should trust the Gram Pradhan and Zilla Promukhs, on the subject. He also emphasized the need for linkages of education with requirements of the job market.

3.4 Dr. M.S. Gill, Hon'ble Minister of Sports and Youth Affairs

Dr. M.S. Gill, Hon'ble Minister, Sports and Youth Affairs mentioned that all endeavours to promote sports activities are intimately linked to education and learning. The National Education Policy of 1986 very clearly states that sports and physical education are an integral part of learning. He said that Government schools or private schools should not be allowed to open unless they have a sports field, even a modest one, or even a basket ball court, where a child could stand for a while. He appealed to the HRM that MHRD should ensure that all educational institutions, be they government or private, must provide adequate space for sports. He expressed concern that although Central Schools and Navodaya Vidyalayas have done a lot of good work and have excelled in academics, they have not been able to excel in the field of sports.

Dr. Gill mentioned that he has discussed with Ministry of Rural Development to link the MNREGA and other programmes with the Ministry of Sports and Youth Affairs so that out of the money being given to villages for development, a playing field could also be developed. He also wanted to link the work of his Ministry with Ministry of Human Resource Development, particularly under the Sarva Shiksha Abhiyan. The Minister stated that certain States like Kerala and Goa have taken a lead in the field of sports – Kerala has even passed an Act for promotion of sports and physical education.

Dr. Gill requested all Hon'ble Ministers and Members to ensure that Physical Education and Sports are provided at least one period every day compulsorily in the school curriculum, beginning from elementary schools onwards. In addition, he emphasised that while opening any new school, Government should insist that adequate open ground be provided for playing fields. State Government and local Governments must be persuaded to make available land for use as playgrounds in all schools and colleges. He also informed that the Government has formed a Society, under the Chairmanship of Minister for Youth Affairs and Sports called "National Playing Fields Association of India" to promote, protect and preserve playing fields for children and young people. He urged support of MHRD to prevail upon all State Government to set up similar bodies.

Regarding the Indian students going abroad for studies, the Minister mentioned that the Ministry of HRD may develop a mechanism to keep a watch on the whole process so as

to ensure that students are not cheated. He requested the Hon'ble HRM that whenever such "Education Fairs" are held, the Ministry must see as to what they are offering and what the students are looking for. Mentioning the Foreign Institutions, he requested Hon'ble HRM to ensure that what we are getting, is what we need and is worth the cost that is being charged.

4. Shri. Kanti Lal Bhuria, Hon'ble Minister of Tribal Affairs.

Shri Kanti Lal Bhuria, Hon'ble Minister of Tribal Affairs in his opening remarks congratulated Hon'ble HRM for taking reform initiatives in education sector. He referred to the 100-day agenda of the present Government wherein various steps have been proposed to reform the education sector. He requested HRM to bring qualitative changes in education instead of quantity which will help realise the dreams of Late Rajiv Gandhi, of making the country, a leader in 21st Century. He said that education will give an opportunity to our youth to prove their ability in the competitions. He referred that many parts of our country are tribal dominated and there is a shortage of educational facilities in the tribal belt. He urged the HRM for setting up adequate number of educational institutions of primary, secondary and higher education in the tribal areas. He cautioned that the appointment of teachers and professors should be on their merit and not on other considerations. Appointment of teachers on political consideration will jeopardize our education system and this may be a matter of worry. He urged all the members of CAGE and Education Ministers from the States to carry new ideas and innovations in the education field so that a revolution may come in the education sector which will help our far-flung villages. He also urged Hon'ble HRM to set up good Schools and Universities in the tribal dominated States otherwise, the disparity in education will continue and tribal students from the far-flung areas will not be able to compete, due to lack of proper education facilities.

5. Shri. Gautam Bora, Hon'ble Minister of Education, Assam

Shri Gautam Bora, Hon'ble Education Minister of Assam requested for financial assistance for 18 colleges of the State which are presently not eligible for UGC Grant under section 12B. He also requested Hon'ble HRM to be gracious enough to take up the central schemes of the establishing degree colleges under PPP mode in the most backward districts of the state like Dhemaji, Morigam, Karbi Anglong, North Cachar Hills, Kokrajhar and Dhubri where the GER is less than the national average. He also requested for setting up 3

new Engineering colleges in the State. He informed that Assam Government is setting up 3 new Engineering colleges in different districts for which they have sought financial assistance. As regards examination reforms, he stated that there are two examination boards, in Assam – one is Higher Secondary Council and the other is State Education Board. The Higher Secondary Council has already taken a decision to follow the NCERT norms, curriculum and also the books developed by the NCERT experts in the core subjects like Mathematics, Science and to make it at par with the all-India level. The Council has also taken necessary steps to follow the evaluation procedure as is done in the case of CBSE. He also requested that the state boards be provided with sufficient financial support to equip themselves and mentioned that there should be a national advisory body to assist the state boards in developing the courses, syllabus etc.

6. Shri K.K. Aboobacker, President Muslim Education Society

Shri Aboobacker, Member CAGE said that Universalisation of Elementary Education can be achieved only by bringing up the backward classes, especially minority community, the Scheduled Castes and Scheduled Tribes. He said that care should be taken to give adequate representation to backward minorities and also to have balanced development of educational facilities in rural and urban areas. He said that there is a suggestion that 1,500 best colleges across India be upgraded as universities. According to him, the number need not be fixed like that. Further, the status should be given according to their standard after evaluating their programme. Curriculum at university level for every subject, especially science subjects, should be prepared by experts at the national level. He said that various organizations such as UGC, AICTE, NCTE, CBSE etc. do not have adequate representation from backward and minority communities. He suggested that a comprehensive legislation on the various aspects of Article 30 of the Constitution should be brought in the Parliament; this will remove the need for minorities to go to the court frequently. As regards Central Madarsa Board, he said that joining it should be voluntary. He cautioned that great care be taken on the issue of Central Madarsa Board so that there is no apprehension of interference in religious and theological aspects of Madarsa education. He also requested that religious and community leaders must be taken into confidence while finalising the proposals of Central Madarsa Board.

7. Shri Hari Narayan Singh, Hon'ble Minister of Education, Bihar

Shri Hari Narayan Singh, Hon'ble Education Minister of Bihar suggested that the funding pattern under SSA be continued as 65:35 for the rest of the XI plan period. He stated that with the implementation of the Right of Children to Free and Compulsory Education Act, there is need that the share of Central Government should be kept at 65% and that of the State Government be 35%. Keeping in view the size of the State of Bihar, he urged that at least 6,000 additional secondary schools may be opened there. With the increase of enrolment of students in the elementary education, the State Government requires at least one lakh additional school rooms under SSA. Government of India should consider setting up of constituent colleges in such districts of Bihar, which do not have such colleges. He mentioned earlier 40 lakh children between 6-14 years of age were not going to school in Bihar, but this figure has now declined to 15 lakh. The Government of Bihar has been providing assistance under various schemes for the weaker sections of the society, viz. Scheduled Castes/Tribes and backward classes. He strongly urged that the Government of India maintain the ratio of Central-State funding of 65:35 under Sarva Shiksha Abhiyan for the State of Bihar in particular, and the country in general.

8. Smt. Shantha Sinha, Member, CABE

Smt. Shantha Sinha, Member (CABE) stated that education at all levels is important and they are interdependent. She referred to the National Commission for Protection of Child Rights which mandates the Commission to monitor child rights. She welcomed the enactment of RTE Act and suggested setting up of special cell in the National Commission for Protection of Child Rights for monitoring Right to Education with support from Ministry of HRD and having mechanisms for effective co-ordination with different Ministries such as Women and Child Development, Labour and Employment, Rural Development, Urban Development and Social Justice and Empowerment. She also suggested exploring the possibility of social audit on the guarantee that has been provided under the RTE Act as this has worked quite well under MNREGA and she also suggested involvement of Gram Panchayats on this issue. She stated that National Commission for Protection of Child Rights provides children to be admitted into an age-appropriate class and schools to have a no rejection policy which will facilitate drop-out children to go back to school any time during the academic year. She also suggested setting up of youth forces, even in the local bodies, as

defenders of Children's Right to Education, particularly of child labourers, physically challenged children, first generation learners and out-of-school children.

9. Shri Sudarsan Raychoudhury, Hon'ble Minister of Higher Education, West Bengal

Shri Sudarsan Raychoudhury, Hon'ble Minister of Higher Education, West Bengal referred to the proposed legislation on National Commission for Higher Education and Research and said that observations of West Bengal State Government had been made in the earlier CABE meeting stating that the presence of a number of regulators would create conflict. He again suggested that number of regulators should be minimised. He agreed with the recommendation of Kothari Commission that UGC may be the supervisory body and that the UGC should be strengthened. He made two suggestions with regard to the proposed National Commission for Higher Education and Research first, the policy formulation and regulatory function should be separated and secondly, the representation of States should also be ensured. If there be any National Commission, there must be presence of multiplicity of voices to ensure the protection of various stakeholders. He suggested to look into the matter as to how representation of states and various stakeholders can be ensured. There is a proposal of Yash Pal Committee that on the pattern of GRE, a national testing scheme for admission to university should be evolved. The problem is that the experience of IIT Joint Entrance Examination has shown that some specialized tutorial centres have come up throughout the country. He wondered whether any national testing scheme for admission would also generate a large number of tutorial centres and this needs to be looked into. Even in the USA, which has a national testing system, surveys show that such a centralized testing scheme sometimes ignores raw talent. He pointed out that Yash Pal Committee has suggested that the State Higher Education Council should be involved in ensuring quality of teaching and research in our higher educational institutions, framing of syllabi, evaluation and examination system etc. but he found that there is no specific proposal on how to involve state councils of higher education, which needs to be looked into. Regarding the proposal for mandatory assessment and accreditation, he stated that there are 20,000 colleges in our country, of which only 16,000 are under the purview of UGC. He further stated that only 5,000-6,000 colleges are eligible to receive financial grants under Section 12 B of the UGC Act. Out-sourcing of agencies for accreditation would be dangerous for improvement of quality in our system. He opposed the proposal for setting up of Educational Tribunals as

State Governments have their own laws covering services of the teachers in universities and colleges as well as employees of the State. He also stated that if spending of money by the university or its academics on research or teaching is kept outside the scope of audit, then may not ensure transparency. He also said that University should be free to recruit teachers within their parameters.

Yash Pal Committee also emphasized the need for providing necessary assistance to state universities and no preferential treatment is to be given between state universities and central universities. He stated that National Commission of Minority Educational Institutions has authority to confer status of minority institutions but the problem is that the State Governments are often not consulted before conferring such status. He also stated that while excellence has to be promoted, the question remains whether it is viable to create islands of excellence without any simultaneous move in improving the overall higher education profile of the country, considering that only 6,000 out of 20,000 and more colleges in our country are accredited/assessed with NAAC.

There are colleges recognised as minority institutions by the NCMEI, but having no recognition and no affiliation. This issue should be taken care of immediately. He also referred that the Joint Expert Committee in the XI Plan guidelines included representatives from the State Governments. Ministry of HRD, subsequently, has, however, dropped the representative of State Governments.

HRM

HRM clarified that the policy framing authority under the proposed over-arching body (NCHER) will be separate from the regulatory authority. The HRD Ministry's proposal is to exclude medical education and agricultural education and to cover all other fields. He also stated that a task force will be set up as to how to go forward and at each important stage of decision making, the State Governments will be consulted.

10. Shri Partha Dey, Hon'ble Minister of School Education, West Bengal.

Shri Partha Dey, Hon'ble Minister of School Education of West Bengal, while welcoming the Right of Children to Free and Compulsory Education Bill stated that the

legislation intends complete centralisation and is aimed towards privatisation. He apprehended that many schools will be marginalised, if standards as mentioned in the legislation are to be followed. The second very important point is that the state government will be responsible for catering to the children who are below the age of six years. Further, there is no single word in the whole legislation regarding the education of mothers. He wondered as to how State Governments will bring large amount of funds needed for implementation of the legislation for Right of Children to Free and Compulsory Education. Many State Governments including West Bengal, will be in tremendous financial difficulty and that the sharing of funds between Centre and State Governments should be realistic. He expressed satisfaction on the implementation of SSA in the State and suggested that the whole approach in the RTE Act should be in a project mode. He stated that various Commissions/Councils exist in the education sector to facilitate and monitor education. The activities of these Councils need to be reviewed. The Central Bodies will have to be sensitive to the needs of different states, different areas and different communities. He apprehended that these councils are coming in the way of imparting educating as they are creating hurdles in recruitments of teachers, functioning of the educational institutions and their affiliations. He urged all the central bodies to be sensitive to the needs of different states, different areas, different communities. With regard to medium of instructions, he suggested that mother tongue should be the first language.

HRM

While replying to the points raised by Hon'ble Education Minister of West Bengal, HRM stated that nobody has raised language issue and clarified that in the Right to Education Bill it has been made clear that the education would be imparted in the mother tongue as far as possible. No State has raised objection against this. With regard to changes required in the National Council of Teacher Education, HRM clarified that on the basis of the Yash Pal Committee Report the over-arching regulatory authority will subsume the work of NCTE. As regards centralization of infrastructure, HRM clarified that there is a vast difference between standardisation and centralization. We have only suggested standardization. HRM explained that standardization does not mean lowering the standards of infrastructure or reducing the teacher-student ratio. Education is a national enterprise and it should not be used to score a point between State Government and Central Government, rather we all must work together. He also referred to the Sarva Shiksha Abhiyan, a flagship

scheme of Central Government where 65% funding are being provided by the Central Government and 35% contribution comes from the State Government. He hoped that by the end of XI Five Year Plan, this will be 50% which has already been agreed by the States.

11. Shri Vinod Raina, CABE member

Shri Vinod Raina, Member (CABE) supported the reforms process and stated that education reforms are a matter of concern for all of us and not only of Government of India, or State Governments. He expressed concern about the low GER even after 62 years of independence. Regarding the Right of Children to Free and Compulsory Education Act, he mentioned that we need to move away from the welfare mode; to the rights mode, if we do not move to the rights mode, we will still be doing what we have done in Operation Blackboard or SSA. He stated that it is the entitlement of a child to get an education and we must discuss as to how and when the state and civil society must provide this entitlement. Regarding teachers' qualification, he mentioned that if we want to make a change, no matter how many buildings we provide, it will not help if do not have quality teachers. Roughly two million teachers have to be trained and redeployed as per the provisions of the RTE. He emphasised on the teachers' qualification and said that an elementary teachers should be given preference to B.Ed. teacher. He mentioned that success of the National Literacy Mission was on account of involvement of volunteers and administration. He suggested that we must use the same approach for the revamped women's literacy programme. He emphasised the need for involvement of NGOs, civil society professionals, etc. He was of the view that since we are in policy formulation stage, we should incorporate learning and synergise that with the Bill.

He mentioned that Karnataka Government has a wonderful system of deploying teachers by using ICT. We should follow the system being followed in Karnataka where a system exists for deploying teachers in a transparent process. He also expressed his happiness that the National Literacy Mission is being recast. He said that research does not get involved in policy making in this country and that policy should actually be made based on research.

Regarding NCF, he stated that we need to consider that we have the National Curriculum Framework at the over-arching framework in this country. He also expressed

that the ICT in school education is getting vendor-driven. He made a reference of Kerala where ICT in schools uses a non-proprietary software, and that the Kerala is using contents which are actually judged with respect to curriculum framework.

He suggested that a CAFE Committee be set up to look into the issues and guidelines be framed on ICT in school education so that everyone benefits. He was of the view that all institutions must abide with the policy that knowledge is a common public good. He also expressed that all the educational institutions including higher education commission, higher education tribunal, medical education, technical education or ICT, abide and follow the common public good rather than the earning of profit.

HRM

HRM agreed to the suggestion and said that without any hesitation, we are ready to set up a CAFE Committee on ICT in school.

12. Shri Rang Nath Mishra, Hon'ble Minister, Secondary Education, U.P

Shri Rang Nath Mishra, Hon'ble Minister of Education, UP, at the outset, congratulated HRM for enactment of the law on Right of Children to Free and Compulsory Education to all children in the age group between 6 to 14 years. He urged Hon'ble HRM to cover the children upto age of 18 years under this Act as this will drastically reduce the drop-out rate. He apprised that UP Government has taken a number of steps for improvement in the field of education. He informed that during the last two years, UP Government has opened 250 Inter Colleges. UP Government has given recognition to 2000 schools and constant efforts is on to remove the gender discrimination in the education sector. Provision for scholarship to girl child for pursuing higher education has also been made. Girls getting admission at Class-XI will get Rs.15,000 scholarship and a cycle. While supporting Free and Compulsory Education to students between 6-14 years, he had some reservation about the abolition of board examination as he felt that there should be some checkpoint for maintaining quality education. Quality of education and merit are main yardsticks for competitive examinations. He was of the view that abolition of board examination is not appropriate. He also apprised about the steps being taken by the UP Government to check copying in examinations. He made a special reference to the ICT Mission and requested that

larger number of Universities and Colleges should be covered under it. He stated that maximum students are studying in unaided schools and no financial support is being provided to them. He urged that un-aided schools should also be given grant as is being given to Government schools, under the ICT in Schools. He urged that the proposal for setting up of 479 model schools, which is pending with the Government of India, be considered sympathetically. UP Government had announced opening of four engineering colleges under special component plan. However, the approval of AICTE is still awaited. He urged the Government of India to convey approval in this regard. He made a special reference about the setting up of Kasturba Gandhi Balika Vidyalaya for imparting education upto 8th standard, after that Central Government has not made any provision for further education.

HRM

HRM, while responding to the observations made by Shri Rang Nath Mishra, stated that Rs.784 crore has already been released to UP Government under Sarva Shiksha Abhiyan and the next instalment is to be released by September 2009. He assured that as soon as the utilization certificates of funds released earlier are made available, the balance fund will be released. With regard to model schools, HRM explained that it is in the process and no sanction has been given to any State in this regard.

13. Shri Javed Aktar, Member of CABB

Shri Javed Aktar, Member (CABB) in his speech, touched upon the setting up of the proposed Central Madarsa Board. He said that it is a progressive and positive step. He mentioned that in the proposed Bill, there is no room for any apprehension, suspicion or doubt as the proposed board will not intervene in the theology or religious education. So, there should not be any apprehension about the proposed Madarsa Board. He expressed some doubts about the number of religious scholars on the Madarsa Board. He requested that the Central Madarsa Board should have seven educationists and three religious scholars. He said that it should be mentioned in most unambiguous terms that the chairman will always be an eminent educationist. The board should consist of two Committees – one Committee should be of the educationists and the other of the religious people/religious teachers. The Board meeting should be possible only when these two Committees sit together and the decision on which consensus is arrived, will be the decision of the Board. He also expressed the view that the Bill does not tell in definite terms whether it is going to be an advisory

board or an executive board. It can only be effective if it is an executive board. He suggested that the proposed Central Madarsa Board should be like the Upper House, the Rajya Sabha, as a permanent Board where 2/3rd of the members should retire after a certain period and they should be replaced. As regards members of the Central Madarsa Board, he suggested that a panel of eminent persons should be formed based on suggestions from the Board members as also from Universities and other institutions and the Government should selected names from this panel only.

HRM

Hon'ble HRM clarified that the proposed Central Madarsa Board will be an Executive Board and not an advisory board. With regard to induction of religious scholars, HRM said that we want to make sure and give confidence to the religious scholars that there would be no interference in theology or religious aspects. HRM mentioned that instead of reducing the number of religious scholars, the number of other members of the proposed Central Madarsa Board may be increased.

14. Shri Ramanlal Vora, Hon'ble Minister of Education, Gujarat

Shri Ramanlal Vora, Hon'ble Minister of Education, Gujarat said that the proposal for setting up of NCHER requires minute study and examination. Excess centralisation of education should to be avoided. He suggested setting up a committee to look into this issue and a representative of Gujarat Government should also be included in the said committee. He stated that in the proposed NCHER, the Chairman has been given unlimited powers and there is a possibility of misuse. He felt that the co-operation from the State Government is required for giving it a different shape. He was of the view that research in teaching in higher education is essential. He stated that the Universities should have autonomy. Universities in the country right from the beginning could not have autonomy and self-reliance. He said there is neither any reference of Article 51-A of the Constitution which says about fundamental duties, nor any reference as to how Indian knowledge and human value is to be spread by the universities. He urged that a consensus should be built for education as reflected in Article 51-A of the Constitution. He stated that the State Government is thinking of opening Children University in the State with the objective of giving first priority to all

issues related to children. He welcomed the initiatives taken by the Central Government for women's education. The State Government is going to celebrate Golden Jubilee in 2010 on the formation of the Gujarat State. He informed that the State Government will launch women's education from their own resources in respect of 13 districts, out of 26 and the remaining 13 districts are to be financed by the Central Government. State Government is hopeful to complete this work by 2010. He referred to IEDC scheme involving 50,000 differently abled children, employing 1,250 teachers. He mentioned that since the Government of India has abandoned the scheme, these children have been deprived of the benefits of the scheme and teachers have been rendered jobless. He requested Central Government to revive this scheme. He also stated that there was no provision for specialized teachers under SSA. He informed that State Government had set up Gujarat Knowledge Society and requested the Centre to finance for the expansion of education in all the 18000 villages of the State. He also stated that they have been providing for education of girl child for the last 7 years; as a result, the drop-out rate has reduced. He welcomed the Right to Education Act. He also stated that many such identical schemes have been introduced by the State Government but no financial assistance is coming from the Centre. He said that while Government has given good suggestions for the Central Madarsa Board, no reference has been made for the development of Sanskrit Pathshalas, which too deserve attention.

HRM

Responding to some of the points raised by Shri Vora, Hon'ble HRM stated that Rs.7.52 crore had already been sanctioned by the Centre for the IEDC programme. He made it clear that Article 51-A (k) of the Constitution bestowed an obligation on parents about the education of the child and the responsibility of the Government is vested in Article 21-A of the Constitution. He urged the State Government to work more in education, as it is the primary responsibility of the State Government for expansion of education in the State.

15. Ms. Teesta Seetalvad, Member of CABE

Ms. Teesta Seetalvad, Member (CABE) pointed that Education has not been a priority area for political parties for a very long time. She referred the case of Mumbai where drop-out rate is 42%. She mentioned that before UPA came to power, there were very disturbing cases of communalization of education, even at the central level. This needs to be put on

spotlight again. She mentioned that access to education would require 2 million trained teachers. She alleged that many private players operating in education do not believe in constituting the vision of nation building and parity. She referred to an earlier CABE committee which had a special Monitoring Committee constituted for overseeing the process of syllabus formation and textbook writing. The said Committee had recommended setting up of a statutory body and a bill was being drafted on that count, which would enable school management, civil societies citizens, politicians to approach this board with any textbook that they found would defy the constitutional vision. However, this issue is pending since the last CABE Committee. She requested the CABE to take it up on priority, enact the bill and extend it to the State and Central Boards. With regard to textbooks, she mentioned that a Parliamentary Committee was also set up to look into the allegations made by teachers and students on various provisions of the textbooks which appeared to be generating hatred and the Parliamentary Committee confirmed that the textbooks in some States were in fact very badly written and were generating hatred. The said textbooks exist even today.

With regard to Madarsa education, she mentioned that at least 5 national studies on Madarsa have shown that wherever the minority communities have access to good state education, they do not send their children to Madaras. In this context, she supported the Right to Education Bill. She had some reservations about the massive financial liability between the State and the Centre for implementation of this Act. She also focussed on the issues of atrocities and crimes against women and said that there is a need to introduce the concept of some level of self-defence at curricular level.

HRM

While thanking Ms. Seetalvad, HRM mentioned that a Bill has been formulated and circulated to the States and the Union Territories regarding National Textbook Council. However, we are yet to get the response from all the States and thereafter, a decision will be taken in this regard.

In the Right to Education Bill, there is an academic authority. That academic authority is going to look at content and will include representatives from all possible dispensations to be part of that authority, so that a consensus can be evolved without treading on anybody's toes.

16. Professor Narendra Jadhav, Member, Planning Commission

Prof. Narendra Jadhav, Member, Planning Commission in his opening remarks said that linkage between education and requirements of the market, as also lack of curriculum revision are two very important problems in the higher education system. In fact, there is a kind of disconnect between higher education system and the society and that our founding fathers, in their vision, had expected the educational society to grow together, to move together in tandem, in a mutually reinforcing manner but that has not happened for several years. Revision of the syllabi is truly a very important issue. He mentioned that the syllabi at most places are outdated and have not been revised for the last 10-15 years, even in some cases for 30 years. He stated that education is not moving in tandem with changes taking place in the society. He also stated that educational institutions and teachers are not aware about recent developments that have taken place in education. He, therefore, urged for mid-course corrections.

He mentioned that there cannot be anything more disturbing, as far as the students are concerned, than the curriculum which are outdated and teachers who are not aware about the latest development which have taken place in their subjects. He mentioned that time has come for Indian Universities to go abroad and open their branches there as they are capable to compete with the foreign universities. A clear policy needs to be evolved on issues in the education system. He emphasised the need to redouble efforts for expansion, inclusion and excellence in the education sector. He also referred to Mid-Term Appraisal (MTA) of XI Five Year Plan which is underway in Planning Commission and said that mid-course correction in planning process will be incorporated in the MTA.

17. Thiru T. Thangam Thennarasu, Hon'ble Minister of School Education, Tamil Nadu

Thiru T. Thangam Thennarasu, Hon'ble Minister for School Education, Tamil Nadu expressed his views on education as a subject in the concurrent list as well as two language formula adopted in the state. He mentioned that education has to be in the state list – it has been a state subject since 1974, later it was brought under the concurrent list. Every State has to address its own issues by context specific initiatives and as a concurrent subject, the State can plan for its overall educational development. If education comes under the state subject,

the States will have autonomy to make their own policy instruments and decide content specific programmes for achieving quality education for, all where no child or youth is denied education.

Regarding the two language formula, he said that Tami Nadu is a strong supporter of the two language formula and it is in vogue for a long time. In addition to the mother tongue, retaining English as a second official language is indispensable. It would be a fair official language policy because English has to be learned by children as it is necessary for communication in international arena, and to keep abreast with the latest developments in Science and Technology. Besides, a sound knowledge of English is essential to prove supremacy in the ICT and IT fields. Bringing a third language will only add to the burden of children and hence, the three language formula is not at all acceptable to Tamil Nadu. He also referred to the assurance given by the then Prime Minister, Pandit Jawaharlal Nehru, that the Government of India would not impose Hindi as a compulsory language on Non- Hindi-speaking states. He appreciated the Right of Children to Free and Compulsory Education Act.

He also mentioned that the persistent efforts of SSA have resulted in a substantial improvement in access, enrolment, retention and equity in education. With regard to Rashtriya Madhyamik Shiksha Abhiyaan, he stated that the State Government submitted its prospective plan proposal and Annual Work Plan 2009-10 to Ministry of HRD for its appraisal and early release of funds. Tamil Nadu has a Gross Enrolment Ratio (GER) of 89.9% as against the national average of 52% and they have a plan to enhance the access in Secondary Education to 100% by 2013 itself. The State Government has already allocated Rs.200 crore in its annual budget 2009-10.

He said that the Government of Tamil Nadu is opposed to the centralisation of powers with regard to matters relating to Higher Education which include Technical and Medical education. They are also opposed to setting up various regulatory bodies like AICTE, MCI, NCTE. Tamil Nadu Government would like to stress that the composition of the proposed NCHER be made broadbased and should also include State Government representatives. He welcomed the Bill for Prevention, Prohibition and Punishment for Educational Malpractices, etc. and also welcomed Mandatory Assessment and Accreditation in Higher Education.

18. Dr. Kiran Seth, Member, CABE

Dr. Kiran Seth, Member (CABE) suggested that our heritage, should be introduced in a big way in higher education. He also suggested that while complete freedom should be given to the university system, at the same time some guidelines must be incorporated in engineering, medical and management curriculum where student should be exposed properly to our heritage. This aspect should also be taken into account before giving accreditation to any university. He mentioned that many private universities today do not have even one liberal arts course. Divisiveness plaguing our society would be eliminated, if we give adequate attention to our heritage. He suggested that a Sub-Committee of the CABE may be formed to look into this aspect. He implored that Indian philosophy, language, classical and folk crafts have been put in the backburner and more importance has been given on engineering, medical, Business Administration and Mass Communication.

He said that importance must be given to the propagation of the ancient wisdom, passed down to us through centuries of experimentation. In this way, we would be able to contribute to different dimensions of growth of inner world, which are unsurpassed, but which are gradually either getting lost or mutating to cater to the market forces, and thereby losing their raison-d'être. Civilizations like the Greek, the Romans and the Aztecs now exist only in museums. Japan after its mad rush towards industrialization, has suddenly realized the loss of its three great arts. We too, should not forget our past cultural heritage.

HRM replied that the contributions of Dr. Kiran Seth were extremely important. He said that we should have a holistic approach to education and we must take care of our heritage. It is part of our Indianness, and in the absence of that, we will no longer be Indian. This point be taken very seriously.

19. Shri Brij Mohan Agrawal, Hon'ble Minister of Education, Chattisgarh.

Shri Brij Mohan Agrawal, Hon'ble Education Minister of Chhattisgarh in his address said that ours is a poor country. In particular SC, ST and minorities have large sections of poor people. Therefore, we should focus on eradication of poverty for increasing the base for expansion of education. He mentioned that today millions of poor students cannot get higher education on account of their inability to pay fees. He stated that 32% of the population of

Chhattisgarh belongs to Scheduled Tribes and 12% to Scheduled Castes. The State Government has taken steps for educating them under different schemes of the State. He stated that Ashram Shalas have not been fully covered under Sarva Shiksha Abhiyan due to problem of left wing extremism. He stated that students have been given shelter in the Ashram Shalas for continuing their education in such places where schools have been closed. This is the problem of all the tribal dominated States like Jharkhand, Orissa and Bihar. If the Central Government covers these Ashram schools under SSA, it will immensely help the State Governments for providing education in the tribal areas. While referring to the proposal of the Central Government for opening of model schools on the pattern of Kendriya Vidyalayas in the under-developed States, he suggested that these schools should be opened in all the blocks of under-developed States. He mentioned that they have already started providing cycles to girl students belonging to below poverty line for pursuing education from Class IX to XII. If similar scheme is covered under the SSA/RMSA, then all the girl students will get cycles for pursuing education and the percentage of school going girls will go up from 65% to 80%. He also stated that Chhattisgarh Government has started issuing free books from Class I to VIII to students and this has been extended up to Class X for girls. He urged the Central Government for setting up of IIT in Chhattisgarh as requested in the last meeting. He also requested for opening of polytechnics in the five blocks of the State for which they have got in-principle approval. He stated that under SSA, the Central Government is releasing funds in small amounts for different heads, which is not helping the State Government for undertaking development works. The funds provided by the Central Government up to Rs.4 lakh for each primary school building, are not sufficient for the purpose for which they are released. He requested for enhancing this amount.

HRM while responding to Shri Agarwal stated that the Central Government has already released funds for setting up 11 polytechnics to the State Government.

20. Smt. Hemavathi, CABE Member

Smt. Hemavathi, CABE member in her address appreciated the Central Government for passing the Right of Children to Free and Compulsory Education Bill which is a step in the right direction and it will facilitate deprived children's access to education. She suggested that the Government should ensure that unaided schools admit 25% children as envisaged in the Act. She stated that a major concern will be to remove the rural-urban bias.

The disparity which exists between urban areas and rural areas should be removed for a healthy atmosphere. She also referred to an announcement made by Union Health Minister for giving special pay scale to the doctors who are working in the rural areas. If similar provisions are made for the teachers who are serving in the rural area by giving a special allowance to them to compensate the loss of 10% of HRA, it will motivate most of the teachers who are working in the rural areas.

21. Shri Bhanwar Lal Meghwal, Hon'ble Minister of Primary & Secondary, Rajasthan

Shri Bhanwar Lal Meghwal, Hon'ble Minister of Primary and Secondary Education, Rajasthan at the outset congratulated Hon'ble HRM for the Right of Children to Free and Compulsory Education Act, 2009 which truly makes education as a Fundamental Right. It is a bold and right direction in the field of education. He stated that SSA is mostly for primary level. He urged that sufficient number of teachers should be provided in schools and colleges in proportion to number of students. He requested for providing Rs.50 lakh under SSA for SCs/STs and girl students and Rs.50 lakh for computer education. He urged that population should be the criteria for setting up of schools. Financial limits for computer and girls' education should be enhanced to Rs.2 crore per annum. He also stressed the need for teachers' training. He informed about the scheme introduced by the Rajasthan Government for linking Kasturba Balika Vidyalayas with formal schools. He urged to extend SSA to pre-primary level as well. He stated that the funds presently being given for the Kasturba Gandhi Balika Vidyalaya are not adequate. He suggested that girls should study upto 10th or 12th standard in the Kasturba Vidyalaya to enable them to pursue higher education. He urged that all the 237 blocks of Rajasthan should be declared educationally backward which will help in the expansion of education in Rajasthan. He informed that a budgetary provision of Rs.38 lakh for the construction of hostel for girl students has been made, which is not sufficient in view of the rise in prices. This amount needs to be enhanced. He urged that setting up of model schools should be in tandem with construction of hostels. With the help of Central Government, computer education has been imparted at the secondary level, which has given good result. He urged to introduce computer education in all the madhyamik schools and upper madhyamik schools. He informed that presently all the colleges of his States have the problem of load-shedding, shortage of drinking water, non-availability of toilets and lack of boundary walls. The construction of boundary-wall will definitely help for plantation which

will contribute to the greenery. Central Government has stopped all the Adult Education Centres started earlier. They have now gone to High Court and got a Stay Order and Government of India will now have to pay for the loss incurred for the period from the date of stay to the date of start of these Centres. He urged that there should be one teacher for physical education in every secondary schools and colleges. He also urged for compulsory computer education for the teacher training courses. He urged recruitment of 2000 additional trained teachers as also urged for filling up the backlog vacancies in the tribal belt. He also urged for setting up of IIT, IIM, world-class university and a central university in Rajasthan immediately.

HRM

While responding to the observation made by the Shri Bhanwar Lal, HRM said that the specific issues relating to Rajasthan can be discussed separately with him where he (HRM) will try to resolve them. As regards the issue relating to setting up of IIT and IIM, action is already underway, however, the focus of the discussion today is on reforms in education and state specific issues can be discussed separately.

22. Dr. Jitendra Singh, Hon'ble Minister of Higher Education, Rajasthan

Dr. Jitendra Singh, Hon'ble Minister of Higher Education, Rajasthan emphasized the need to introduce the national testing skill for admission to universities on the pattern of graduate record examinations, but care should be taken so that the students from the rural areas are not deprived of admission. He requested the Central Government that quantum of central financial support to state funded universities should be enhanced substantially and funds should be sanctioned to them directly. He welcomed the proposal for prohibition of unfair practices in technical and medical institutions and universities. He also desired to include all the higher education institutions under the purview of this Bill, without any discrimination between government or private institutions.

He also supported the proposal relating to Mandatory Assessment and Accreditation in Higher Education. He, however, suggested that time limit for the accreditation should be fixed for the educational institutions, as also for the accreditation agencies. He also suggested that not only higher education institutions but all the educational institutions,

technical, medical, Sanskrit schools etc., should also be kept under the purview of the proposed mechanism. Financial support is also required from the central government for the assessment of educational institutions.

He supported the proposal for setting up educational tribunals to fast track the adjudication of disputes in higher education. Educational Tribunals should be established as per the requirement of the area, and the number of pending cases. While suggesting that the amount spent by the university for research should be kept out of the purview of the CAG scrutiny, he also urged that a separate audit mechanism should be created for this purpose. He suggested that minimum and maximum age limit should be fixed for the researchers and there should be a provision of relaxation in exceptional circumstances.

He also requested for implementation of the semester system in a phased manner. Grade point system should be introduced in universities for post-graduate courses only. After receiving encouraging results up to 5 years of the scheme, it can be introduced in other courses also. He requested that 70% of the finances should be given by Government of India and the rest 30% by the State Government for setting up of model colleges in the State, as Rajasthan is a poor state.

23. Shri Mahendrajeet Singh, Hon'ble Minister of Technical Education, Rajasthan

Shri Mahendrajeet Singh, Hon'ble Minister of Technical Education, Rajasthan in his remarks brought to the notice of Hon'ble HRM that the construction works including civil works under Sarva Shiksha Abhiyan are being done by the teachers in Rajasthan. He urged the Hon'ble HRM that this should be stopped immediately. Teachers should carry out only teaching job. He also said that the Central Government had proposed to construct polytechnics and engineering colleges in the State for which land has to be provided by the State Government. He also demanded expansion of technical education in far flung areas, particularly for the benefit of members of SC and ST. He stated there is no engineering college, medical college or polytechnic in the 35 panchayat samitis. He urged that a special programme should be drawn up for these areas.

HRM

Responding to the observations made by Hon'ble Minister of Rajasthan, HRM stated that Central Government is providing funds to States under Sarva Shiksha Abhiyan. The responsibility lies with the State Government to spend the funds properly. HRM advised the Minister to raise the issue relating to construction work of school with the Chief Minister. With regard to problems of tribals in getting higher education and polytechnics, HRM explained that unless tribal students get quality school education, they cannot go for higher education and technical education. In order to overcome these problems, HRM explained that the Right of Children to Free and Compulsory Education Act will pave the way for promoting education in the tribal areas. State Government will have to open schools in the tribal areas as Education has become a Fundamental Right. He also agreed with the members that there is a shortage of teachers and students mostly fail in those subjects, for which there is no teacher. HRM mentioned that there is shortage of 30,000 teachers in Rajasthan because no recruitment was made by the State Government. HRM also apprised that Rajasthan Government has not made recruitment of 28,000 teachers under Sarva Shiksha Abhiyan and said that if there is no recruitment of teachers, how will these students get education. Thus, teachers' vacancies must be filled on priority basis by the State.

24. Dr. Mithu Alur, CABE Member

Dr. Mithu Alur, CABE Member in her opening remarks expressed her concern that 30 million poor differently abled children have been excluded from the definition of the disadvantaged groups in chapter 2-D of the Right of Children to Free and Compulsory Education Bill. She also stated that they were told that the provisions in the essence of the Disability Act will automatically get implemented in RTE which is not correct, as PWD Act does not have much teeth. She referred to the assurance given by HRM in both Houses of the Parliament and outside, for bringing an ordinance or an amendment so that this particular phrase including differently abled children, is included in chapter 2-D of the RTE Act. She suggested that it is absolutely important and imperative to have positive discriminatory clauses like including children with special needs in all documentations to enable them to get the benefit of RTE Act. She referred to a World Bank Study, stating that 75% children with disability are kept out of Sarva Shiksha Abhiyaan. She also stated that even in Mid Day Meal scheme, the disadvantaged group, which includes disabled, has not been clarified. As

per her own study of the ICDS, she found that differently abled children were not even enrolled or given any nutrition. She emphasised that efforts should be made to address teachers' training and to address capacity building to address the problem of differently abled children.

HRM

Hon'ble HRM agreed with Dr. Mithu Alur that the definition of child belonging to differently abled group should have been included in Chapter 2-D in the RTE Act. He assured that differently-abled children are to be included in the definition of disadvantaged groups and if there is any confusion, an amendment could be carried out.

25. Shri Mange Ram Gupta, Hon'ble Minister of Education, Haryana

Shri Mange Ram Gupta, Hon'ble Minister of Education, Haryana congratulated HRM for passing the Right of Children to Free and Compulsory Education Bill. He appreciated the initiatives being taken by HRM in the education sector and mentioned that these programmes are 100% in the interest of the country. He assured that in Haryana all the children will go to school and the support from private sector, NGOs and civil society organisations is being sought to ensure that 95% people become literate in the State. He also assured that none of the children from Haryana will be out of school and poverty will not allowed to come in the way for pursuing education. He mentioned that at present students in his State are being provided free textbooks, uniform, mid day meal and also cycle for coming to school from far-flung areas. In addition, stipend is being given at the rate of Rs.100 per month to boys and Rs.150 to girls for pursuing education from Class I to V, which has been enhanced to Rs.150 and Rs.200 for boys and girls studying in Class-VI to X respectively. While praising the free and compulsory education to all children, he stressed the need for quality education. With regard to quality education, he stated that state govt has made it compulsory to qualify SET for the recruitment of teachers. He also stated that although large expenditure is being incurred on Mid Day Meal, the benefit however, is not commensurate with the expenditure. He also stated that Mid Day meal scheme is being opposed in the State by some teachers as it hampers their teaching work. Sometimes, adulteration also takes place in the meal and as a result health of children gets affected. He urged the HRM to let the State Government take over Mid Day Meal. He also urged more resources for education in the State.

26. Dr. C. Subramaniam, Member, CABE

Dr. C. Subramaniam, Member (CABE) in his opening address thanked to Hon'ble HRM for passing the Right of Children to Free and Compulsory Education Bill. He welcomed common syllabus and curriculum for science and mathematics throughout the country so that all the students can have the same standard in which ever school they are studying. With regard to increasing the GER in the school education, he suggested that Active Based Learning (ABL) and Active Learning Method (ALM) in vogue in Tamil Nadu can be adopted which has changed the classroom teaching to student-centered instead of teacher-centered. With regard to examination reforms, he suggested that extra time of 15 minutes may be given to students for reading the question paper which is the prevailing practice in Tamil Nadu. As far as NKC Report is concerned, he stated that this will not serve any purpose and he had opposed the NKC report in the last CABE meeting. With regard to Yash Pal committee report, he stated that initially the committee was to make a progress report on the performance of UGC and AICTE. Later, the nomenclature was changed, but the Committee has exceeded the limits of its Terms of Reference. He stated that though there are many differences between the two reports, certain recommendations of the both reports appear to be the same. Independent Regulatory Authority for Higher Education (IRAHE) proposed by NKC and National Commission for Higher Education and Research (NCHER) mooted by Yash Pal Committee are more or less the same. Both IRAHE and NCHER are conceived as apex regulatory bodies with over-arching powers and responsibilities. He stated that the existing regulatory bodies like UGC, AICTE will be subsumed within the new body. One of the important structures of the NCHER, as recommended by Yash Pal Committee is that it has ignored the importance of consultative process in the evaluation of educational policies. He also stated that an arrangement for mandatory consultation with all the stakeholders in education, including the State Governments and universities, should have been built in the structure of the proposed NCHER. He was not proposing to increase the number of members of NCHER, but it is necessary to have statutory consultative mechanism within the structure. Similarly, the body should be made accountable not only to the Parliament but also to the larger academic community. He was of the view that NCHER may not be constituted. If it all it is created, NCHER could take over the academic responsibilities from the existing bodies like AICTE and UGC while leaving the funding responsibilities to the bodies like UGC and AICTE.

With regard to the common entrance test to higher education institutions, he stated that it will encourage the coaching centres which will not be in the interest of the rural students. While supporting the proposal for Mandatory Accreditation, he expressed concern that a single certification of private agencies will not serve any purpose and also it will not be in the interest of higher education. He also stated that the mission of higher education as presented by Yash Pal Committee is different from the narrow commercial orientation for the NKC report, so, both the reports cannot be implemented simultaneously since there are inherent contradictions. He suggested that NKC Report need not be implemented but, at the same time, Yash Pal Committee report can be implemented with major modifications. He also suggested that a Committee may be constituted consisting of CAGE members, to study the Report of Yash Pal Committee and submit a feasibility report thereon. After getting the feasibility report, the Yash Pal Committee report may be implemented with major changes. With regard to development of languages, he stated that there are 6,000 languages throughout the world and adequate attention is to be given for preservation of languages. He requested the Hon'ble Minister of HRD to take initiative to celebrate February 21st as mother language day throughout India.

HRM

HRM clarified that neither the Yash Pal Committee Report nor the Report of the National Knowledge Commission are the last word on Higher Education. These are recommendatory bodies and the Government of India has to decide as to which part of the Report of Yash Pal Committee and National Knowledge Commission are to be implemented. He also clarified that the proposed National Commission for Higher Education and Research will not be a mere regulatory body. It is going to be a policy-making body. He also stated that reforms cannot bring change, unless mindset is changed. He said that perpetuation of the same institutions, with the same people is destroying the whole superstructure of education in this country. It is our national duty to protect our children. HRM also apprised the CAGE members on the procedure being followed about the appointment of Vice-Chancellors in the country to protect from political interference. He informed that Government proposes a system of setting up a collegium of eminent people and that collegium will recommend the names of persons. HRM also suggested that State Governments may also consider appointment of Vice-Chancellors at the instance of collegium of eminent academics.

27. Shri Devi Prasad Mishra, Hon'ble Minister of Higher Education, Orissa

Shri Devi Prasad Mishra, Hon'ble Minister of Higher Education, Orissa, in his opening remarks, advocated the necessity of educational reforms while taking into account the ground realities of different regions, geographical areas and social problems. He welcomed the proposal for setting up of an over-arching authority for Higher Education and Research. He suggested that the regulatory powers of the existing bodies should be taken away and these should be replaced by the restructured professional bodies. He also welcomed the proposal for mandatory assessment and accreditation in higher education institutions. He stated that many universities/colleges have become degree mills. He stated that before setting up Mandatory Assessment and Accreditation, we must also go for standardization. He suggested that there is a need to support the colleges and the higher educational institutions which have not been assessed by NAAC. He stated that NAAC has assessed only 1/5 of our colleges/Universities, even after 12 years. He requested HRM to direct UGC to come out with a scheme for one-time support to those colleges so that they can achieve 12B status, and thereby access the grants. He also supported the steps proposed to be taken by the Central Government to check educational malpractices in educational institutions. He also welcomed the move of Central Government for setting up of innovation universities which has also been recommended by NKC. He requested HRM to look into academic reforms in State universities also. He requested Government of India to provide financial support to strengthen State universities and supported education reforms including curriculum revision and National Mission on Education through ICT. Regarding IIT, NIT and IIM, he stated that Orissa has already operationalised IIT, Bhubaneswar and State Government has already allotted land measuring 570 acres for IIT. He requested for setting up of one IIM in the State and informed that the State Government has already earmarked 700 acres of land for setting up of Innovation University in the state. He suggested creation of special economic educational zone as an incentive for setting up of universities, colleges, polytechnics and other community colleges.

28. Shri Pratap Jena, Hon'ble Minister of School and Mass Education, Orissa

Shri Pratap Jena, Hon'ble Minister of School and Mass Education, Orissa, in his opening remarks stated that in anticipation of enactment of Right of Children to Free and Compulsory Education Bill, Orissa Government relaxed the norms for opening of Primary

Schools from 40 children in a habitation, to 25 children. The State Government has also taken steps for reviewing the state curriculum as per NCF 2005 and introduction of new textbooks. With regard to education reforms in the State, he said that State Government has decided to follow the curriculum and the textbooks followed by CBSE in science and mathematics, for class X board examinations. He suggested provision of residential facility under Model School scheme so that children from distant places could seek admission. He stressed the need for teachers' training for providing good quality education and said that there is an urgent need to have block level Institute of Education and Training in educationally backward blocks and Colleges of Teacher Education in every district to meet the teacher requirements under SSA and RMSA. With regard to Mid Day Meal scheme, he stated that the market price of essential commodities has increased substantially and it is very difficult to provide a cooked meal to the students at the existing rate. He suggested that Government of India may enhance the cost under Mid Day Meal scheme. He suggested that literacy programmes be linked to livelihood so that literacy becomes the self-need of the people.

He requested that the norms of SSA should be made flexible in case of civil works. He also suggested that in the sparsely populated tribal areas, Government should open more schools with teaching in local languages and provide special grants for propagation of education. He suggested that special funds should be given to the states for strengthening the district institute of education and training and state council for education and training. He said that the building fund sanctioned in phase-I and phase-2 of Kasturba Gandhi Balika Vidyalayas, was not sufficient. He requested for revision of cost in respect of KGBVs sanctioned in the past. The norms under inclusive education may be announced and unit cost of maintenance should be revised.

Hon'ble HRM remarked that of all the States in our country, only 3 States have increased their investment in terms of GDP in the education sector. He also said that Central Government, through UGC, would assist colleges to become eligible under 12 B. He also said that for the first time in the history of this country, we have set apart Rs.31,669 crore to incentivise State Governments under different schemes of Higher and Technical Education.

29. Shri Gopal Guru, Member, CABE

Shri Gopal Guru, CABE Member, in his opening remarks, stressed the need for discovering novel ideas in children through painting, music, drawing and singing. He urged that a 15 to 20 year agenda should be charted out for the future of our children. He apprehended that there is a possibility of the child discovering caste discrimination, gender discrimination, communal disharmony, etc. and said that in some States there are reports of two kitchens; one for the Dalit students and the other for the upper caste students, this should be prohibited. He said that the need of the hour is to have an ideal category. He suggested that there should be some participatory mechanism in this regard. He emphasized the expansion of education with social diversity and inclusion of different disadvantaged and differently abled people. He stressed that this is necessary not only for social inclusion, but also for the intellectual equalisation so that talent from the disadvantaged groups could be used as a national asset.

30. Shri Vishveshwar Hegde, Hon'ble Minister of School Education, Karnataka

Shri Vishveshwar Hegde, Hon'ble Minister of School Education, Karnataka, in his opening remarks stated that State Governments and Central Government should work out a formula for sharing financial burden on account of implementation of Right of Children to Free and Compulsory Education Act, 2009. He stated that Karnataka Government is not in a position to supplement the budgetary requirement to implement the RTE Act, 2009 in view of huge financial involvement. He suggested that State Government should be given a broader framework on the RTE and micro and macro planning should be left to the State Governments. He requested that State Government should be allowed to do the planning according to its needs. With regard to medium of language for imparting education under the Act, he suggested that as far as possible, it should be in the mother tongue in terms of the Act. He stated that State Government is very specific on this issue as the matter is already in the Supreme Court. He requested the Central Government to take little more interest on this subject. He urged the Centre to provide Rs.400 crore more for Sarva Shiksha Abhiyaan. He stated that there is a cap in expenditure and it should be relaxed. The State Government is not in a position to meet the additional fund for construction of toilets, classrooms and other civil works in view of 33% cap on the construction work. He suggested that 33% cap should be raised to 50%. He suggested for enhancing cost for Mid Day Meal programme on account

of price rise and requested for raising the transportation charges and construction of kitchen sheds. He urged for providing funds under RMSA in respect of schools opened during the last two years in relaxation of RMSA norms. He suggested that finalisation of RMSA programme, be left to the State Governments. The State Government has different views on educational reforms initiated by the Central Government. He suggested that State Government should also be allowed to monitor CBSE and ICSE schools. He said that State Governments wants some control over these schools, on the issues relating to fee structure, syllabus and on behalf of parents as many complaints have been received against these schools. He also opposed abolition of Class X Examination in different Boards. With regard to higher education, he again requested for opening of IIT in the state. He requested that UGC may revisit the curriculum for NET examinations as the success rate is only around 5%. The pattern of examination may be re-assessed without diluting the standards.

HRM

HRM clarified some of the points raised by the Minister. He clarified that there is no proposal for the abolition of class X Boards in the States. He is only talking about optional class-X Boards in the CBSE system, there should not be any misapprehension on this issue. HRM expressed confidence that Central Government is vested with the power in the CBSE system to make class X optional. HRM also stated that there is no question of interfering in the processes adopted by the State. He said that States are well known with their backward regions and their special needs and they should implement the programmes in accordance with their priorities. The Ministry of HRD can guide States in terms of standards. HRM was of the view that there should be uniform standards in terms of infrastructure and the requirement of teachers.

31. Shri N. K. Pradhan, Hon'ble Minister of Education, Sikkim

Shri N K Pradhan, Hon'ble Minister of Education, Sikkim, mentioned that as per the decision of the Government of India, Sikkim does not have any educationally backward block and Sikkim has been put at par with Delhi, thereby depriving of financial assistance. He admitted that Sikkim has considerably improved in primary education for which Sikkim should have been rewarded. However, the State is being penalized instead. He complained

that the State Government is being deprived of the resources for improving the quality of education. He requested that 8 blocks of the state may be included in the educationally backward blocks' definition under the RMSA.

32. Shri Abdul Ghani Malik, Hon'ble Minister of School Education, Jammu & Kashmir

Shri Abdul Ghani Malik, Hon'ble Minister of School Education, Jammu & Kashmir welcomed the education reforms initiated by the Central Government and also the Right of Children to Free and Compulsory Education Bill. He stated that whereas urban areas of the State have done well in the field of education with regard to quality and GER, the situation of education in rural areas is bad to worse. He said that this is mainly due to non-availability of teachers in the rural areas. He put the entire blame on faulty educational planning. He suggested that adequate recruitment should be made for teachers for imparting education in the rural areas. He also stated that bureaucrats and politicians are sending their kids to private schools for education and they are not bothered about the education for poor people, as a result the quality of education in Government schools is very poor. He urged for looking into this issue favourably. He urged that as large number of children are joining schools, all efforts should be made to open more schools and also to upgrade the existing ones.

33. Shri Ishwar Das Dhiman, Hon'ble Minister of Education, Himachal Pradesh

Shri Ishwar Das Dhiman, Hon'ble Minister of Education of Himachal Pradesh in his opening remarks, appreciated the passing of the Right of Children to Free and Compulsory Education Act 2009. In his speech, he touched upon the status of education in Himachal Pradesh and the achievements of the State Government in the elementary education. He further stated that the goals of access and equity have almost been achieved in his State, by opening new schools, colleges and universities. However, the quality of education is still a matter of concern. He requested the Central Government to sanction more Model schools, colleges and more hostels for girls and SCs/STs. He stated that Himachal Pradesh was one of the first State of the country to bring legislation for free primary education in 1953. He said that the State Government would implement the objective of the RTE Act to provide a good quality education to all children and requested Central Government to share a higher level of financial burden. He informed that the State Government has already made available

land for setting up a Central University. He requested for sanctioning of an IIM and an Indian Institute of Information Technology. He said that the state govt is being deprived of grants as central govt has put 33% cap in civil works under SSA. He mentioned that though the State comes under “Special Category State”, it is not being given assistance as is being given to the North-Eastern States and other States. While providing financial assistance to the State, he suggested that specific problems, geographical conditions and difficulties of the State should be taken into account on the lines of North Eastern States and the Centre-State funding should be in the ratio of 90:10, instead of 75:25.

34. Shri Nyewang Konyak, Hon’ble Minister of School Education, Nagaland

Shri Nyewang Konyak, Hon’ble Minister of School Education, Nagaland, in his remarks, stated that Nagaland is behind other States in educational development. He also stated that the number of private schools is more than the Government schools. Government schools are not providing good education and, therefore, poor students are the sufferers as rich can afford education through private schools.

He mentioned that when Nagaland was formed, school buildings were constructed in a haphazard manner. These buildings are now in poor condition. He requested for central assistance for reconstruction of such buildings. He mentioned that there is shortage of trained teachers in the State and suggested that more DIET Training Centres should be opened in the State. He said that the existing resources of the State Government are too meagre and the State Government is facing problem in implementing Mid Day Meal scheme on account of high transportation cost. He urged the Central Government to enhance the transportation charges and construction cost of kitchen shed from Rs.60,000/- to Rs.1 lakh for construction of quality buildings.

35. Shri M. A. Baby, Hon’ble Minister of Education & Culture, Kerala

Shri M.A. Baby, Hon’ble Education Minister of Kerala said that due to historical reasons, Kerala has been earmarking lot of funds in social sector & education and as a result, the State has lost lot of ground in the field of industry, agriculture and various other fields. He suggested that while earmarking funds, Central Government should take into account those States, who are lagging behind and a major share of finances should go to

them. He complained that the State Government is not getting a single penny under the scheme of Kasturba Gandhi Balika Vidyalaya. He suggested that while these projects are being worked out at the Centre, sufficient attention should be given to those States who have spent lot of their own funds in education. He suggested that each State should evolve its own State curriculum framework owing to its diversity. He said that there should be a national textbook policy. He suggested that the draft legislation to prevent malpractice, prepared by the Department of Higher Education needs to be re-visited and it should be in the spirit of federalism. He further said that this issue may be discussed with the Education Ministers of the States also. With regard to appointment of Vice-Chancellors, he was of the view that Vice-chancellors should be of quality and political consideration should not come in its way. He was of the view that a silent calamity is taking place in the field of education in our country which has resulted in mushrooming of unaided professional institutions, thereby diluting the standard of education. He cautioned against the commercialisation of education. He was against the private participation in education.

HRM

Responding to Mr. Baby, HRM mentioned that Government is moving forward very effectively to curb the malpractices that exist in private institutions, that is why, it is proposed to bring a legislation on this subject. He also mentioned that Government has also decided to review the matter relating to “institutions deemed to be Universities”. HRM mentioned that private investment in education cannot be ruled out. However, we must regulate it in such a manner that these are not merely profit making enterprises. He also pointed out that there is also a proposal to set up Educational Tribunals to fast track adjudication of disputes.

36. Shri Lalsawta, Hon’ble Minister of Education, Mizoram

Shri Lalsawta, Hon’ble Minister of Education, Mizoram suggested that recruitment of the teachers in all States should be done by an autonomous body like Public Service Commission of the State as this will go a long way in improving the education system in the country. He stated that vocationalisation of education at the lower level will be immensely helpful, particularly in the North-East States in containing youth from joining insurgency activities. He also stated that higher studies and technical studies be made available in

Mizoram on PPP mode. He, however, expressed apprehension whether 50:35:15 ratio of Centre-State-Private Partner can be viable in poor States like Mizoram. He requested the Hon'ble Minister of HRD to reconsider the funding norms so that the State can avail of this good opportunity.

Replying to Hon'ble Minister, HRM informed that Govt is moving at a very fast pace to bring in vocational training at the CBSE level, so that CBSE system can be expanded to give more choice to the students to join in any vocational courses. HRM further stated that new areas in vocational training will be incorporated in the CBSE syllabus and CBSE is working on this.

37. Mrs. Archana Chitnis, Hon'ble Minister of Education, Madhya Pradesh

Mrs. Archana Chitnis, Hon'ble Minister of Education, Madhya Pradesh, at the outset congratulated to HRM for passing Right of Children to Free and Compulsory Education Bill by both the Houses of Parliament during his tenure. She pointed out that if we include provision of bags, books, copies in free education, the quantum of expenditure will be very high. She stated that utmost care should be taken for providing school buildings and teachers' training. She urged the Centre as well as State Governments to move in this direction fast. She stated that Madhya Pradesh has achieved a lot under the Sarva Shiksha Abhiyan. However, the drop-out rate in Madhya Pradesh is about 30%. She urged to bring qualitative change and modification in the existing SSA so as to ensure right to education. She also indicated that about Rs.3000 crore per annum would be required for implementing Right to Education and it is difficult for the State to manage such huge funds. She suggested that the ratio of the Centre and State funding should be 90:10 in the initial three years of the implementation of RTE. She stated that Madhya Pradesh Govt. is serious about Rashtriya Madhyamik Shiksha Abhiyan for which prospective framework plan has already been drawn up and submitted to the Centre. She also suggested that guidelines of SSA may be modified with reference to Right to Education. She also supported the idea for setting up of model schools under which large number of students will get the benefits. She said that different educational schemes started by MP Government will further enhance the enrolment and also improve the quality of education in the State. She stated that 20% of the population of Madhya Pradesh belongs to Scheduled Tribes and the State Government is facing problem as to how to integrate ST community in the mainstream of education. State Government also

have a scheme of one primary school for 10 students through Satellite School Yojana in remote areas. She said that under this scheme, 932 schools have already been covered and more than 500 schools will be covered in XI Plan period. She also stated that during XI Five Year Plan, they have kept a target to enhance GER from 12.5% to 17%. She also informed that there are 309 Govt. colleges in the State. She urged for one time grant to the educationally backward States for bringing them at par with rest of the country. She stated that Madhya Pradesh is dominated by villages and rural areas with few pucca houses and therefore, teachers do not get pucca houses for residence. She urged that this issue needs to be addressed by the Centre as well as State Government. She also said that Right to Education is not possible unless all communities are involved and their support is extended. She emphasised the need for provision of girls' hostels also for professional and technical education of girls.

HRM

With regard to free education, HRM explained that it has been written under Section 3 of the RTE Act that no child shall be liable to pay any kind of fee or charges which may prevent him from pursuing or completing the elementary education. HRM also explained that State has to decide which items have to be given to the students. As regards issues relating to implementation of the RTE Act, HRM mentioned that provisions of this Act have to be implemented within a period of 3 years. The grace period has been given to create necessary infrastructure for implementation of the Act.

38. Mrs. Ampareen Lyngdoh, Hon'ble Minister of Education, Meghalaya.

Mrs. Ampareen Lyngdoh, Hon'ble Minister of Education, Meghalaya, in her opening remarks, welcomed the passing of the Right of Children to Free and Compulsory Education Bill, 2009. She said that Meghalaya is a resource scarce state and it looks forward to know the estimated financial burdens that are likely to be incurred by the State as well as the Centre, so as to work out further modalities. She informed that SSA programme has made a huge difference in the education scenario of the State and urged that the same funding pattern be maintained for RTE. She suggested that under SSA Programme, provision of drinking water, approach road and electrical power be included in civil works. As regards Mid Day Meal scheme, she said that per day conversion costs are inadequate, in view of the sharp

escalation of all ingredients needed to prepare nutritious meal for the students. She said that there is a need to synchronise the release of funds for conversion costs with the release of foodgrains from FCI so that conversion can take place at the appropriate time.

She also mentioned that in Meghalaya the word Mid Day Meal has a different connotation from the pattern and social life of other parts of the country as in Meghalaya, children have a morning meal instead of a Mid Day Meal. She suggested that local building materials like bamboo, cane can be used for constructing kitchenshed in remote areas. Regarding NCTE, she said that the State recognizes the needs for maintaining the standards of teacher education in institutions or the TTIs which NCTE is mandated to do. With regard to large percentage of untrained teachers, she urged the NCTE to adopt a slightly more flexible approach towards teacher education institutions in the State without diluting the quality. She welcomed the proposed system of accreditation in higher education to maintain quality of education and also the Centrally Sponsored Scheme of the “National Mission on Education through ICT”. She, however, added that connectively, especially broadband connectivity remains a big problem in the state. She expressed happiness on the decision to establish 10 new National Institutes of Technology in the country, one of which will be in Meghalaya. She agreed to make required area of land available for the purpose of free cost.

39. Shri Jayanta Kumar Singh, Hon’ble Minister of Education, Manipur.

Shri Jayanta Kumar Singh, Hon’ble Minister of Education, Manipur, in his speech endorsed all the proposed measures about examination reforms. He suggested that the GPA system/grading system could be thought of and introduced at the university and college level. He also endorsed the provisions contained in the Right of Children to Free and Compulsory Education Act. He informed that Manipur Government has already started re-organization of schools. He, however, expressed concern for meeting financial commitments due to resource constraints. Regarding the National Mission on Education through ICT, he suggested that the Central Govt. could also consider introducing Mobile ICT units for remote areas. He expressed concern for procuring quality of E-content as it requires considerable resources. He suggested that ICT scheme could be suitably modified to include provision for procurement of E-content as well as introducing it at the college level. He stated that the funds provided for Mid Day Meal are not enough for supervising, monitoring and

implementation of the scheme on a daily basis. He welcomed the introduction of semester system and choice-based credit system.

Concluding speech of HRM

In his concluding address, HRM thanked all the Honourable Ministers, distinguished members of the CUBE and all other participants for attending the CUBE meeting. He stated that many valuable suggestions were made by the members and the Ministry has benefited by these suggestions. He further stated that discussions were fruitful and thought provoking involving a purposeful dialogue. He also stated that CUBE meeting was held in a cordial atmosphere and all the members participated which showed that we are all united about our children who are the future of our country. He further stated that he has made comments on each intervention and has tried to clear the doubts of many of those who raised them, during the course of the intervention. He said that based on the points emerging during the discussion, a summary record of discussion has been prepared which was read out by him and the same was adopted. A copy of the Summary Record of Discussion read out by HRM is at Annexure-III.

The meeting ended with a vote of thanks to the chair.

AGENDA NOTE
“HIGHER EDUCATION AND RESEARCH BILL, 2010”
AS PROPOSED BY TASK FORCE

INTRODUCTION: NEED FOR REFORM OF REGULATORY STRUCTURE

“Coordination and determination of standards in institutions for higher education or research and scientific and technical institutions” is a subject under the Union List (List I) in the Seventh Schedule of the Constitution of India.

2) The University Grants Commission (UGC) was established in 1952 on the recommendations of the Education Commission (Dr. Radhakrishnan Commission) and was constituted as a statutory body under the University Grants Commission Act [3 of 1956], for coordinating the activities of higher educational institutions and maintaining standards. It was expected that UGC would perform the overarching function of steering the higher education sector in the country. It has indeed played that role since it was set up. However over time, several Councils have been set up to promote and/or regulate areas of technical, professional and medical education, which at present number 13.

3) While the University system falls within the jurisdiction of the UGC, the All India Council for Technical Education (AICTE) is responsible for the functioning of the technical and management education institutions. The other statutory bodies are the Medical Council of India (MCI), the Central Council of Indian Medicine (CCIM), the Central Council of Homeopathy (CCH), the Pharmacy Council of India (PCI), the Indian Nursing Council (INC), the Bar Council of India (BCI), the Council of Architecture (CoA), the Indian Council of Agricultural Research (ICAR), the Distance Education Council (DEC), the National Council for Teachers Education (NCTE), the Rehabilitation Council of India (RCI), Dental Council of India (DCI), Indian Council of Agricultural Research (ICAR) and the Veterinary Council of India (VCI). All these Councils have been created under enactments of Parliament with the exception of the DEC which has been created by a statute under section 16 of the IGNOU Act.

4) In its report, the Education Commission (Kothari Commission) (1964-66) had recommended that the UGC should represent the entire spectrum of higher education. The

report stated that "..... all higher education should be regarded as an integrated whole, that professional education cannot be completely divorced from general education, and that it is essential to bring all higher education, including Agriculture, Engineering and Medicine, within the purview of UGC. This is the ultimate direction that we should move".

5) The National Policy on Education (NPE), 1986, and the Plan of Action, 1992, has 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 NPE, 1986 envisages that "in the interest of greater co-ordination and consistency in policy, sharing of facilities and developing inter-disciplinary research, a national body covering higher education in general, agricultural, medical, technical, legal and other professional fields, will be set up".

6) The National Knowledge Commission (NKC) had recommended a complete overhaul of the regulatory regime. It stated that the higher education system is over-regulated but under-governed. The NKC recommended the establishment of an Independent Regulatory Authority for Higher Education (IRAHE) working at arm's length from Government, responsible for setting the criteria and deciding on entry. It would, in addition, license agencies to take care of accreditation. The role of the UGC will be limited to disbursing public funds. Issues of access will be governed by state legislation on reservations and other forms of affirmative action. It was also recommended that professional associations such as MCI, BCI etc. "may set requirements to determine eligibility for conducting a profession. All other regulatory agencies such as the AICTE will need to be abolished while the MCI and the BCI will be limited to their role as professional associations. These professional associations could conduct nationwide examinations to provide licences for those wishing to enter the profession." The NKC further elaborated on the role of IRAHE that it would "determine eligibility for setting up a new institution based on transparent criteria rather than discretionary controls. Its main role would be to exercise due diligence at the point it approves a licence to grant degrees. In doing so, it would assess the academic credibility and the financial viability of the proposed institution on the basis of information submitted in accordance with the stipulated criteria. It will apply exactly the same norms to public and private institutions, just as it will apply the same norms to domestic and international institutions.

7) The Committee to advise on the Renovation and Rejuvenation of Higher Education under Prof. Yash Pal recommended the creation of an all-encompassing National Commission for Higher Education and Research (NCHER), a Constitutional body to replace the existing regulatory bodies including the UGC, AICTE, NCTE and DEC. Universities to be made responsible regarding the academic content of all courses and programmes of study including professional courses. Professional bodies like the MCI, BCI, COA, INC, PCI etc. to be divested of their academic functions, which would be restored to the universities;

8) Para 32 of the President's Address to Parliament detailing the Government's agenda to be achieved in the first hundred days mentions the establishment of a National Council for Higher Education as recommended by the National Knowledge Commission and the Yash Pal Committee. The Address also provides for the establishment of a National Council for Human Resources in Health to reform the regulatory framework in the health sector and enhance the supply of skilled personnel.

CONSULTATIONS PROCESS:

9) The Government constituted a Task Force to aid and assist it in the establishment of a Commission for Higher Education and Research. The Task Force had prepared a draft legislation which was placed in the public domain for wider consultations. The Task Force visited various locations in the country to interact and consult prominent academicians, educational administrators, Vice Chancellors, and Education Secretaries of State Governments for suggestions on the draft proposal. The Task Force has revisited the draft legislation on the basis of the suggestions received and concerns expressed during the interactions. The draft legislation circulated is the outcome of the process of consultations with various stakeholders.

APPROACH TOWARDS ESTABLISHMENT OF NCHER:

10) While the creation of professional Councils did help in focusing attention on specialized areas of education, it has fragmented various fields of knowledge in the higher educational sector from a policy perspective. This has at times created situations where different agencies have taken different views on matters of regulation of standards and promotion of higher education. Fragmentation of higher education creates boundaries in the higher educational

sector where none should exist. It has become imperative that a holistic view of higher education is taken because of the increasingly converging nature of disciplines at the frontiers of emerging knowledge.

11) The foundational principle on which institutions of higher learning need to be restructured is that autonomy of such institutions is essential for free pursuit of knowledge. In practice, the autonomy of any institution is closely linked to structural factors such as its sources of finance, the legal framework under which it operates and rules and regulations to which it is subjected to, besides the overall culture prevailing within them. In order to achieve autonomy, institutions of higher learning and eminent academicians need to collectively frame for themselves a transparent set of rules to guide their regular functioning and submit themselves to an internationally recognized process of evaluation, free from excessive controls and interferences. The concerns about autonomy of institutions of higher learning in the pursuit of knowledge and the quest for truth requires to be met by the evolving new governance structures that promotes autonomy in its various dimensions with accountability of such institutions. The restructuring of the Higher Education sector, in the context of a knowledge economy that thrives on innovation, the ceaseless germination of new ideas and raising the consciousness of people, requires a new spirit of regulation that respects the autonomy of institutions amidst the need for accountability with opportunities for access to all.

12) Agricultural education and research fall in Entry 14 of List II (State List) of the Seventh Schedule of the Constitution of India. Consequently, the power to legislate on matters concerning agricultural education and research falls within the competency of State Legislatures. Therefore, the ambit of NCHER does not extend to agricultural education and research. The Task Force, in its deliberations, has strongly been of the opinion that the principle of avoiding fragmentation of knowledge requires a holistic consideration of the all fields of knowledge. While the Task Force appreciates the Constitutional impediment in including agricultural education within the purview of NCHER presently, it recommends that the Central Government should, in consultation with the State Governments, take appropriate legal measures to bring agricultural education within the ambit of NCHER.

POWER OF PARLIAMENT TO LEGISLATE ON STANDARDS OF HIGHER EDUCATION:

13) The competency to legislate on matters concerning coordination and determination of standards of higher education and research lies with Parliament by virtue of Entry 66 of List 1

(Union List) of the 7th Schedule of the Constitution. It may be pertinent to mention that this Entry has remained in the Union List ever since the Constitution came into force on 26th January, 1950 and no constitutional amendment transferring this Entry from any other List has ever taken place. The reference in the letter of Chief Minister to the transfer of education to the Concurrent List from the State List under the 42nd Amendment refers to the present Entry 25 in the Concurrent List and the earlier Entry No.11 in the State List. The said Entry reads as under: -

“Education including technical education, medical education and universities, subject to the provisions of Entry 63, 64, 65, 66 of List I.”

14) Therefore, the exercise of powers in respect of any matter concerning education is subject to the provisions of any law made under Entry 66 of List 1. This has been upheld by the Supreme Court in various judgements. Reference is made to the first such judgement of the Hon'ble Supreme Court in the matter of “Gujarat University Ahmedabad” Vs. Krishna Ranganath Mudgaonkar and Others (1963) SCR 112 wherein it was clearly laid down by the Supreme Court that any legislation made by virtue of the then Entry 11 in the State List would have to yield to any legislation made under Entry 66 or any regulation made by a body so created under Entry 66. Therefore, the question of encroaching upon the power of a State thru' the establishment of the NCHER in exercise of the legislative powers under the provisions of Entry 66 of List 1 for the purpose of coordination, determination and maintenance of standards in higher education and research does not arise. In the matter of “Prem Chand Jain & Anr.” Vs. R.K. Chhabra (1984 AIR 981), the Hon'ble Supreme Court held as under: -

“The University Grants Commissions Act essentially intended to make provisions for the coordination and determination of standards in universities and that, is squarely covered under entry 66 of list I. While legislating for a purpose germane to the subject covered by that entry and establishing a University Grants Commission, Parliament considered it necessary, as a regulatory measure, to prohibit unauthorized conferment of degrees and diplomas as also use of the word ‘university’ by institution which had not been either established or incorporated by special legislation. In doing so the Parliament did not entrench upon legislative power reserved for the State legislature”.

15) The above position has also been reiterated in the judgement of the Supreme Court in Prof. Yash Pal & Anr. V/s State of Chhattisgarh & Ors in WP(C) No. 19 of 2004.

NATIONAL COMMISSION FOR HIGHER EDUCATION AND RESEARCH (NCHER):

16) The National Commission for Higher Education and Research (NCHER) is proposed to be a seven member body with a Chairperson and six members, three of whom shall be whole-time members. The Chairperson and other whole-time members shall be scholars being persons of eminence and standing in the field of academic and research possessing leadership abilities, proven capacity for institution building and governance of institutions of higher learning. The other members (non whole-time members) shall be persons of eminence with high academic credentials and proven contribution to economic and social development with experience of engagement with institutions of higher learning. These members shall function *pro bono publico* (on honorary basis) and no remuneration other than sitting fees and related allowances would be payable.

17) The Chairperson and members shall be appointed by a Selection committee consisting of the Prime Minister as Chairperson, the Speaker of the Lok Sabha, the Leader of Opposition in Lok Sabha and the Ministers in-charge of higher education and medical education. The Selection committee shall make its recommendations from a panel of three names submitted by the collegium for each vacancy.

18) The Chairperson and members shall hold office for a term of 5 years. The Chairperson and whole-time members shall cease to hold office on attaining the age of 70 years. The salary status and other privileges of the Chairperson and whole-time members shall be the same as that of the Chief Election Commission and the Election Commissioner respectively.

GENERAL COUNCIL:

19) The legislation also proposes the establishment of a General Council with representation from State Higher Education Councils to represent each State and Union Territory (U.T), Head of each professional bodies and research councils listed in the first and second schedules to the Act. Where the State Higher Education Council has not been constituted in a State or a UT, the State Government/U.T may nominate a Vice Chancellor of a university. In case of an U.T where no university exists, the administration of the U.T can nominate a senior academic to represent the U.T. In addition, representation of Central Universities, IITs, IIMs, National law universities, Director of AIIMS and academics from sectoral areas such as Indian languages, creative art, sports, archaeology, industrial training, etc. have

also been proposed. The Chairperson and Members of the NCHER shall also be members of the General Council with the Chairperson of the NCHER chairing the Council. The tenure of a member of the General Council (except the Chairperson and members of the NCHER) shall be two years. The General Council shall act as an advisory body on measures to be taken for enhancing access, inclusion and equity in higher education, for connecting higher education and research to the practice of professions, inter-linkages between research being conducted outside the university system and the higher education sector and measures to remove imbalances in development of higher education. The General Council can also suggest amendments by two-thirds majority, to measures or regulations proposed by the Commission under Section 24 and clause (c) and (g) of Section 25. This gives the General Council an effective voice in the regulations and measures/schemes proposed by the NCHER.

COLLEGIUM:

20) The legislation also proposes the constitution of the Collegium of eminent scholars consisting of 30 Fellows. The first Fellows shall be persons who are or have been National Research Professors (12 in number) or recipients of the Nobel Prize or Field Medals. In case no person in the above categories expresses willingness to be a Fellow, then the Selection Committee headed by the Prime Minister may nominate not more than 10 persons to be the first Fellows of the Collegium. The other Fellows shall be chosen by the Fellows of the Collegium to ensure representation to missing disciplines that are not adequately represented to make up the number of 30. The other Fellows shall have tenure of 10 years. The Collegium shall principally act as a conscience keeper advising and making recommendations on various developments in higher education and research. The Collegium shall prepare a directory of academics for leadership positions which is explained in detail later. The Collegium shall have a Chair and Co-Chair to conduct its meetings whose tenure shall be two years.

NCHER – POWERS AND FUNCTIONS:

21) The NCHER shall have a significant promotion role to spearhead transformative change in higher education. Principally, the Commission shall promote the autonomy of higher educational institutions facilitating access and equal opportunity to all, promoting a culture of equality in excellence and the spirit of rational enquiry and reform. It should also develop norms and approaches for financing higher educational institutions and take measures including formulation of schemes to enhance access and inclusion in higher education. The measures

taken by the NCHER in respect of its promotional and developmental functions shall not be obligatory for higher educational institutions but act as a reference to advance quality, access and inclusion.

22) The NCHER shall also have powers to determine, coordinate and maintain standards in higher education and research including specifying norms and processes for establishment and winding up of higher educational institutions, declaration of a university or an higher educational institution, and of academic quality for a university to affiliate colleges. The NCHER shall also have powers to regulate the entry and operation of foreign educational institutions, specify norms and mechanisms for transparent, efficient and accountable governance in universities, coordinate standards for leadership positions for appointment as Vice Chancellor of a University, specify norms to measure the productivity of research programmes and norms and principles for allocation of grants for maintenance and development of higher educational institutions. It shall also specify mechanisms for social audit of the processes in the NCHER. In the exercise of powers and functions in coordination and determination of standards, the NCHER shall create enabling environment for universities to emerge as autonomous, self-regulatory bodies.

23) The NCHER shall perform an advisory role for the Central Government, State Governments and professional bodies on matters related to higher education. It shall also cause research to be undertaken concerning policy in higher education and monitor matters concerning academic quality through a national data basis. The NCHER may also establish inter-university centres for providing cutting edge research facilities for a group of universities. A facilitation role in the establishment of new universities is also envisaged for NCHER. The NCHER shall prepare an annual report on the status of higher education and its relation to global trends along with an assessment of its performance. The General Council and the Collegium shall also assess the performance of the Commission and make recommendations which shall be presented to the President for placing before Parliament. The NCHER would also prepare a report on the status of higher education in every State once every five years to be submitted to the State Legislature through the Governor. Once every 5 years, the NCHER shall present a statement of the vision of higher education and research and an analysis of the performance of the higher education sector with a vision for the future. The vision report shall also be provided to the General Council and the Collegium for their suggestions and comments whereafter it shall be presented to the President and placed before Parliament.

24) An independent review of the NCHER shall be carried out by experts of international eminence once every five years, on the following aspects.

(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

The vision report shall be provided to the Central Government and placed before Parliament.

25) The Central Government shall also have the power to frame a national policy in consultation with State Governments and NCHER to guide the Commission in the exercise of its powers and functions. The National Policy would be analogous to the Five Year Plans detailing the objectives and goals for the nation as a whole along with appropriate funding to ensure that the social measures and other objectives of the Government are reflected through schemes and policies being implemented by the NCHER.

DIRECTORY OF ACADEMICS FOR LEADERSHIP POSITIONS:

26) The legislation also provides for a directory of academics for leadership positions to be prepared by the Collegium and maintained by the NCHER. The standard and quality of leadership has a significant bearing on the advancement of academic quality in institutions of higher learning. The process of appointment of Vice Chancellors has been identified as an area of concern by the Kothari Commission as well as the National Knowledge Commission and the Prof. Yash Pal Committee. Therefore, the legislation aims to provide for a set of standards and processes to which reference can be made when appointment of Vice Chancellors are to be made. The Central Government, the State Governments, State Higher Education Councils, universities and other higher educational institutions, professional bodies and research councils may refer names of suitable persons to the Commission for inclusion in the directory and the Collegium shall take a view on the eminence of such persons for inclusion in the directory. While State Universities and other institutions would have the freedom to make their own choice and adopt their own processes for appointment of Vice Chancellors subject to the condition that the minimum eligibility norms are fulfilled, Central Universities and other Central educational institutions shall refer to the directory of academics for leadership positions for making appointments of Vice Chancellors or Directors of such institutions.

COMMENCEMENT OF ACADEMIC OPERATIONS & DECENTRALISATION OF POWER TO RECOGNISE COLLEGES TO UNIVERSITIES :

27) The legislation also proposes that a university shall be able to commence academic operation only after a declaration by the NCHER to commence such operations which would be substantially based on the assessment report on the availability of physical infrastructure, appropriate faculty as well as rules and regulations in place for its commencement. A transparent and consultative process has been provided for this purpose. This provision shall apply to all universities including Central Universities, State Universities and private universities. The NCHER shall also have the power to revoke the declaration in case a university is unable to discharge its objects of providing quality education through a transparent process after giving the institution an opportunity of being heard. An appeal against the order of the NCHER in respect of matters concerning declaration, rejection or revocation may be filed before the National Education Tribunal.

28) No separate Central process for recognition of college is being envisaged in the legislation as is the practice at present for law, teacher education, technical and professional, medical and dental colleges. Any college whether in law, medicine, engineering, management shall be regulated by the affiliating university which shall be duty bound to advance standards of academic quality in its affiliated colleges. An institution shall apply to the university for affiliation along with an assessment report from an accreditation agency indicating the availability of infrastructure, faculty and other requirements; and the affiliation process itself shall indicate recognition of such college. Therefore, the proposed legislation provides substantial freedom in the establishment of colleges and makes the university responsible for the affiliation (recognition) and also maintenance of academic standards in such colleges.

29) The provisions of the Right to Information Act shall apply to every university, whether publicly funded or otherwise.

HIGHER EDUCATION FINANCE SERVICES CORPORATION:

30) A Higher Education Finance Services Corporation (HEFSC) is also being envisaged to perform the functions of allocation and disbursement of funds to higher educational institutions through a transparent process. The Corporation shall be a company registered under Section 25 of the Companies Act with a Board of Directors consisting of a Chairperson, Managing Director and 9 other members. Representation has been provided to States, professional

bodies and research councils in the HEFSC. The HEFSC shall make allocations institution-wise and disburse funds in accordance with the norms and principles specified by regulations made by the NCHER. The NCHER shall have the power to conduct audit of accounts of the HEFSC besides the mandatory audit by the Comptroller & Auditor General.

MISCELLANEOUS PROVISIONS:

31) The legislation also provides that the Parliament shall review the Act and its provisions every ten years based on the recommendations of the independent review as well as on the recommendations made from time to time, recognizing the changing nature of the needs and demands of the higher education sector.

32) The Act also provides for 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 besides dissolution of the Distance Education Council (DEC) which has been constituted under statute 28 of the IGNOU Act. The Act also provides for a transition period of a maximum of one year during which the UGC, AICTE, NCTE and the NCHER shall function in a coordinated manner in order to ensure that the transition is smooth. **The Act also provides that the professional councils shall have the power to prescribe standards of higher education concerning professional practice. Professional Councils can conduct licensing examinations to determine the competency of a student emerging from the higher education system for pursuing professional practice. This is in line with global practices in the field of education.**

33) The Government has constituted a Working Group to take action for adjustment or absorption of officers and staff of the UGC, AICTE and NCTE consequent to their dissolution.

A copy of the draft "Higher Education and Research Bill, 2010" as proposed by the Task Force is annexed. The matter is accordingly placed for discussions.

HIGHER EDUCATION AND RESEARCH BILL, 2010.

No. ____ of 2010.

WHEREAS the field of higher education has seen considerable growth in recent years. While growth is important and even a faster rate of growth may be desirable, it is crucial that central values internal to the process of higher education are not sacrificed for the sake of growth;

AND WHEREAS higher education devoid of such values will be self defeating and may have seriously harmful consequences for the well being of individuals and society. Primary among these values are: autonomy and accountability of higher educational and research institutions, the deep interrelatedness of the entire field of knowledge, a serious and free intellectual engagement with issues relating to the understanding of the human condition and of the world around us, the primacy of qualities of excellence and standard-setting;

AND WHEREAS, there are also values to which the nation is committed – values that must inform the practice and process of higher education. These are values such as a democratic and secular spirit, equity and access, and equal partnership in the community of nations, and consequently equal membership of our academic community in the global academic community.

AN ACT to promote autonomy of higher educational institutions for the free pursuit of knowledge and innovation and the accountability that is a necessary part of such autonomy, to facilitate access, inclusion and opportunities to all and to provide for comprehensive and integrated growth of higher education and research keeping in view the global paradigms of educational and research practices and achievements, and to provide for an advisory mechanism of eminent peers in the academic community, and for that purpose, to establish the National Commission for Higher Education and Research.

AN ACT further to provide for determination, coordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical professional and medical education other than agricultural education,

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

CHAPTER I
PRELIMINARY

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

(2) It extends to the whole of India.

(3) It shall come into force on such date or dates as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

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

(a) “academic operations” means the start of the process of admissions (including the publication of prospectus), for the first time by a university or institution empowered, by or under law, to award any degree or diploma, after its establishment;

(b) “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 assessment procedures, management practices, governance structures and leadership, of the higher educational institution;

(c) “accreditation” with its grammatical variations means the process of quality control in higher education, whereby, as a result of evaluation or assessment or by any method specified under the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2010 [54 of 2010], a higher educational institution or any programme conducted therein is recognised as conforming to parameters of academic quality and benchmarking of such academic quality determined by the Commission under this Act;

(d) “accreditation agency” means an agency registered under the National Accreditation Regulatory Authority for Higher Educational Institutions Act, 2010 [54 of 2010];

(e) “Act” means Higher Education and Research Act, 2010 [____ of 2010];

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

- (i) recognition of such college or institution by a university; or
 - (ii) association of such college or institution with a university; or
 - (iii) admission of such college or institution to the privileges of a university;
- (g) “articles of association” means such articles of association of the Corporation in pursuance of the requirements of the Companies Act, 1956 [1 of 1956];
- (h) “Central Government” means the Ministry concerned with the subject matter in the clause under reference;
- (i) “Central Educational Institution” means –
- (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, and maintained by or receiving aid from the Central Government; or
 - (iv) an institution maintained by, or receiving aid from, the Central Government, whether directly or indirectly; and affiliated to university referred to in clause (i) or to an institution referred to in clause (ii), or a constituent unit of an institution referred to in clause (iii);
 - (v) an higher educational institution set up by the Central Government under the Societies Registration Act, 1860 [21 of 1860];
- (j) “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;
- (k) “Chair” means the Chair of the Collegium;
- (l) “Chairperson” means Chairperson of the National Commission for Higher Education and Research;
- (m) “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;
- (n) “Collegium” means the Collegium established under section 17 of this Act;
- (o) “Commission” means the National Commission of Higher Education and Research established under section 4;

- (p) "Corporation" means the Higher Education Financial Services Corporation established under sub-section (1) of section 44;
- (q) "degree" means an award, granted by a university or institution empowered by or under law to do so, certifying that the recipient has successfully completed a course of study;
- (r) "diploma" means such award, not being a degree, granted by a higher educational institution, other than a polytechnic, certifying that the recipient has successfully completed a course of study of not less than nine months duration;
- (s) "distance education systems" means the distance education systems as defined in clause (e) of section (2) of the Indira Gandhi National Open University Act, 1985 [50 of 1985];
- (t) "Fellow" means a member of the Collegium and includes the Chair and Co-Chair;
- (u) "higher education" means such education, imparted by means of conducting regular classes or through distance education systems, beyond twelve years of schooling leading to the award of a degree or diploma; but does not include agricultural education in institutions other than universities;
- (v) "higher educational institution" means an institution of learning including an university, an institution deemed to be university, a college, an institute, an institution of national importance declared as such by an Act of Parliament, or a constituent unit of such institution, which is imparting by means of conducting regular classes or through distance education systems, higher education or research therein;
- (w) "Institution deemed to be University" means an institution declared as such, by notification, by the Central Government, before the commencement of this Act;
- (x) "Institution of national importance" means an institution declared as such by a Central Act;
- (y) "Overseas citizen of India" means such person registered as an overseas citizen of India under the Indian Citizenship Act, 1955 [57 of 1955], as amended from time to time;
- (z) "Member" unless indicated otherwise, means a member of the National Commission for Higher Education and Research and includes the Chairperson;
- (aa) "memorandum of association" means such memorandum of association of the Corporation in pursuance of the requirements of the Companies Act, 1956 [1 of 1956]
- (ab) "National Education Tribunal" means National Educational Tribunal established under the Educational Tribunals Act, 2010 [55 of 2010];

- (ac) "National Research Professor" means such person appointed, by the Central Government, under the National Research Professorship Scheme;
- (ad) "notification" means a notification published in the Official Gazette and the expression "notify" with its cognate meanings and grammatical variations shall be construed accordingly;
- (ae) "prescribed" means prescribed under rules made by the Central Government;
- (af) "programme" means a course or programme of study leading to the award of a degree or a diploma in a higher educational institution;
- (ag) "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;
- (ah) "regulations" means regulations made by the Commission under this Act;
- (ai) "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;
- (aj) "Vice Chancellor" means the chief executive of a university or the head of a Central Educational Institution, not being a college;
- (ak) "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;
- (ak) "Whole-time Members" means the members of the National Commission for Higher Education and Research referred to in sub-section (2) of section 5, and includes the Chairperson.
- (2) Words and expressions used and not defined herein but defined in the or in the General Clauses Act, 1897 [10 of 1897], and not inconsistent with this Act shall have the meanings respectively assigned to them in such law or in the General Clauses Act, 1897 [10 of 1897].

CHAPTER II

NATIONAL COMMISSION FOR HIGHER EDUCATION AND RESEARCH

4. Establishment of National Commission for Higher Education and Research. -

- (1) The Central Government shall, by notification and with effect from such date as may be specified in the notification, establish, for the purposes of this Act, a Commission to be called the "National Commission for Higher Education and Research".

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

(3) The head office of the Commission shall be at New Delhi, and may establish offices in such other locations in the country as it may deem fit.

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

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

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

(4) The Members other than the whole-time Members shall be persons of eminence with high academic credentials and proven contribution to economic and social development with experience of engagement with institutions of higher learning; and shall, subject to the provisions of sub-section (2) of section 10, function *pro bono publico*.

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

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

(ii) the Speaker of Lok Sabha; and

(iii) the Leader of Opposition in Lok Sabha; and

[(iv) the Minister in charge of Higher Education in the Government of India;

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

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

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

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

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

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

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

(2) The President may remove from office the Chairperson or any Member, who---

(a) has been adjudged an insolvent; or

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

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

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

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

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

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

(h) has so abused his position as to render his continuance in office prejudicial 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:

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

(3) Notwithstanding anything in sub-section (2), the Chairperson or a Member shall not be removed from his office on the grounds specified in clause (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.

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

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

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

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

(2) The Commission shall initiate the process of appointment in respect of any vacancy due to arise on the post of Chairperson or other Member 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.

8. Provisions as to avoidance of conflict of interest in discharge of functions. –

(1) On ceasing to hold office, the Chairperson or other Member shall be ineligible, for a period of five years from the date on which they cease to hold office, for further employment in, or, in matters related to, any higher educational institution under the Central Government or a State Government or any private higher educational institution or any accreditation agency.

(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.

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

(4) The disclosure so made under sub-section (2) and the declaration so made under sub-section (3) shall be placed on the website of the Commission.

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

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

10. Terms and conditions of service of Chairperson and Members. – (1) The salaries and allowances payable to, and the status and other terms and conditions of service of, the Chairperson of the Commission shall be the same as that of the Chief Election Commissioner; and that of the other whole-time Members shall be the same as that of an Election Commissioner .

(2) The Members, other than whole-time Members, shall receive such sitting fees and other allowances, as the Commission may decide from time to time.

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

11. Vacancies, etc., not to invalidate the proceedings of the Commission.- No act or proceeding of the Commission shall be invalid merely by reason of—

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

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

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

12. Officers and other staff of the Commission. – (1) The Commission may, for the efficient performance of its functions under this Act, appoint, in such manner and with such qualifications, 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.

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

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

13. Power of the Commission to delegate. - (1) The Commission may delegate such of its powers, not being matters of policy or relating to exercise of its regulatory functions provided under this Act, to a Committee of Chairperson and the other whole-time Members.

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

(3) All orders and decisions of the Commission shall be authenticated by an officer of the Commission duly authorised by the Commission in this behalf.

14. General superintendence, direction and management of affairs of the Commission. – Subject to the other provisions of this Act, the general superintendence,

direction and management of the day-to-day administrative affairs of the Commission shall vest in the Chairperson.

CHAPTER III GENERAL COUNCIL

15. Establishment of General Council. - (1) The Central Government shall, by notification, establish, a General Council, consisting of the following, namely;

- (i) The Chairperson of the Commission, who shall chair the meetings of the Council;
- (ii) All Members of the Commission;
- (iii) The Chairperson or Vice-Chairperson of a State Higher Education Council, as may be nominated by such Council, to represent each State and Union Territory:

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:

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.

- (iv) The head of each professional body listed in the First Schedule;
- (v) The head of each research Council listed in the Second Schedule;
- (vi) One person to be nominated, by rotation, by the Central Government from Vice Chancellors of Central Universities;
- (vii) One person to be nominated, by rotation, by the Central Government from amongst Directors of Indian Institutes of Technology;
- (viii) One person to be nominated, by rotation, by the Central Government from amongst Directors of Indian Institutes of Management;
- (ix) One person to be nominated, by rotation, by the Central Government from amongst the Vice Chancellors of National Law Universities;
- (x) The Director of the All India Institute of Medical Sciences, New Delhi;

(xi) 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;

- (a) agriculture and allied areas;
- (b) environment and forestry;
- (c) medicine, pharmaceuticals and allied areas;
- (d) industrial training;
- (e) economics and finance;
- (f) sports;
- (g) archaeology and ancient scripts;
- (h) Indian languages;
- (i) creative arts, performing arts and culture;
- (j) bio-technology and emerging areas of technology.

(2) The meetings of the General Council shall be convened at least once 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

(2) The tenure of persons nominated to the General Council under clauses (iii) to (x) shall be two years.

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

(4) 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.

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

16. Powers and functions of the General Council.- (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 shall –

- (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 30;
 - (f) make observations and suggestions on the report prepared by the Commission under sub-section (5) of section 30;
 - (g) advise on the course of reforms to rejuvenate higher education and research;
- (3) Every measure or regulation proposed by the Commission under section 24 or under clause (c) or clause (g) of section 25, shall be placed before the General Council; and the General Council may suggest, by two-thirds majority of its members present and voting, amendments to the measure or regulation proposed.
- (4) The Commission shall make the amendments suggested by the specified majority under sub-section (3) to the measure or regulation proposed, before notification of such measure or regulation.
- (5) The Commission shall place every decision taken under sub-section (4), along with an explanatory memorandum stating the reasons for such decision, on its website.

CHAPTER IV COLLEGIUM OF SCHOLARS

- 17. Collegium of Scholars.-** (1) There shall be established, by the Central Government by notification with effect from such date after the commencement of this Act, a "Collegium of Scholars".
- (2) The Collegium shall consist of thirty Fellows, being persons of integrity and eminence in higher education and research.
- (3) No person shall be eligible for appointment as a Fellow of the Collegium unless he -
- (a) is a citizen or an Overseas citizen of India; and

(b) has made substantial contribution to the advancement of knowledge demonstrated through publications or other scholarly works.

(4) A person, who 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.

(5) 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:

Provided that in case no such person expresses willingness to be a Fellow of the Collegium, then the Selection Committee, referred to in sub-section (5) of section 5, 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.

(6) The Fellows, other than Fellows referred to in sub-section (4), 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.

(7) 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.

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

18. Tenure and Resignation of Fellow.- (1) Every Fellow, other than a Fellow referred to in sub-section (4) of section 17, shall, except on account of death, resignation or otherwise, continue as such for a period of ten years from the date of his notification as Fellow.

(2) A Fellow may, by notice in writing under his hand addressed to the Chair of the Collegium, resign his membership.

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

(a) aid, advise and make recommendations to the Commission for the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research therein;

- (b) recommend to the Commission a vision on the emerging trends in different fields of knowledge;
- (c) when called upon to do so in respect of appointment of Chairperson or Member of the Commission, recommend a panel of three persons for each post to the Selection Committee constituted under sub-section (5) of section 5;
- (d) recommend 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 25;
- (e) make an assessment of the performance of the Commission and recommendations thereto in respect of the statement and report referred to in sub-section (1) of section 30;
- (f) make observations and suggestions (including an assessment of the performance of the Commission and recommendations to be taken on measures to enhance such performance) on the report prepared by the Commission under sub-section (6) of section 30.

(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.

20. Directory of Academics for Leadership positions.- (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.

(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 25.

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

21. Procedure for taking decisions by Collegium.- (1) The meeting of the Collegium shall be convened at least once every six months and at such other times as may be required by the Chair:

Provided that a meeting of the Collegium shall also be convened if at least one 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.

22. Chair and Co-Chair of Collegium.- (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.

(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.

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

(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, organizations, with such qualifications and on such terms and conditions, as may be prescribed.

CHAPTER V POWERS AND FUNCTIONS OF THE COMMISSION

24. Commission to promote higher education and research.- (1) The Commission shall, subject to the provisions of this Act, take measures to spearhead transformative change in higher education; and for the purpose –

- (a) promote autonomy of higher educational institutions for the free pursuit of knowledge and innovation, through reforms, renovation and fostering an enabling environment for higher educational institutions to sustain and exercise such autonomy;
- (b) facilitate access, inclusion and opportunities to all;
- (c) promote a culture of quality and excellence in higher education;
- (d) provide for comprehensive and holistic growth of higher education and research for sustainable and inclusive development;
- (e) promote the spirit of rational inquiry and reform.

(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 in the development of a framework for institutional accountability;
- (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 for students for self-development, entrepreneurship, acquisition of skills and pursuit of learning;
 - (e) to promote joint and cross-disciplinary programmes between and amongst 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 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;
 - (h) 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).
- (3) The Commission shall -
- (a) develop norms and approaches for financing higher educational institutions;
 - (b) develop measures to relate higher education and research to the world of work and needs of society;
 - (c) encourage universities for enabling colleges to innovate in higher education and research to evolve into universities or institutions with powers to award degree;
 - (d) take measures to enhance access and inclusion in higher education to remove imbalances in higher education.
- (4) Nothing contained in this section shall be construed to imply that the measures taken by the Commission shall be obligatory for higher educational institutions to adopt, but such measures shall serve to act as reference for higher educational institutions to advance quality, access and inclusion in higher education and research therein, and for the achievement of the goals in sub-section (1).

25. Powers and functions of the Commission to make regulations. – (1) The Commission shall, subject to the provisions of this Act, take measures, by regulations, to determine, co-ordinate and maintain standards 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) specify requirements for the award of any degree or diploma in any field of knowledge 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;
 - (c) specify norms and processes for establishment and winding up of a higher educational institutions;
 - (d) specify norms and processes for declaration of a university or an higher educational institution empowered, by or under any law, to award any degree or diploma, to commence its academic operations;
 - (e) specify norms of academic quality for a university to affiliate 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;
 - (k) specify mechanisms for social audit of the processes in the Commission and obtain public feedback on its performance and achievements to foster accountability;
 - (l) 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.

26. Powers and functions of the Commission to advise, monitor and cause to be undertaken policy research. - (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.

(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.

27. Inter University Centres.- (1) The Commission may, with the prior approval of the Central Government, establish, in such manner as may be specified by regulations, 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 and provide for their maintenance by allocating and disbursing such grants as the Commission may deem necessary.

(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 but not in conformity with the objectives specified in sub-section (1), decide on the continuance of such Centre as an Inter University Centre under this Act.

28. Role of Commission to advise on and facilitate in the establishment of university.- 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.

29. Directory of academics for leadership positions.- (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 20.

(2) When called upon to do so by the Central Government or Central Educational Institution not being a college, as the case may be, the Commission shall 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.

(3) Notwithstanding anything contained in this section or in section 20, 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 25.

30. Statements and Reports of the Commission.- (1) The Commission shall, annually, prepare an evidence based statement on the state 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.

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

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

(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 state of higher education and research in a State or Union Territory and its relation to national trends.

(6) The Commission shall present to the President, before the expiration of a period of five years from the date of commencement of this Act and at an interval of every five years thereafter, a statement on the vision of higher education and research in the forthcoming decade; an analysis of the performance of higher education sector 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 the following; namely,

(a) vision 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:

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 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.

(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.

(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.

31. Review of performance of Commission.- (1) The President shall, within five years from the commencement of this Act and thereafter at the expiration of every fifth year, constitute a Committee to evaluate and review the performance 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 .

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

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

(b) the 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.

(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.

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

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

CHAPTER VI

PROVISIONS REGARDING COMMENCEMENT OF ACADEMIC OPERATIONS

33. Intent of university or institution to commence academic operations.- (1) Every institution, empowered by or under any law for award of degree or diploma, or university intending to commence its academic operations shall intimate such intention to the Commission, in such form and manner and on such time correlated to the academic year and accompanied by such other documents and on payment of such fees, as may be specified by regulations.

(2) Every intimation under sub-section (1) shall be accompanied with an assessment report prepared in such manner and in accordance with such norms, specified under regulations, from a registered accreditation agency.

Provided that in respect of a university or institution intending 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.

Explanation: For the purposes of this clause, the words "Central Government" shall refer to the Ministry concerned with the subject matter of medical education.

(3) The Commission shall not refuse commencement of academic operations in a university or institution empowered, by or under law, to award any degree or diploma, established after the coming into force of this Act where such university or such institution fulfils the norms, specified under regulations, required for commencement of academic operations:

(4) The Commission shall make regulations specifying the procedure for examination of the intimation provided by a university or institution to commence its academic operations; and such regulations shall provide for the manner and the time period in which –

(i) the intimation provided by the university or institution to commence its academic operations is published on the website of the Commission;

(ii) opportunity shall be afforded for any person or organization to comment or make suggestions on such intent;

(iii) opportunity shall be afforded to the university or institution to respond to comments or suggestions so received;

(iv) all comments or suggestions or responses so received shall be considered by the Commission:

Provided that such regulations shall provide for transparency and consultation while specifying the procedure for examination of the intimation provided by any institution or university.

(5) Nothing contained in this chapter shall apply to an institution offering only programmes of study leading to the award of a diploma in vocational education, including polytechnics.

- 34. Declaration to commence academic operations.** – (1) The Commission shall, as far as practicable within a period of one hundred and twenty days from the receipt of the intent under sub-section (1) of section 33, after considering the comments or objections or responses-
- (a) declare, by notification, for reasons to be recorded in writing, that such institution or university may, subject to the provisions of this Act and regulations made thereunder, commence its academic operations; or
 - (b) reject, by notification, for reasons to be recorded in writing if such intent to commence academic operations does not conform to the provisions of this Act and regulations made thereunder.
- (2) The notification of the Commission under clause (a) or clause (b) of sub-section (1), along with reasons therefor, shall be published on the website of the Commission.
- (3) The declaration to commence academic operations in respect of a university or institution, empowered by or under any law to award a degree or diploma (including a Central Education Institution not being a college), existing on the date of commencement of this Act shall be deemed to have been notified under this Act unless revoked under section 35.

35. Revocation. - (1) If the Commission, after making such assessment as may be specified by regulations, is satisfied that public interest so requires, it may revoke, by notification, the declaration to commence academic operations to the institution or university in any of the following cases, namely: -

- (a) where the institution or university, in the opinion of the Commission, makes wilful or continuous default in doing anything required of it by or under this Act or regulations made thereunder;
 - (b) where the 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 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 institution or university has ceased to exist.
- (2) No declaration shall be revoked under sub-section (1) unless the Commission has given to the institution or university, as the case may be, not less than sixty days notice, in writing,

stating the grounds on which it is proposed to revoke the declaration, and has considered any cause shown by the institution or university within the period of that notice, against the proposed revocation.

(3) Where the Commission revokes the declaration 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:

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

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

(5) Without prejudice to action that may be taken under any other law for the time being in force, a university or 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).

(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 declaration or otherwise together with all documents and reasons for such decision.

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

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

37. Duties and obligations of University in maintenance of standards of academic quality. – (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 25, may exercise the power to affiliate any college or any institution:

(2) A college or 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.

Provided 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 Central Government or by such authority empowered by law.

Explanation: For the purposes of this clause, the words "Central Government" shall refer to the Ministry concerned with the subject matter of medical education.

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

(4) 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.

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

39. Rights and Prohibitions. – (1) The right to confer or award a degree or diploma shall be exercised only by an institution or university which has been declared to commence academic operations under clause (a) of sub-section (1) of section 34 or deemed to have been so declared under sub-section (3) of section 34.

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

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT.

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

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

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

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

(3) The Central Government shall, after due appropriation made by Parliament, make to the Commission grants of such sums of money as are required for development and maintenance of inter-university centres established by the Commission.

42. Grants for development of higher education and research.- (1) The Commission shall, in respect of each financial year, provide to the Central Government a statement of the estimated expenditure on development of higher education and research for that year, referred to as the "annual financial statement on higher education and research"; and such estimated expenditure shall be based on norms and principles specified under regulations.

(2) 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.

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

(6) The Central Government shall, after due appropriation made by Parliament, make to the Corporation referred to in section 44, grants of such sums of money as are required for supporting the promotion and development of higher education and research therein.

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

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

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

(4) 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 together with the audit report thereon along with an explanatory memorandum on the action so taken, by the Commission, on such report.

CHAPTER VIII

HIGHER EDUCATION FINANCIAL SERVICES CORPORATION.

44. Higher Education Financial Services Corporation. – (1) The Commission shall establish the Higher Education Financial Services Corporation as a company registered under sub-section (1) of section 25 of the Companies Act, 1956 [1 of 1956].

(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 off property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(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 (2), shall consist of the following, namely:-

(i) 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;

(ii) two persons, by rotation, from amongst such members of the General Council nominated to it under clause (iii) of sub-section (1) of section 17;

(iii) one person, by rotation, from amongst such Members of the General Council nominated to it under clause (iv) of sub-section (1) of section 17;

(iv) one person, by rotation, from amongst such Members of the General Council nominated to it under clause (v) of sub-section (1) of section 17;

(v) one person, by rotation, from amongst such Members of the General Council nominated to it to represent Central Educational Institutions under clause (vi) to clause (x) of sub-section (1) of section 17;

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

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

(viii) 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; and such articles of association shall provide for the authorized and paid-up share capital of the Corporation.

(6) The Corporation may appoint the Managing Director, the Directors referred to in clause (vii) 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 regulations.

(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.

45. Duties and functions of Corporation.- (1) The Corporation shall disburse, in accordance with the norms and principles specified by regulations made by the Commission under clause (i) of sub-section (2) of section 28, grants to higher educational institutions; and perform such other functions incidental and related to such disbursement of grants.

(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 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.

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

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

46. Accounts and Audit. - (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 [1 of 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 accounts, 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).

47. Returns and information to Commission. – (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 higher educational institutions, as the Commission may require.

(2) The Corporation shall furnish to the Commission, 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 MISCELLANEOUS.

48. Returns and information to be provided to Central Government by Commission. - The Commission shall furnish to the Central Government such returns or other information with respect to its regulations, policies or activities as the Central Government may,

for the purpose of reporting to Parliament or for the making of policy, from time to time require.

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

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

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

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

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

52. Review of Act and its provisions by Parliament.- (1) Parliament may, at the expiration of ten years from the commencement of this Act and every ten years thereafter and on the basis of the recommendations made by the Collegium from time to time and the Committee constituted under sub-section (1) of section 33, review the Act and its provisions recognizing the continuous growth in all fields of knowledge and acknowledging the need to provide a responsive framework to adapt to the changing needs.

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

53. Power of Central Government to amend Schedule.- The Central Government may, by notification in the Official Gazette, amend, from time to time, the First, Second or Third Schedule to this Act.

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

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

(a) the other disqualifications for removal of the Chairperson or other Members under clause (k) of sub-section (2) of section 6;

(b) the procedure for the inquiry under sub-section (5) of section 6;

(c) the sitting fees and other allowances payable to a member of the General Council for attending its meeting under sub-section (4) of section 15;

(d) the manner in which Fellows, other than Fellows referred to in sub-section (4) of section 17, shall be chosen from amongst persons of integrity and eminence in higher education and research under sub-section (6) of section 17;

(e) the sitting fees and other allowances payable to a fellow of the Collegium for attending its meeting under sub-section (2) of section 23;

(f) the number of experts in management of, or in, organizations, and their qualifications and terms and conditions on which their services shall be obtained by the Collegium under sub-section (3) of section 23;

(h) 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 (l) of sub-section (2) of section 25;

(i) 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 36;

(j) the form and manner in which the books of accounts of the Commission shall be maintained under sub-section (1) of section 43;

(k) the form and manner in which the books of accounts of the Corporation shall be maintained under sub-section (1) of section 46;

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

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

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

(a) the qualifications and manner of appointment of officers and employees of the Commission under sub-section (1) of section 12;

(b) 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 12;

(c) the terms and conditions, the qualifications and the period of appointment of other academic, administrative, accounting, technical and scientific experts as may be considered necessary by the Commission under sub-section (3) of section 12;

(d) the procedure for the conduct of its business and the exercise of its powers and functions under sub-section (2) of section 13;

(e) 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;

(f) 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 25;

(g) the norms of academic quality for accreditation and benchmarking of higher educational institutions under clause (b) of sub-section (2) of section 25;

(h) the norms and processes for establishment and winding up of a higher educational institution under clause (c) of sub-section (2) of section 25;

(i) the norms and processes for declaration of a university or an higher educational institution (not being a college), empowered, by or under any law, for commencement of its academic operations, to award any degree or diploma under clause (d) of sub-section (2) of section 25;

(j) the norms of academic quality for a university to affiliate colleges under clause (e) of sub-section (2) of section 25;

(k) 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 25;

(l) 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 25;

(m) 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 25;

(n) the norms and mechanisms to measure the productivity of research programmes funded by the Commission under clause (i) of sub-section (2) of section 25;

(o) 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 under clause (j) of sub-section (2) of section 25;

(p) 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 25;

(q) 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 27;

(r) 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 (1) of section 33;

(s) 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 (2) of section 33;

(t) the manner of making an assessment under sub-section (1) of section 35;

(u) 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

institution along with the application for grant of affiliation to a university under sub-section (2) of section 37;

(v) 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 44;

(w) the form and manner in which returns, statements and particulars in regard to financing of higher educational institutions are to be furnished by the Corporation under sub-section (1) of section 47;

(x) the form and manner in which returns, statements and particulars concerning the financial position of a University or institution empowered by or under any law to award a degree or diploma, or the studies in the various branches of learning undertaken in that University or 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 under section 56;

(y) 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 Commission shall issue a public notice regarding draft of any regulation proposed and a copy of the draft of regulation shall be placed on the website of the Commission for such reasonable period as the Commission may deem fit to provide an opportunity for comments or suggestions to be received on the draft of regulation, or any part of it thereof.

(4) No regulation shall be made under clause (b) or clause (q) or clause (v) of sub-section (2) except with the prior approval of the Central Government.

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

(6) The first regulations under sub-section (2), after the commencement of this Act, shall be notified by the Commission expeditiously and not later than one year from the date referred to in the notification made under section (4).

56. Laying of rules, regulations and notifications.- Every rule or regulation or notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be

comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

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

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

(2) Notwithstanding anything contained in the Architects Act, 1972 [20 of 1972], the Advocates Act, 1961 [25 of 1961], the Indian Medical Council Act, 1956 [102 of 1956], the Dentists Act, 1948 [16 of 1948], the Pharmacy Act, 1948 [8 of 1948], the Indian Nursing Council Act, 1947 [48 of 1947], the Indian Medicine Central Council Act, 1970 [48 of 1970], and the Homeopathy Central Council Act, 1973 [59 of 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:

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

Provided further that nothing contained in this section shall be construed as restricting the power of the 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, [50 of 1985], the provisions of this Act shall apply to the coordination, determination and promotion of standards in distance education systems.

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

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

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

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

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

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

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

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

(e) any reference, by whatever form of words, to the Chairman of the University Grants Commission, the Chairman of the All India Council of Technical Education or the Chairman of the National Council of Teacher Education in any law for the time being in force, or in any

instrument or other document, shall be construed as a reference respectively to the Chairman of the Commission.

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

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

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

FIRST SCHEDULE

(see clause (iv) of sub-section (1) of section 15)

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

1. Bar Council of India.
2. Central Council of Homeopathy.
3. Central Council for Indian Medicine.
4. Council of Architecture.
5. Dental Council of India.
6. Indian Nursing Council.
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.
12. Pharmacy Council of India.
13. Rehabilitation Council of India.
14. Veterinary Council of India.

SECOND SCHEDULE

(see clause (v) of sub-section (1) of section 15)

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

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
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.
11. Indian Space Research Organization.
12. Indian National Science Academy.
13. National Academy of Sciences.

THIRD SCHEDULE

(see sub-section (5) of section 17)

List of awards whose recipients shall be Fellows of the Collegium

1. Nobel Prize in any field.
2. Fields Medal.

AGENDA NOTE

THE NATIONAL ACADEMIC DEPOSITORY BILL, 2010

for creation of a national electronic database of academic awards and its maintenance by an authorized depository.

The Indian Education System has been witnessing unprecedented growth in recent years. The launch of the Rashtriya Madhyamik Shiksha Abhiyan (RMSA) attempts to achieve universal enrolment in secondary education. The higher education sector has also witnessed rapid growth with the number of university level institutions growing to be more than 500 and the number of colleges being in excess of 25000. With the tremendous growth in the education sector, mobility of students across levels of education as well as between institutions of learning is increasing manifold, besides the need for a simplified mechanism to verify academic qualifications for those entering into employment requires a credible, authentic and easily accessible mechanism for access to and verification of academic awards.

Educational institutions such as universities, colleges and polytechnics and Boards of Secondary Education issue academic awards to students including degrees, diplomas and certificates with mark-sheets at the secondary (class X), higher secondary (class XII) and higher education levels. The establishment of a national database of academic awards created and maintained in an electronic format by an identified depository, analogous to depositories in the financial sector, would ensure a technology-based solution that would ensure confidentiality, authenticity and fidelity enabling online verification and easy retrieval of details of academic awards. A depository in the financial sector is an organisation which holds financial instruments (shares, bonds, government securities, mutual fund units etc.) of investors in electronic form at the request of the investors. It also provides services related to transactions in securities. Depositories in the financial arena are registered by the Securities and Exchange Board of India (SEBI) under section 12 (1A) of the SEBI Act, 1992 and regulated under the provisions of the Depositories Act, 1996.

Holding of academic awards in an electronic depository would provide immense benefit to educational institutions, students, alumni and employers by enabling online

access of academic awards, eliminating the need for persons to approach educational institutions for obtaining transcripts of such awards or mark-sheets, or for verification. It would also reduce the need for institutions to preserve records related to academic performance of students over a long time. The system could also eliminate fraudulent practices such as forging of certificates and mark sheets through facilitating online verification.

A legislative proposal, namely, "National Academic Depository Bill, 2010" has been prepared for the purpose and which is at Annexure. The proposal provides for creation of a national electronic database of academic and its maintenance by an authorised depository appointed for the purpose. It proposes to make it mandatory for academic institutions including universities and other higher educational institutions, Central and State Boards of Education, to lodge the academic awards given by it with all relevant details such as mark-sheets, in the national database. In so far as Central and State Boards in secondary education are concerned, it is proposed to be limited to such records including mark-sheets issued in respect of examinations conducted at the conclusion of Class X and XII.

National Academic Depository

The Bill provides that the Central Government shall by notification appoint a depository called the National Academic Depository (NAD) to establish and maintain a national database of academic awards in an electronic format. (clause 4). The NAD should be a depository having a certificate of registration under Section 12 (1A) of the SEBI Act, 1992 or is fully owned subsidiary of such depository. There are presently two depositories which are registered by SEBI under the said provisions, namely, National Securities Depositories Limited (NSDL) and Central Depository Services (India) Limited (CDSL). This is to ensure that the NAD has prior experience and the requisite technical, managerial and financial expertise to provide the services and discharge the functions required under the provisions of the proposed legislation. The Central Government shall prescribe other eligibility conditions by rules.

After appointment, the NAD shall establish adequate systems and safeguards - for storage, access and retrieval of records while ensuring its confidentiality, fidelity

and authenticity; for ensuring that its different processing systems are secured by being protected against unauthorized access or manipulation; for securing the network and maintaining connectivity with all academic institutions; and for preventing unauthorized disclosure and destruction of records. It should also set up adequate systems for data recovery in case of any contingency and make arrangements for storage and maintenance of back-up data at a location different from the main data centre. It should establish sufficient number of facilitation centres to interface with academic institutions and the general public. The Central Government may conduct physical verification of the systems, safeguards, mechanisms and facilities before authorizing commencement of operations by NAD (clause 4).

The Central Government shall have the power to revoke the appointment of NAD for willful or continuous default or for breach of the terms of conditions of appointment or where its financial position is such that it is unable to efficiently provide for the services required of it. The Central Government shall provide an opportunity of being heard to the NAD in case of any action proposed for revocation. In case of revocation, the Central Government shall fix the date on which it shall take effect and the NAD shall be duty bound to provide the computer source code and records contained in the national database and certify its authenticity. The revocation shall also be without prejudice to any action under any other law for the time being in force (clause 6).

The NAD shall provide services related to the maintenance, access and verification of records in the national database including efficient online verification of academic awards lodged, providing authenticated copies of academic awards on demand, maintaining authenticity, integrity and confidentiality of the database and performing other duties consistent with the provisions of the proposed legislation (clause 5). The NAD may register academic depository agents to assist it in service provision under the proposed legislation (clause 8).

Any person, company or institution requiring a copy of an academic award shall have the facility, if registered with the NAD on payment of requisite fees, of online access or may obtain a physical copy of the authenticated academic award from

the NAD or its registered agent within a period of three days from making a written request for such authentication failing which the NAD shall refund the charges and provide the information free of cost (clause 12).

The NAD shall maintain segregated accounts of its business, activities and accounts relating to the maintenance of the national database (clause 7). It would also have appropriate staff, methods and processes for reviewing, monitoring and evaluating its control systems and data recovery mechanisms. An annual inspection by an independent expert drawn from a panel prepared by the Central Government is mandated and the inspection report along with an explanatory memorandum on the action taken has to be provided to the Central Government (clause 13).

Institutions to mandatorily lodge awards with NAD:

All universities, institutions of national importance, institutions deemed to be universities, other higher educational institutions, the Central and the State Boards in secondary education shall have to mandatorily lodge the academic awards provided by it with NAD. The NAD shall provide adequate training to personnel of the academic institutions (clause 9). Facility has been provided to any person to lodge on request, any academic award received prior to the commencement of the legislation with NAD after due process of verification and authentication (clause 11).

Offences and Penalties:

The proposed legislation provides for penalties for damage caused to the computer systems or network concerned with the national database by any person and in such case, the liability shall extend to levy of penalty which may extend to Rs. one crore. In case of contravention in the discharge of duties and performance of functions by the NAD or by academic depository agent, NAD shall be liable for penalty which may extend to Rs. 50 lakh for each instance of failure or contravention. An academic institution that fails to discharge its duties expected of it shall be liable for a penalty of upto Rs 5 lakhs for each such instance of failure or contravention (clauses 16 to 18). The adjudication of penalties in respect of persons shall be by the State Educational Tribunal and in respect of the NAD or by academic institutions shall be by the National Educational Tribunal (clause 19).

The offences prescribed under the sections 65 and 66 of the Information Technology Act, 2000 in respect of hacking and tampering shall be applicable in to offences under this Act (clauses 20 and 21). Besides if the NAD fails to provide the records on revocation of its appointment or wrongly certifies the records so provided, the promoters, directors, managers, etc. of the NAD shall be liable for imprisonment upto 10 years or with fine which may extend to Rs. 10 crore (clause 22).

Financial implications

No expenditure from the Government side is expected as it would be user service charge service provision with users being employers, educational institutions and other stakeholders. The academic institutions may be charged one-time fee for registration and an annual fee for maintenance of the academic records. The charges payable by the user would be for verification and authentication on a per use basis and providing online access.

The matter is placed before CABE for consideration and discussion.

THE NATIONAL ACADEMIC DEPOSITORY ACT, 2010.

An ACT to provide for the creation of a national electronic database of academic awards and its maintenance by an authorised depository appointed for the purpose and in respect of matters connected or incidental thereto.

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

CHAPTER I PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the National Academic Depository Act, 2010.

(2) It extends to the whole of India.

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

2. Applicability of the Act.- This Act shall apply to all academic institutions as defined in clause (b) of sub-section (1) of section 3 herein.

3. Definitions. - (1) In this Act, unless the context otherwise requires,—

(a) "Academic Depository Agent" means such Academic Depository Agent registered by the National Academic Depository under sub-section (1) of section 8;

(b) "academic institution" means a higher educational institution or a body in secondary education conducting public examinations at the conclusion of class tenth or class twelfth listed in the First Schedule;

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

(d) "computer source code" means the listing of programmes, computer commands, design and layout and programme analysis of computer resource in any form;

(e) "data centre" means such place where representation of information or records in the national database are stored, or being prepared or have been prepared in a formalized manner and is intended to be, or is being, or has been, processed, using a computer source code, in a computer system or computer network;

(f) "degree" means an award, granted by a university or institution empowered by or under law to do so, certifying that the recipient has successfully completed a course of study;

(g) "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;

(h) "distance education systems" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence course, seminars, contact programmes or the combination of any two or more of such means;

(i) "**depository**" means a depository granted certificate of registration under section 12 (1A) of the Securities and Exchange Board of India Act, 1992 [15 of 1992];

(j) "higher educational institution" means an institution of learning including an university, an institution deemed to be university, a college, an institution of national importance declared as such by an Act of Parliament, or a constituent unit of such institution, imparting (whether through conduct of regular classes or distance education systems) higher education beyond twelve years of schooling leading to the award of a degree or diploma;

(k) "institution deemed to be University" means an institution declared by the Central Government as deemed to be a university under section 3 of the University Grants Commission Act, 1956;

(l) "National database" means the collection, in an electronic format, of awards, by academic institutions, and related data;

(m) "notification" means a notification published in the Official Gazette and the expression "notify" with its cognate meanings and grammatical variation shall be construed accordingly;

(n) "prescribed" means prescribed by rules made by the Central Government under this Act;

(o) "record" means data, image or information concerning the national database generated, received, stored, processed or sent in an electronic form;

(p) "secondary education" means education from ninth class to twelfth class and includes such education imparted by open schools through **distance education systems**;

(q) "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.

(2) Words and expressions used and not defined herein but defined elsewhere in the Information Technology Act, 2000 [21 of 2000] or in the General Clauses Act, 1897 [10 of 1897], and not inconsistent with this Act shall have the meanings respectively assigned to them in the Information Technology Act, 2000 [21 of 2000] or in the General Clauses Act, 1897 [10 of 1897].

CHAPTER II

NATIONAL ACADEMIC DEPOSITORY

4. National Academic Depository.- (1) The Central Government shall, by notification, appoint, on such terms and conditions as may be prescribed, a depository called the "National Academic Depository" to establish and maintain the national database of academic awards in electronic format.

(2) No agency shall be eligible for appointment as National Academic Depository unless –

(i) it is a depository having a certificate of registration as such under section 12 (1A) of the Securities and Exchange Board of India Act, 1992 [15 of 1992] or is a fully owned subsidiary of such depository;

(ii) it has, in its memorandum of association, specified provision of depository services for academic awards as one of its objects; and

(iii) it fulfils such other eligibility conditions as may be prescribed.

(3) The National Academic Depository appointed under sub-section (1) shall not commence its operations unless it is so authorized by the Central Government.

(4) The Central Government shall not authorize commencement of operations under sub-section (2) unless it is satisfied that the National Academic Depository has established-

(i) adequate systems for storage in, access to, and retrieval of records, from the national database while ensuring its confidentiality, fidelity and authenticity;

(ii) adequate systems and safeguards to ensure that its automatic data processing systems are secure by being protected against unauthorized access, alteration, destruction, disclosure or manipulation;

(iii) network through which the National Academic Depository shall maintain continuous electronic communications with academic institutions, Academic Depository Agents, facilitation centres;

(iv) adequate systems and safeguards to secure the network referred to in sub-section (iii) from unauthorized access, entry or manipulation,

(v) adequate systems and safeguards to prevent destruction, unauthorized disclosure and manipulation of records in the national database;

(vi) adequate number of facilitation centres, established by it or on its behalf, for providing services as are required to be provided by it under this Act;

(vii) adequate systems for recovery, in case of any loss, destruction or any other contingency, of data in the national database;

(viii) arrangements for storage and maintenance of back-up data at a location different from, and as secure as, the main data centre where the national database has been hosted;

(ix) an operations manual explaining all aspects of its functioning, including the interface and method of transmission of information between academic institutions, Academic Depository Agents and facilitation centres;

(x) adequate safeguards to ensure that physical access to its premises, facilities, data centres including data back-up locations, automatic data processing systems and electronic data communication network is secure, controlled, monitored and recorded; and

(xi) such other requirements as may be prescribed.

(5) The Central Government, before authorising for commencement of operations, may cause to be undertaken, physical verification of the provision of systems,

safeguards, mechanisms, manual and facilities specified in sub-section (4) by the National Academic Depository.

5. Services to be provided by the National Academic Depository.- It shall be the duty of the National Academic Depository, after it has been authorized to commence operations under sub-section (4) of section 4, to provide or cause to be provided all such services as may be necessary to -

- (a) register academic institutions;
- (b) provide access to the national database for registered academic institutions;
- (c) facilitate academic institutions to efficiently lodge, in the national database, the academic awards of such institutions;
- (d) train academic institutions in the process of lodging and retrieval of records of academic awards from the national database;
- (e) provide efficient online verification of any specific academic award lodged in the national database;
- (f) verify and authenticate any specific academic award in the national database when so requested by any person;
- (g) provide an authenticated copy of any specific academic award in the national database when so requested by any person;
- (h) maintain the authenticity, integrity and confidentiality of the national database;
- (i) ensure that the national database is, at all times, accessible online to authorized persons;
- (j) perform, consistent with the provisions of this Act, such other duties as may be prescribed:

Provided that the Central Government shall consult the National Academic Depository before prescribing the performance of other duties under clause (j).

Explanation: For the purposes of this clause, the word "authorized persons" means any person authorized by the National Academic Depository and includes Academic Depository Agents and academic institutions.

(2) For the purposes of providing the services under sub-section (1), the National Academic Depository shall establish such number of facilitation centres at such places as it may deem fit.

6. Revocation of appointment of National Academic Depository.- (1)

The Central Government may, if it is satisfied after making such enquiry as it deems fit, revoke the appointment of the National Academic Depository on any or all of the following grounds, namely;

(a) where the National Academic Depository, in the opinion of the Central Government, makes wilful or continuous default in any act of commission or omission as required by or under this Act or the rules made thereunder;

(b) where the National Academic Depository commits breach of any of the terms or conditions of the appointment which is expressly declared by such appointment to render it liable to revocation;

(c) where the National Academic Depository fails, within the period fixed in this behalf by its appointment, or any longer period which the Central Government may have granted therefor, to show, to the satisfaction of the Central Government, that such agency is in a position fully and efficiently to provide the services required of it and discharge its duties and obligations imposed on it by its appointment;

(d) where in the opinion of the Central Government the financial position of the National Academic Depository is such that such agency is unable fully and efficiently to provide the services required of it or discharge the duties and obligations imposed on it, by its appointment;

(2) No appointment shall be revoked under sub-section (1) unless the Central Government has given to the National Academic Depository not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the appointment, and has considered any cause shown by the National Academic Depository within the period of that notice, against the proposed revocation.

(3) Where the Central Government revokes the appointment under this section, it shall serve an order of revocation upon the National Academic Depository and fix a date on which the revocation shall take effect; and such revocation shall be without prejudice

to the action which may be taken against it in under any other law for the time being in force.

(4) The Central Government may, instead of revoking a appointment under sub-section (7), permit such appointment to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the National Academic Depository and shall be of like force and effect as if they were contained in the appointment under section 4.

(5) Where the Central Government revokes the appointment under this section, the National Academic Depository shall, not later than the date specified under sub-section (4) as the date on which the revocation shall take effect, provide, in such form and manner as may be prescribed, all the records and data comprised in the national database and the computer source code, to the Central Government.

(6) The National Academic Depository shall, while providing the national database under sub-section (5), certify that the national database and every record contained in such database is authentic and in accordance with the record of academic awards lodged with it by academic institutions; and no record, or any part of record, has been changed or modified or altered.

7. Segregation of activities and business.- Where the National Academic Depository is carrying on any activity or business besides that of acting as depository for the national database, then—

- (i) the activities relating to the business as National Academic Depository shall be separate and segregated from all other activities; and
- (ii) its officers and employees (other than the officers in its Governing Body or Board of Directors or by whatever other equivalent name called) engaged in providing services under this Act shall not be engaged in any other activity or business carried on by it; and
- (iii) the accounts of incomes and expenditures relating to the national database shall be separate and distinct from accounts relating to other activities or businesses carried on by it.

8. Registration of Academic Depository Agent.- (1) The National Academic Depository shall register, in such manner and on the payment of such charges as it may deem fit, one or more Academic Depository Agents to assist in the provision of services under this Act on behalf of the National Academic Depository:

Provided that the eligibility requirements of an Academic Depository Agent shall be as may be prescribed

(2) No body shall be registered, by the National Academic Depository, as an Academic Depository Agent, if it is an owner, directly or through the promoter of such body, of equity share capital of the National Academic Depository.

Provided that no person, being a promoter of the National Academic Depository, shall be an owner of equity share capital of an Academic Depository Agent.

(3) The National Academic Depository shall enter into an agreement, in such form as may be specified by its bye-laws, with the Academic Depository Agents registered by it under sub-section (1).

(4) The Academic Depository Agent shall provide, as the National Academic Depository may deem fit, one or more of the services to be provided by the National Academic Depository under section 5 on its behalf.

(5) The National Academic Depository shall be equally liable for any act or omission of a registered Academic Depository Agent in the performance of duties or provision of services by such Agent on its behalf.

(6) The Academic Depository Agent shall follow such Code of Conduct specified by the National Academic Depository with the prior approval of the Central Government, in the provision of services or discharge of duties and obligations by it.

(7) The National Academic Depository may, without prejudice to any other proceedings under any law for the time being in force, revoke, for default or deficiency in provision of services or in discharge of duties and obligations, the registration of any Academic Depository Agent.

CHAPTER III

MANDATORY LODGING OF ACADEMIC AWARDS AND SERVICES PROVIDED

9. Mandatory lodging of academic awards by academic institutions in depository.- (1) Each academic institution shall lodge with the National Academic

Depository, in such form and manner as may be **prescribed**, all academic awards issued after the commencement of this Act to any student of such institution:

(2) The National Academic Depository shall, immediately after the coming into force of this Act, provide adequate training in the processes involved in lodging academic awards with the National Academic Depository, to such number of persons, being in the employment of each academic institution, to be nominated by the academic institution:

Provided that it shall be the duty of the academic institution to nominate such persons for training; and the National Academic Depository shall provide reasonable time to the academic institution for such nomination:

Provided further that it shall be the duty of the academic institution to have in its employment at all times sufficient number of trained persons for the purpose.

(3) The National Academic Depository shall be entitled to recover reasonable cost of training from each academic institution:

Provided that in case of any dispute, about the reasonableness of the cost of training, between the National Academic Depository or any academic institution, such dispute shall be referred to the State Educational Tribunal for adjudication:

Provided further that the decision of the State Educational Tribunal on the dispute shall be final and binding on all parties.

(4) Each academic institution may, if it thinks proper, lodge academic awards issued by it in any year, prior to the commencement of this Act; and in such case, the National Academic Depository shall inform, through its website, the general public of the availability of information of such academic awards in respect of such institution.

(5) Each academic institution shall appoint an officer to co-ordinate with the National Academic Depository for the purpose of lodging, from time to time, academic awards issued by it in the national database and on matters related and incidental thereto; and such officer shall be designated as the "Co-ordination Officer".

(6) The National Academic Depository shall provide the contact details of the Co-ordination Officers appointed by each academic institution under sub-section (4) on its website.

(7) The National Academic Depository shall provide, to each academic institution, online secure access to the records in the national database relating to the academic awards issued by such institution.

10. Duty of academic institution to verify the academic award issued by it.-

It shall be the duty of every academic institution to verify, on a request made to it by the National Academic Depository, any academic award purported to be, or have been, issued by it and included or proposed to be included in the national database of academic awards.

11. Lodging of academic awards by any person. – (1) Any person may request the National Academic Depository, in such form and manner as may be **prescribed**, to lodge the academic award received, prior to the commencement of this Act, by such person from an academic institution.

(2) The National Academic Depository, on receipt of the request under sub-section (4), shall, after verification and authentication of such academic award from the academic institution which has issued such award, lodge it in the national database.

12. Process of verification and authentication.- (1) A person requiring verification and authentication of any specific academic award in the national database may apply to the National Academic Depository or to any registered Academic Depository Agent or to a facilitation centre, in such form and manner and on the payment of such charges as may be specified, with the prior approval of the Central Government, by the National Academic Depository:

Provided that the person making an application shall provide such details as the National Academic Depository may require to enable it to retrieve the record from the national database.

(2) The National Academic Depository or its registered Academic Depository Agent shall, within a period of three days from the date of receipt of such application, verify and authenticate the specific academic award, if lodged in the national database, or inform the applicant of the non-availability of such academic award with it:

Provided that where the National Academic Depository is unable to inform the applicant within the period specified in sub-section (2) or the academic award is not lodged in the depository, it shall, immediately but no later than a further period of three days from the expiry of the period specified, refund the charges paid by the applicant.

13. Certain requirements of the National Academic Depository in maintaining the national database.-

(1) The National Academic Depository shall, while maintaining the national database of academic awards, have adequate mechanisms for the purposes of reviewing, monitoring and evaluating its controls, systems, data recovery mechanisms, procedures and safeguards.

(2) The National Academic Depository shall have appropriate safekeeping measures to ensure that records in the national database of academic awards held by it are protected from theft and natural hazard or any such foreseeable contingency.

(3) The National Academic Depository shall, in a secure and authentic manner, maintain data back up of all records of academic awards comprised in the national database at location or locations other than its main data centre.

(4) The National Academic Depository shall ensure that the integrity of the automatic electronic data processing systems or the computer network is maintained at all times

(5) The National Academic Depository shall cause to be inspected annually the mechanism referred to in sub-section (1), the measures referred to in sub-section (2) and the security and authenticity of back up data referred to in sub-section (3), by an expert from a panel prepared in the manner provided in sub-section (6), and forward the inspection report, along with an explanatory memorandum on the action taken thereon, to the Central Government within three months from such inspection.

(6) The Central Government, in consultation with the National Academic Depository, prepare a panel of independent experts with such qualifications and experience as may be prescribed.

(7) The Central Government, on the basis of the inspection report referred to in sub-section (5) and the explanatory memorandum on the action taken thereon, direct the National Academic Depository to take such further action, for reasons to be recorded in writing, to promote the objectives of this Act; and the National Academic Depository shall be bound by such directions.

14. Connectivity.- (1) The National Academic Depository shall maintain continuous electronic means of communication with all academic institutions and other persons authorized under this Act or the rules made thereunder.

(2) Every Academic Depository Agent shall maintain continuous electronic means of communication with the National Academic Depository.

(3) Every academic institution shall maintain continuous electronic means of communication with the National Academic Depository and Academic Depository Agent, where so required.

15. Accounts and Audit of National Academic Depository.- (1) The National Academic Depository shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, relating to its activities under this Act or rules made thereunder, in such form as may be required to be maintained by a company under the Companies Act, 1956 [1 of 1956].

(2) The accounts of the National Academic Depository shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified and any expenditure incurred in connection with such audit shall be payable by the National Academic Depository to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by in connection with the audit of the accounts of the National Academic Depository shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the National Academic Depository.

(4) The accounts of the National Academic Depository as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the National Academic Depository and the Government shall cause the same to be laid before each House of Parliament.

Explanation: The provisions of this section shall apply to such accounts concerning the services provided by or discharge of duties and obligations of the National Academic Depository under this Act or rules made thereunder.

CHAPTER II

OFFENCES AND PENALTIES

16. Penalty for damage to computer, computer system, etc. - If any person without authorization of the Central Government or the National Academic Depository, the Academic Depository Agent, or the persons authorized by each academic institution, in respect of any computer, computer system or computer network concerned with the national database —

- (a) accesses or secures access to such computer, computer system or computer network;
- (b) downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;
- (c) introduces or causes to be introduced any computer contaminant or computer virus into any computer, computer system or computer network;
- (d) damages or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;
- (e) disrupts or causes disruption of any computer, computer system or computer network;
- (f) denies or causes the denial of access to any person authorised to access any computer, computer system or computer network by any means;
- (g) provides any assistance to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act or rules made thereunder;

such person shall be liable to pay damages by way of compensation not exceeding one crore rupees to the Central Government:

Provided that such part of the compensation as concern the damage caused to the computer, computer system, or data residing in such computer system or computer

network of the National Academic Depository or its restoration thereof to the condition that existed prior to such damage, shall be apportioned to the National Academic Depository.

Explanation.—For the purposes of this section,—

- (i) "computer contaminant" means any set of computer instructions that are designed—
 - (a) to modify, destroy, record, transmit data or programme residing within a computer, computer system or computer network; or
 - (b) by any means to usurp or disrupt the normal operation of the computer, computer system, or computer network;
- (ii) "computer data base" means a representation of information, knowledge, facts, concepts or instructions in text, image, audio, video that are being prepared or have been prepared in a formalised manner or have been produced by a computer, computer system or computer network and are intended for use in a computer, computer system or computer network;
- (iii) "computer virus" means any computer instruction, information, data or programme that destroys, damages, degrades or adversely affects the performance of a computer resource or attaches itself to another computer resource and operates when a programme, data or instruction is executed or some other event takes place in that computer resource;
- (iv) "damage" means to destroy, alter, delete, add, modify or rearrange any computer resource by any means.

17. Penalty for contravention by National Academic Depository or Academic Depository Agent.— If the National Academic Depository or Academic Depository Agent registered by the National Academic Depository fails to discharge the duties or provide the services expected of it under, or contravenes or abets the contravention of any provision of, this Act or the rules made thereunder or contravenes the directions issued by the Central Government under sub-section (1) of section 27, then the National Academic Depository shall, without prejudice to proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to fifty *lakh* rupees for each such instance of failure or contravention.

18. Penalty for contravention by academic institution. – Any academic institution that fails to discharge the duties expected of it under this Act or rules made thereunder, or contravenes any provision thereof, shall be liable to a penalty which may extend to five *lakh* rupees for each such instance of failure or contravention.

19. Adjudication of penalties.- (1) Save as otherwise provided in this Act, all matters under section 16 shall be adjudicated by the State Educational Tribunal having jurisdiction.

(2) Save as otherwise provided in this Act, all matters under section 17 or section 18 (including the penalties leviable thereunder) shall be adjudicated by the National Educational Tribunal.

20. Offence of tampering with computer source documents.- (1) Whoever knowingly or intentionally conceals, destroys or alters or intentionally or knowingly causes another to conceal, destroy or alter any record in the national database or any computer source code used for a computer, computer programme, computer system or computer network, of the National Academic Depository, such person shall be punishable under the provisions of section 65 of the Information Technology Act, 2000 [21 of 2000].

21. Offence of hacking into national database.- Whoever commits hacking shall be punishable under the provisions of section 66 of the Information Technology Act, 2000 [21 of 2000].

22. Offence of not providing data on revocation of appointment or wrong certification.- (1) If the National Academic Depository, on the revocation of its appointment, fails to provide, in the form and manner prescribed under sub-section (6) of section 6, the records comprised in the national database, then the promoter, director, manager, secretary or other officer of the company appointed as National

Academic Depository shall be liable to be punished with imprisonment up to ten years or with fine which may extend to ten crore rupees, or with both.

(2) If the National Academic Depository, on the revocation of its appointment, fails to certify in the manner required under sub-section (7) of section 6, then the promoter, director, manager, secretary or other officer of the company appointed as National Academic Depository shall be liable to be punished with imprisonment up to ten years or with fine which may extend to ten crore rupees, or with both.

23. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

24. Offences by societies, trusts etc.- (1) Where an offence under this Act has been committed by a society or trust or agency or institution, every person who at the time the offence was committed was in charge of, and was responsible to, the society or trust or agency or institution for the conduct of the business of the society or trust, as

well as the society or trust or agency or institution, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a society or trust or agency or institution and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any governors, vice-chancellor, directors, committee, trustees, registrar or other officer, such governors, directors, committee, trustees, vice chancellor, registrar or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

25. Cognisance of offences.- (1) No court shall take cognizance of any offence punishable under this Act or the rules made thereunder, save on a complaint made by the Central Government or a State Government, or the National Academic Depository or any officer or person authorised by the Central Government or a State Government or the National Academic Depository.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

CHAPTER III

MISCELLANEOUS

26. Returns and Information to be provided by National Academic Depository. - The National Academic Depository shall furnish to the Central Government such returns or other information with respect to its bye-laws, policies or performance of its functions and provision of services under this Act as the Central Government may, from time to time, require.

27. Power of Central Government to give directions. - (1) Without prejudice to the foregoing provisions of this Act, the National Academic Depository shall, in exercise

of its powers or the performance of its functions under this Act, be bound by such directions on questions of national policy, as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government whether a question is one of national policy or not shall be final.

28. Power of Central Government to inspect. - (1) Without prejudice to the foregoing provisions of this Act, the Central Government shall, at any time with a prior notice of two days, cause an inspection of the National Academic Depository or any Academic Depository Agent to be conducted for physical verification of the provision of systems, safeguards, mechanisms and facilities concerning the national database:

Provided that the National Academic Depository shall have the right to be associated with such inspection.

29. Power of Central Government to investigate contraventions.- (1) The Central Government or any person authorised by it in this behalf shall take up for investigation any contravention of the provisions of this Act or rules made thereunder by the National Academic Depository or any Academic Depository Agent.

(2) The Central Government or any person authorised by it in this behalf shall exercise like powers which are conferred under Chapter XIII of the Income Tax Act, 1961 [43 of 1961] and shall exercise such powers, subject to such limitations laid down under that Act.

(3) The Central Government or any person authorised by it shall, if there is reasonable cause to suspect that any contravention of the provisions of this Act or rules made thereunder has been committed, have access to any computer system, any apparatus, data or any other material connected with such system, of the National Academic Depository or any Academic Depository Agent, for the purpose of searching or causing a search to be made for obtaining any information or data contained in or available to such computer system.

(4) The Central Government or any person authorised by it may, by order, direct, the National Academic Depository or any Academic Depository Agent any person in-charge of, or otherwise concerned with the operation of, the computer system, data

apparatus or material, to provide him with such reasonable technical and other assistance as may be considered necessary for the purposes of sub-section (3).

30. Application of other laws not barred. - The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

31. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding shall lie against the Central Government or against the National Academic Depository or an Academic Depository Agent or against an academic institution, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder in the discharge of official duties.

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

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

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

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

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

(a) the terms and conditions of appointment of the National Academic Depository under sub-section (1) of section 4;

(b) the other eligibility conditions for appointment as National Academic Depository under clause (iii) of sub-section (2) of section 4;

(c) the other requirements for authorization for commencement as National Academic Depository under clause (xi) of sub-section (4) of section 4;

(d) the other duties to be performed by the National Academic Depository under clause (j) of sub-section (1) of section 5;

(e) the form and manner in which the National Academic Depository shall provide all the records and data comprised in the national database to the Central Government on revocation of appointment as National Academic Depository under sub-section (6) of section 6;

(f) the eligibility conditions for appointment as Academic Depository Agent under sub-section (1) of section 8;

(g) the form and manner in which academic institutions shall lodge academic awards issued by it in the national database under sub-section (1) of section 9;

(h) the form and manner for lodging of academic awards by any person in the national database under sub-section (1) of section 11;

(i) the qualifications and experience of the independent experts in the panel prepared by the Central Government in consultation with the National Academic Depository under sub-section (6) of section 13;

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

34. Power of Central Government to amend Schedule.- The Central Government may, by notification in the Official Gazette, amend, from time to time, the First Schedule to this Act.

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

FIRST SCHEDULE

(see clause (b) of sub-section (1) of section 3)

1. Andhra Pradesh Board of Secondary Education
2. Assam Board of Secondary Education
3. Assam Higher Secondary Education Council
4. Bihar School Examination Board
5. Board of Intermediate Education Council, Andhra Pradesh
6. Council for the Indian School Certificate Examination
7. Central Board of Secondary Education
8. Chhatisgarh Board of Secondary Education
9. Goa Board of Secondary and Higher Secondary Education
10. Gujarat Secondary and Higher Secondary Education Board
11. Haryana Board of School Education
12. Himachal Pradesh Board of School Education
13. Jammu and Kashmir Board of School Education
14. Jharkhand Academic Council
15. Karnataka Board of Higher Secondary Education
16. Karnataka Secondary Education Board
17. Kerala Board of Public Examination
18. Madhya Pradesh Board of Secondary Education
19. Madhya Pradesh State Open School
20. Maharashtra State Board of Secondary and Higher Secondary Education
21. Manipur Board of Secondary Education
22. Manipur Higher Secondary Education Council
23. Meghalaya Board of School Education
24. Mizoram Board of School Education
25. Nagaland Board of School Education
26. National Institute of Open Schooling
27. Orissa Board of Secondary Education
28. Orissa Council of Higher Secondary Education
29. Punjab School Education Board

30. Rajasthan Board of Secondary Education
31. Rajasthan State Open School
32. Tamilnadu State Board School Examinations
33. Tripura Board of Secondary Education
34. Uttar Pradesh Board of High School and Intermediate Education
35. Uttrakhand Board of School Education
36. West Bengal Board of Madrasah Education
37. West Bengal Board of Secondary Education
38. West Bengal Council of Higher Secondary Education
39. West Bengal Council of Rabindra Open Schooling

The Right of Children to Free and Compulsory Education

- 1 **Introduction:** The Right of Children to Free and Compulsory Education (RTE) Act, 2009, represents the consequential legislation to Article 21A inserted in the Constitution of India through the Constitution (86th Amendment) Act, 2002. Article 21A states that the *State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine.* Article 21A and the RTE Act have become operative with effect from 1st April 2010. This milestone achievement was marked by the Prime Minister's address to the Nation; a copy of Prime Minister's address is attached at Annexure 1. A summary of the salient features of the RTE Act is at Annexure 2, and copies of Gazette Notifications on the enforcement of Article 21-A and the RTE Act are attached at Annexure 3.

- 2 **RTE Roadmap:** The RTE roadmap is derived from the timeframes mandated in the Act. This includes:

Activity	Time Frame
Establishment of neighbourhood schools	3 years (by 31 st March, 2013)
Provision of school infrastructure <ul style="list-style-type: none"> • All weather school buildings • One-classroom-one-teacher • Head Teacher-cum-Office room • Toilets, drinking water • Barrier free access • Playground, fencing, boundary walls 	3 years (by 31 st March, 2013)
Provision of teachers as per prescribed PTR	3 years (by 31 st March, 2013)
Quality interventions and other provisions	With immediate effect

- 3 **Developments since RTE enactment:**
 - 3.1 **Preparation of Model Rules:** MHRD had set up a committee to prepare Model Rules under the RTE Act. The Model Rules were shared with the States in the meeting of State Education Secretaries held on 30th January, 2010, hosted on the MHRD website www.education.nic.in. The Model Rules were also forwarded to the States/UTs with a request to adopt/ adapt them as per their State requirements. The advice of the Ministry of Law and Justice for States and UTs to complete and notify the formulation/ adoption/ adaptation of the Rules before the RTE Act comes into force on 1st April 2010 was also communicated to the States.

- 3.2 **Framing of Central Rules:** The Central Rules titled “The Right of Children to Free and Compulsory Education Rules, 2010” were notified in the Official Gazette on 9th April, 2010. These are also hosted on the MHRD website www.education.nic.in.
- 3.3 **Notification under Section 23 of the RTE Act:** Section 23(1) of the Act states that “Any person possessing such minimum qualifications as laid down by an academic authority authorized by the central government by notification shall be eligible for appointment as a teacher.” Consequentially, the Central Government has issued notification dated 5th April, 2010 authorizing the National Council for Teacher Education (NCTE) as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher. A copy of this notification is in Annexure 4.
- 3.4 **Notification under Section 7 and 29 of the RTE Act:** Section 7 (6) (a) states that “the central government shall develop a framework of national curriculum with the help of academic authority specified under section 29.” Further, Section 29 (i) of the Act states that “the curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate government by notification.” The Central Government has issued notification on 5th April, 2010 for National Council of Educational Research and Training (NCERT) to be the academic authority under section 29 for laying down the curriculum and evaluation procedure for elementary education in respect of UTs without legislature and to develop a framework of national curriculum under section 7(6)(a) of the Act. The Central Government has also clarified that the NCF-2005 will be the national curriculum framework till such time as the Central Government decides to develop a new framework.
- 3.5 **Proposed Amendments to the Act:** MHRD has received representations from organizations (a) working for the welfare of the children with disabilities and (b) who set up minority institutions, seeking certain amendments to the RTE Act. On examination of the issues/points raised in these representations, the following amendments to the principal Act are proposed:
- (i) *Inclusion of children with disabilities in the definition of ‘child belonging to disadvantaged group’.*
 - (ii) *Inclusion of children with cerebral palsy, mental retardation, autism and severe disabilities under Section 3 (2) of the RTE Act, 2009.*
 - (iii) *In view of representation from Minority organisations against the applicability of the provisions relating to School Management Committees to Minority schools it is proposed to amend Section 21(2) to provide that the School Management Committees in respect of minority institutions shall function in an advisory capacity only.*

The Right of Children to Free and Compulsory Education (Amendment) Bill 2010 incorporating the above amendments was introduced in the Rajya Sabha, and has since been referred to the Parliamentary Standing Committee on MHRD.

3.6 **Committee on Harmonisation of SSA vis-à-vis RTE:** MHRD set up a Committee under the chairpersonship of Shri Anil Bordia, former Education Secretary, Government of India to consider the issue of harmonizing the SSA vision, strategies and norms with the RTE mandate. The Committee held seven meetings between September 2009 and January 2010, during which it had interaction with State Secretaries of Education, educationists, representatives of teachers' unions, voluntary agencies and civil society organisations. The report is available on the MHRD website www.ssa.nic.in. The Committee has *inter alia* made the following suggestions:

- (i) It is prudent to suggest a transitional strategy whereby a modified SSA remains the modality to be replaced by a new scheme compatible with the provisions of the Act from the middle of the 12th plan period. Till then SSA would be the vehicle for implementation of the RTE Act.
- (ii) It is necessary to harmonize the SSA vision, strategies and norms with the RTE mandate for this transitional period. This includes strategies and approaches on (a) school access, including its physical and social dimensions, (b) age appropriate enrolment through special training, (c) gender as a systemic issue, rather than an add-on, (d) inclusion of children from marginalised communities including SC, ST, Muslim Minority, most under privileged, children affected by civil strife and children with special needs; (e) curriculum and evaluation; (f) teachers and teacher training; (g) role of civil society organizations in operationalising RTE; (h) provision for adequate infrastructure; (i) governance and (j) financial mechanisms.
- (iii) To undertake such harmonization certain norms / unit cost under SSA need revision, and new interventions need to be incorporated to fulfill the RTE mandate.
- (iv) In view of the large financial requirements and burden on the States, the current funding pattern of SSA, which is on the sliding scale, should be revised.

4 **Aligning SSA with RTE:**

4.1 Consequent to the Report of Committee on SSA vis-à-vis RTE, the Executive Committee of the SSA chaired by the Union Minister of Human Resource Development has revised the following SSA norms:

- (i) Primary schooling facility to be provided within neighbourhood as per norms notified by the appropriate Government.
- (ii) AIE centres under SSA to be re-conceptualised as facilities for Special Training for age appropriate admission of out-of-school children.

- (iii) EGS centres to be upgraded to regular schools, or closed down within a period of two years. No new EGS centres to be sanctioned from 2010-11.
 - (iv) Infrastructure to include school libraries: books @ Rs. 3000 for primary school & Rs. 10,000 for upper primary school as a one time grant
 - (v) The ceiling on each district to propose upto a maximum of 5% of the existing schools for major repairs in a particular year, which inhibited the demand for repairs, has been removed.
 - (vi) The scope of School Grant extended to include play material, games, sports equipment, in addition to the existing provision for replacement of non-functional schools equipment and for other recurring costs.
 - (vii) Training norms revised to include training of Resource Persons, Master trainers, BRC & CRC coordinators for upto 10 days each year @ Rs.100 per person per day.
 - (viii) Unit costs towards maintenance, contingency and TLM grants for the academic supervision structures at block and cluster level enhanced.
 - (ix) Unit cost, number of persons and days of training for capacity building of members of SMC / local authority enhanced.
 - (x) Financial provisions for children with special needs enhanced from Rs 1200 per child to Rs. 3000/- per child per year, provided that at least Rs. 1000/- per child will be used for the engagement of resource teachers.
 - (xi) Flexibility in implementation of National Programme for Education of Girls at Elementary Level (NPEGEL) by removing component-wise ceilings.
 - (xii) Provision made for supporting the activities of the National Commission for Protection of Child Rights (NCPCR)/ State Commission for Protection of Child Rights (SCPCR) for monitoring the rights of children under the RTE Act.
- 4.2 In addition, revision of the following SSA norms / unit cost is currently under consideration of the Central Government:
- (i) Providing teachers and part-time instructors as per RTE provisions.
 - (ii) Constructing classrooms for every teacher and a room for head teacher-cum-office.
 - (iii) Providing adequate teaching learning equipment to enable States to merge class 5 and class 8 with the primary and upper primary stage respectively, and thus move towards an eight year elementary education cycle.

- (iv) Enhancing the unit costs for Research, Evaluation, Monitoring and Supervision (REMS).
- (v) Augmenting support for academic support at block and cluster level to ensure that States follow the curriculum and evaluation procedure mandated under section 29 of the RTE Act, and provide appropriate and adequate on-site subject support to teachers.

5 **Rights Based Perspective in All Elementary Education Interventions:**

- 5.1 Although many norms / unit costs of under SSA have been revised, or are under revision, it is important to ensure that elementary education approach and strategies are in conformity with the rights perspective mandated under RTE. The RTE Act provides that *‘Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education. Free education is defined as ‘removal of any financial barrier by the state that prevents a child from completing eight years of schooling’*. In addition to the provisions under SSA, most States are addressing the issue of financial barriers by providing incentives in the form uniforms, note books, stationary, school bags, scholarships and transportation facilities, as required, to ensure universal elementary education. However, the incentive based approach would need to shift to an entitlements perspective. This paradigm shift needs to be reflected not only in SSA, but in all interventions / programmes / schemes for elementary education of the State Governments.
- 5.2 While undertaking revision of approach and strategies from the child rights’ perspective, the following areas may be addressed:
- (i) **School Access:** States /UTs would need to arrive at a clear picture of current availability of schools within defined areas or limits of neighbourhoods. This will require mapping of neighbourhoods/habitations and linking them to specific schools. Provision of schooling facilities at appropriate locations is an essential prerequisite to universal elementary education. But mere provision of schooling facilities is insufficient to ensure that all children attend school and participate in the learning process. In order to ensure that every child is attending school and participating in the learning process, the scope of school mapping exercises would need to be extended beyond spatial planning and preparation of distance matrices for school location to incorporate social mapping and ensure that all children who cannot access school for social, cultural and economic reasons, are enabled to do so.
 - (ii) **Age Appropriate Admission:** There is need to identify out-of-school children through school/ social mapping to admit them to age appropriate classes in neighbourhood schools. After ensuring formal enrolment, these children would be provided ‘special training’ of flexible duration ranging from three months to two years, depending on each child’s specific needs, before being re-inducted into the age appropriate class. Curriculum and

educational material that focus not just on 3Rs, but also on life skills, would need to be designed.

- (iii) **Gender and Girls' Education:** Girls, particularly older girls from disadvantaged families form the bulk of out of school children. There is need to enable them to complete elementary education, through developing cohesive, individual child plans which may include support measures like transportation facilities, escorts, counseling etc.
- (iv) **Children from marginalized Communities:** There is a need to focus on the educational entitlements of children from SC, ST and Muslim minority groups, as also children living in areas affected by civil strife. There is also a need to address the issue of the hidden curriculum and provide academic support for a gender-sensitive and non-discriminatory classroom, and ensure that the classroom is free of stress, corporal punishment and harassment to children.
- (v) **Teachers and Teacher Education:** Teacher Organisations have welcomed many RTE provisions, including that it mandates reasonable school infrastructure, acceptable pupil teacher ratios (PTRs), well framed curriculum and teaching learning material, and the fact that teachers will not be overburdened with non-academic tasks. There is, however, need to address the issue of arbitrary postings and transfers of teachers by bringing in greater transparency in teacher deployment and transfer, and providing appropriate programmes for career advancement. Pre-service and in-service teacher training will need to be re-oriented to enable teachers meet the challenge of increasingly heterogeneous and democratic classrooms, in which all children participate as equal partners. Teachers will have to be fully involved in SMC functioning, and accountable to the local authority. They will need to ensure that their classrooms are free from stress and anxiety, and that there is no corporal punishment or harassment of children.
- (vi) **Civil society organizations:** To make RTE a large vibrant movement, partnership with the civil society organisations should be strengthened and reinvigorated. The partnership should be integral part of the entire RTE movement and based on mutual respect.
- (vii) **Infrastructure:** Schools in rural areas, are sometimes deficient in basic facilities. The extension and expansion of existing school buildings have, over the years, been funded from different schemes/ sources, including employment guarantee schemes, MP or MLA Local Area Development funds, etc. Prior to RTE, there were no clear norms of what elements every school building must necessarily have. Even if norms did exist, there was no statutory requirement for ensuring that a building must have all facilities. This resulted in a situation where a few classrooms with a veranda were constructed initially, and a school became functional with such rudimentary infrastructure. Other facilities such as toilets and

drinking water, electrification, a secure boundary wall, kitchen shed for MDM, were added on a piecemeal basis, whenever funds from different schemes became available. In the absence of a proper layout plan for subsequent augmentation of school infrastructure, these efforts resulted in ad hoc and haphazard positioning of various facilities within the school premises. Infrastructure in the schools should be conceived as a 'composite whole'. Schools are built for children. School building designs should, therefore, respond to the needs of children. Different facilities in the school should be built to the scale of the children, such as drinking water taps and urinals, children's chalk boards, display and storage spaces in the classrooms, playgrounds and other outdoor and indoor spaces in the school premises.

6. Preparedness for RTE

- 6.1 **State Rules:** First and foremost, all States should formulate and notify State Rules under RTE Act. Many States have initiated the process of formulating these rules, and the process needs to be expedited as the Rules form the basis for the implementation of the RTE Act.
- 6.2 **Academic Authority:** Simultaneously, States will need to notify and prescribe academic authority under section 29 for laying down the curriculum and evaluation process.
- 6.3 **Protection of Child's Educational Rights:** As per section 31 of the Act, States will need to constitute SCPCR. Only 6 States, namely Delhi, Goa, Karnataka, Maharashtra, Madhya Pradesh and Sikkim have constituted SCPCRs.
- 6.4 **Rights Based Policies:** In the perspective of RTE, the States need to ensure that rights based policies are in place. For example:
- (i) **Eight year Elementary Education cycle:** The RTE Act defines elementary education as education from class I to class VIII. States/UTs like Andhra Pradesh, Assam, Dadra & Nagar Haveli, Daman & Diu, Goa, Gujarat, Karnataka, Kerala, Meghalaya, Mizoram, Orissa, parts of Puducherry (Mahe) and West Bengal need to ensure that elementary cycle comprises eight years of schooling, namely classes 1 – 5 in the primary education stage, and classes 6- 8 in the upper primary stage. States would also need to review their systems for transition from primary to upper primary stage, and ensure that all children completing primary education transit to the upper primary stage would need to be streamlined.
 - (ii) **No detention:** States like Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Daman & Diu, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Lakshadweep, Meghalaya, Mizoram, Nagaland, Puducherry, Rajasthan, Sikkim, Tripura need to revise their policy for no detention across the entire elementary cycle.

- (iii) **No Board Examinations till completion of Elementary Education:** At the end of primary/upper primary cycle, the States like Arunachal Pradesh, Chhattisgarh, Delhi, Haryana, Jammu & Kashmir, Manipur, Mizoram, Nagaland, Orissa, Punjab, Tripura conduct board examinations. They need move to a system of comprehensive and continuous evaluation and do away with board examinations.
- (iv) **No corporal punishment, expulsion:** As per provision of the the RTE Act, the States should ensure that no child is subjected to mental harassment or physical punishment, or expelled. The relevant service and conduct rules also need to be revised to explicitly contain the penal provision against any such action.
- (v) **Guidelines on private tuition, screening procedure and capitation fees:** States will need to issue direction banning private tuitions by teachers, screening procedure for admission or capitation fee for admission.
- (vi) **Guidelines on minimum number of working days/ instructional hours in an academic year**
 - (a) States will need to issue directions on minimum number of working days / instruction hours in an academic year to adhere to minimum standards laid in the schedule of the Act. The schedule of the Act lays down following:

Minimum number of working days / instructional hours in an academic year	<ul style="list-style-type: none"> (a) 200 working days for first class to fifth class (b) 220 working days for sixth to eighth class (c) 800 instructional hours per academic year for first class to fifth class (d) 1000 instructional hours per academic year for sixth class to eighth class
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- (b) On an average the number of working days at primary level is 211. However, data reveals that Arunachal Pradesh, Bihar, Kerala, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim and Uttar Pradesh do not adhere to minimum 200 days of schooling at primary level. The data also reveals that even in States where the average working days is prescribed as 200 all schools do not adhere to it.
- (c) At upper primary level, however, the national average is 211 working days is much lower than 220 days mandated under the RTE Act. Barring Assam, Chandigarh, Chhattisgarh, D&H, Daman & Diu, Himachal Pradesh, Jharkhand, Punjab, Rajasthan, Tripura and Uttarakhand all States have less than 220 working days. The data also reveals that in States where average number of working

days is more than 220, all schools do not adhere to it. The State wise details for primary and upper primary is in Annexure 5.

- (d) In the light of the above trends, States will need to fulfill the requirement of number of working days and instructional hours. The states will need to creatively work around their calendars to ensure the minimum working days and hours as specified in the RTE are guaranteed, keeping in view their local realities and contexts.
- (vii) **Guidelines on minimum number of working hours per week for the teacher**
- (a) The RTE Act lays down the minimum number of working hours per week for the teacher as 45 hours. This includes preparation time. There is a need to issue clear guidelines on the minimum number of working hours per week for the teacher and the manner in which it will be monitored.
 - (b) It may be noted that the number of *working hours* per week for teachers does not mean that *instructional time* for children would have to be enhanced to 45 hours. The number of working hours per week for teachers (45 hours) would include *inter alia* time spent in planning and preparing for the lessons, identifying specific activities for specific competencies, developing appropriate teaching learning material, making an assessment of the work done by children keeping in mind the principles of CCE and keeping a record of each child's progress based on such assessment.
 - (c) Most States view total working hours of a teacher in a week by looking at only the instructional hours. In the RTE context, it is important that States specify number of instructional hours for children and working hours for teachers, and give importance to the need for planning for effective classroom transaction.

7. Addressing Key issues to Improve Teacher Effectiveness:

7.1 Teacher positions and deployment

- (i) There are 46.2 lakh teacher positions sanctioned in government schools, against which 28% are sanctioned under SSA. 17% of the sanctioned posts are vacant. There is a large inter state variation; the situation of vacancies in Uttar Pradesh, Bihar, Jharkhand and West Bengal is acute.

- (ii) The status of sanctioned and vacant teacher position is as follows (state-wise details are in Annexure 6:

(in lakh)

Sanctioned Posts			Working			Vacancies		
State	SSA	Total	State	SSA	Total	State	SSA	Total
33.39	12.82	46.21	28.05	10.30	38.35	5.34	2.52	7.86

- (iii) Although the overall PTR has improved to 34:1, shortage of teachers is acute in Bihar, Jharkhand, UP and West Bengal. Considering that States have not even reached PTR of 40:1 it is important that there is immediate recruitment against the vacant positions.
- (iv) To fulfill the RTE mandate the States will require an additional 5 lakh teachers, over and above the existing vacancies. In addition, 1.03 lakh upper primary schools will also need to engage 3.10 lakh part time instructors for art education, physical & health education and work education over the next three years. The State-wise estimates are in Annexure 7.
- (v) In most States there is a serious problem of excess teachers in urban schools and acute shortages in rural areas, particularly in remote and difficult to reach villages. There are also large intra state variations. For example, in Bihar although the State level PTR is 55:1, districts like Banka and Nalanda have PTRs exceeding 70:1. Efforts made to undertake redeployment are often thwarted by interference from influential quarters or pressure from teachers' unions, or rendered redundant by lack of explicitly stated principles and rationale for redeployment, and transparency in the exercise. It is expected that the actual requirement of additional teachers will reduce significantly, if effective steps are taken for rational redeployment of teachers. The following table also reveals need for rational deployment.

States	PTR in government schools	Number of districts with PTR > 40:1	% schools with PTR > 40:1 (pry.)	% schools with PTR > 40:1 (UPS).
Bihar	55:1	37	74	80
Jharkhand	45:1	18	53	59
UP	49:1	61	59	46
West Bengal	45:1	15	34	55
All India	34:1	146	30	25

- (vi) All State Governments will need to urgently initiate action to (i) review its existing recruitment and deployment policy and guidelines, to remove imbalances in teacher deployment, (ii) ascertain the exact number of posts to be estimated on the basis of school-wise requirement and redeploy surplus teachers to deficit schools, and (iii) ensure transparent and rational redeployment of surplus teachers.

7.2 **Teacher recruitment policy:**

- (i) Recruitment policies need to be improved and revised, in view of the requirement of engaging teachers with professional qualifications in all schools.
- (ii) Section 23(1) of the RTE Act provides that the Central Government shall notify an academic authority which will lay down the minimum qualification for a person to be appointed as a teacher in elementary school. The Central Government has issued notification authorizing the NCTE as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher. The Central Rules lay down that the academic authority shall lay down the minimum qualifications within a period of three months of the notification.
- (iii) Rule 18(1) of the Central RTE Rules state that *“The State Government and the Union territory shall, with in 6 months from the commencement of the Act, estimate of the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2”*. further Rule 18 (2) states: *“Where a State Government or Union Territory does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualification as notified in sub-rule (2) of Rule 17 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1), the State Government or the Union territory shall request, with in one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification”*.
- (iv) Some states have taken steps to ensure teachers with adequate subject knowledge and aptitude are recruited. For example, Madhya Pradesh conducts a Combined Eligibility Test (written) for the contract teachers at the State level through the *“Madhya Pradesh Vyavsayik Shiksha Mandal”*, wherein candidates are evaluated on subject knowledge and teaching aptitude. Chandigarh, Karnataka, Himachal Pradesh etc. select new teachers through a rigorous process of a written tests where candidates are assessed on all parameters, including educational qualifications, professional qualifications,

7.3 **Training of untrained teachers**

- (i) One of the biggest challenges confronting States is the organisation of professional training for untrained teachers. Currently there are 6 lakh regular teachers and 3 lakh para teachers in government schools who are untrained (details in [Annexure 8](#)). Considering some of the States have inadequate capacities for pre-service teacher training, the problem will become further aggravated with recruitment against the vacant positions as well as requirement of additional teachers.

It may not be possible in some districts/States to train untrained teachers in the traditional face-to-face mode, without loss of teaching time in schools. The States have adopted various strategies for coverage of the untrained teachers in the state. For example:

- (a) Enrolling in distance programs offered by IGNOU such as the 6-month CPT (Certificate in Primary Teaching) or 2-year Diploma in Primary Education (DPE) courses. However, the six month course offered by IGNOU will not meet the professional qualification requirement mandated under RTE. It will need to be complemented by another 18 months for fulfillment of the requirement of the trained teacher.
 - (b) Madhya Pradesh has designed and implemented a Diploma in Education (D.Ed.) Course called Operation Quality through distance mode plus face to face contact programme to complete the backlog of untrained teachers at elementary level.
 - (c) Some states like Nagaland have taken a policy decision to recruit only professionally trained teachers. However these states still need to evolve a mechanism to ensure that the existing back log is cleared in a timely manner.
 - (d) In Orissa, the Directorate, TE & SCERT has been entrusted with the training of un-trained teachers. A syllabus has been developed to be conducted through distance education programme plus contact during vacations.
- (iii) To ensure that all untrained teachers acquire the requisite qualifications, SSA has been providing financial support. The following table reveals that States have not availed of the benefit of provisions under SSA. Considering that under RTE all untrained teachers have to be trained in 5 years time, the States need to take pro-active steps to improve the situation.

Training of untrained teachers under SSA

	Year	Target	Achievement	% Achievement
1.	2004-05	169490	47976	28%
2.	2005-06	407381	263592	65%
3.	2006-07	232886	152642	66%
4.	2007-08	348124	231180	66%
5.	2008-09	126748	74390	59%
6.	2009-10	204355	95573	47%

8. Financial Issues

8.1 **Financial Responsibilities under the RTE Act:** Section 7 of the Act provides for sharing of financial responsibilities. It states, inter alia that:

7(1) *The Central Government and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.*

7(2) *The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.*

7(3) *The Central Government shall provide to the State Government, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.*

7(4) *The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provided its share of funds for carrying out the provisions of the Act.*

7(5) *Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3) and its other resources, be responsible to provide funds for implementation of the provisions of the Act.*

8.2 **13th Finance Commission award:** The 13th FC has awarded Rs 24068 crore to the States as grants-in-aid for elementary education over five year period (2010-11 to 2014-15). The State-wise details are given in Annexure 9. The 13th FC has observed that:

“..... We are of the view that, in the given circumstances augmenting the resources of the states to cater to this need will be the most appropriate way to provide grants for the elementary education sector. This will also provide some fiscal space to the states to meet a part of the additional resources required to implement the RTE Act..... Hence, we recommend for the award period, a grant of 15 per cent of the estimated SSA expenditure of each state”.

8.3 **Financial Estimation at National Level:**

(i) National University of Educational Planning and Administration (NUEPA) was asked by MHRD to prepare national level expenditure. The financial estimates prepared by NUEPA encompass recurring and capital expenditure over a period of five years from 2010-11 to 2014-15.

The capital and recurring requirement for next 5 years as estimated by NUEPA are as follows:

	Capital	Recurring	Total requirement	% of non-recurring	% recurring
2010-11	12985	22103	35088	37.01	62.99
2011-12	12998	22047	35045	37.09	62.91
2012-13	12998	22001	34998	37.14	62.86
2013-14	12998	21956	34953	37.19	62.81
2014-15	9625	21776	31400	30.65	69.35
Total	61604	109881	171484	35.92	64.08

- (ii) The financial estimates for RTE prepared by NUEPA cover child entitlements; teacher related costs including salary for new teacher posts, and part time instructors; civil works for constructing new buildings, additional classrooms, drinking water facilities etc and quality improvement efforts. The total estimate is Rs 1.71 lakh crore over five years. However, NUEPA estimates are based on national averages and do not factor in specific State/District requirements. Also, these estimates do not include committed expenditure on 12.27 lakh teachers appointed under SSA.
- (iii) The basic principles on the financial estimates were shared with the States in the meeting of State Education Secretaries (30th Jan, 2010). Also, views of the States was taken in the meetings held by the Committee on follow-up action on SSA vis-à-vis RTE. Consultation with the States has helped in modifying certain norms under SSA and further streamlining the financial requirement.

8.4 **Financial Requirement for the unified RTE-SSA Programme:**

- (i) For the implementation of unified RTE-SSA programme, the State wise requirement for next 5 years is Rs 2,31,233 crore. This includes central and state resources + 13th FC award. The financial estimate includes following:
- Child entitlements: special training for out of school children, textbooks, uniforms, transport, residential schools, inclusive education for disabled children, intervention for girls and disadvantaged groups.
 - Teachers: additional teachers as per schedule of RTE; part time instructors; committed teacher salary for 12.27 lakh teachers under SSA, teacher training, on site academic support and teachers grant.
 - Infrastructure: Addl. Classrooms, drinking water, toilets, upgrading schools as per RTE, libraries, school maintenance and repairs.
 - Schools: School grant, KGBV, NPEGEL, TLE grant, SMC/PRI training.
 - Miscellaneous: Research, evaluation, monitoring and supervision and Management.

- (ii) Of Rs. 2,31,233 crore for the period of five years, Rs. 84,408 crore will be required in the remaining two years of the 11th Plan, and Rs. 1,46,825 crore for the first 3 years of the 12th Plan. The state-wise estimates are in Annexure 10. The activity-wise breakup of overall requirement is as follows:

	Last two years of 11th Plan (2010-11 to 2011-12)	First three years of 12th Plan (2012-13 to 2014-15)	Total for 5 years
Child entitlements	28852	21535	37626
Teacher related	38307	82584	120889
Infrastructure	17544	23417	40959
School related	5351	5566	12918
Miscellaneous	5540	9533	14973
Total	84408	146825	231233

- (iii) To enable States implement RTE, MHRD has approved a total AWP&B of Rs. 36,000 crore for the year 2010-11 under SSA. To facilitate speedy implementation Rs 7457 crore has been released to 23 States, towards first installment. The state-wise details of approval and releases are in Annexure 11.

8.5 Capacity constraints in the States in optimal utilization of resources:

- (i) Analysis of financial progress reveals that utilization of funds in some States needs improvement state-wise details of allocation and expenditure from 2003-04 to 2009-10 is given in Annexure 12.

Year	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
% utilisation w.r.t. outlay	59.8	66.2	64.5	73.4	78.6	76.3
Utilization below 50%	14 states	13 states	12 states	7 states	2 states	3 states

- (ii) Several States have been achieving their targets however, it is a matter of concern that output is not commensurate to the expenditure in some States. Although at the national level in most of the components, cumulative achievement under SSA is above 90%, yet progress under certain specified interventions in some States is not satisfactory. The physical achievement with respect to key indicators is as follows:

Items	Cumulative Targets upto 2009-10	Cumulative Achievement (upto 31.03.2010)	Good performance	Gap in performance

Items	Cumulative Targets upto 2009-10	Cumulative Achievement (upto 31.03.2010)	Good performance	Gap in performance
Opening new schools	3,32,429	3,03,002 (91.2% schools opened)	A.P, Assam, Chhattisgarh, Lakshadweep, MP, Meghalaya Nagaland, Haryana, Maharashtra, Punjab & Sikkim.	A&N Islands, Arunachal Pradesh, Bihar Chandigarh, Daman & Die, Delhi, Goa, Karnataka, Manipur, Mizoram, Puducherry, Tripura & West Bengal, Dadra Nagar Haveli, H.P., J & K, Orissa.
Construction of school buildings	2,63,015	2,49,542 (95% comp. & in-progress)	A.P, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Tripura, Chandigarh, Delhi, Dadra Nagar Haveli, Daman Diu & Puducherry, Arunachal, Assam.	Bihar, J&K, Kerala, Orissa, Punjab, Uttarakhand, Andaman and Nicobar Islands & Lakshwadeep, Meghalaya, Uttarakhand & West Bengal.
Construction of additional classrooms	11,05,797	10,77,727 (98% comp. & in-progress)	Assam, Jharkhand, Karnataka, Kerala, Mizoram, Sikkim,, Tripura, U.P,Chandigarh, Delhi, Dadra Nagar Haveli & Daman Diu.	Goa, J&K, Manipur, Uttarakhand, Andaman & Nicobar Islands, Lakshadweep
Drinking water	1,98,162	1,92,486 (98% comp. & in-progress)	Ar. Pradesh, Assam, Gujarat, H.P, J&K, Kerala, M.P., Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Tamil Nadu, Tripura, Daman Diu, Delhi, Lakshadweep & Puducherry.	Goa, Maharashtra, Orissa, Uttarakhand, WB, Andaman Nicobar & Dadra Nagar Haveli.
Construction of Toilets	3,34,924	3,19,547 (95% comp. & in-progress)	Ar. Pradesh, Assam, Goa, J&K, Kerala, M.P., Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Tamil Nadu, Tripura,	H.P., Manipur, Orissa, Sikkim, Dadra & Nagar Haveli Uttarakhand, Andaman & Nicobaar,

Items	Cumulative Targets upto 2009-10	Cumulative Achievement (upto 31.03.2010)	Good performance	Gap in performance
			Chandigarh, Daman Diu, Delhi, Lakshadweep & Puducherry.	
Teacher recruitment	12,82,419	10,30,201 (80% recruited)	Andhra Pradesh,Goa, Tamil Nadu, Andaman & Nicobar, Delhi & Lakshadweep	Assam, Bihar, H.P., J&K, Jharkhand, Sikkim, Uttarakhand, West Bengal, Dadra & Nagar Haveli, Daman & Diu, Puducherry
Training of untrained teachers	2,04,355	95,573 (47% completed)	Mizoram & Orissa	Andhra Pradesh,Assam, Bihar,, J&K, Jharkhand,M.P, Manipur, Meghalaya, Nagaland, Sikkim, & U.P.

Thursday, April 01, 2010

Prime Minister's Office

**PRIME MINISTER'S ADDRESS TO THE NATION ON THE
FUNDAMENTAL RIGHT OF CHILDREN TO ELEMENTARY EDUCATION**

8:31 IST

Following is the text of the Prime Minister, Dr. Manmohan Singh's Address to the Nation on The Fundamental Right of Children to Elementary Education:

"About a hundred years ago a great son of India, Gopal Krishna Gokhale, urged the Imperial Legislative Assembly to confer on the Indian people the Right to Education.

About ninety years later the Constitution of India was amended to enshrine the Right to Education as a fundamental right.

Today, our Government comes before you to redeem the pledge of giving all our children the right to elementary education. The Right of Children to Free and Compulsory Education Act, enacted by Parliament in August 2009, has come into force today.

The Fundamental Right to Education, as incorporated in our Constitution under Article 21 A, has also become operative from today. This demonstrates our national commitment to the education of our children and to the future of India.

We are a Nation of young people. The health, education and creative abilities of our children and young people will determine the wellbeing and strength of our Nation.

Education is the key to progress. It empowers the individual. It enables a nation.

It is the belief of our government that if we nurture our children and young people with the right education, India's future as a strong and prosperous country is secure.

We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India.

To realise the Right to Education the government at the Centre, in the

States and Union Territories, and at the district and village level must work together as part of a common national endeavour. I call upon all the State Governments to join in this national effort with full resolve and determination. Our government, in partnership with the State governments will ensure that financial constraints do not hamper the implementation of the Right to Education Act.

The success of any educational endeavour is based on the ability and motivation of teachers. The implementation of the Right to Education is no exception. I call upon all our teachers across the country to become partners in this effort. It is also incumbent upon all of us to work together to improve the working conditions of our teachers and enable them to teach with dignity, giving full expression to their talent and creativity.

Parents and guardians too have a critical role to play having been assigned school management responsibilities under the Act.

The needs of every disadvantaged section of our society, particularly girls, dalits, adivasis and minorities must be of particular focus as we implement this Act.

I was born to a family of modest means. In my childhood I had to walk a long distance to go to school. I read under the dim light of a kerosene lamp. I am what I am today because of education.

I want every Indian child, girl and boy, to be so touched by the light of education. I want every Indian to dream of a better future and live that dream.

Let us together pledge this Act to the children of India. To our young men and women. To the future of our Nation.”

AD/HS

The Right of Children to free and Compulsory Education Act, 2009

Salient Features

The Right of Children to Free and Compulsory Education Act, 2009 provides for:

- (i) The right of children to free and compulsory education till *completion* of elementary education in a neighbourhood school.
- (ii) It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- (iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- (iv) It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- (v) It lays down the norms and standards relating *inter alia* to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.
- (vi) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- (vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications;
- (viii) It prohibits (i) physical punishment and mental harassment, (ii) screening procedures for admission of children, (iii) capitation fees, (iv) private tuition by teachers, (v) running of schools without recognition,
- (ix) It provides for the following penalties:
 - a. For charging capitation fee = fine upto 10 times the capitation fee charged,

- b. For resorting to screening during admission = Rs.25000, for first contravention; Rs.50000 for each subsequent contravention,
 - c. For running a school without recognition = fine upto Rs.1 lakh, and in case of continuing contravention Rs.10000 for each day during which the contravention continues
-
- (x) It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.
 - (xi) It provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commissions for Protection of Child Rights, which shall have the powers of a civil court.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 16 फरवरी, 2010

का.आ.427(अ).— केन्द्रीय सरकार, संविधान (छियासीवां संशोधन) अधिनियम, 2002 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 1-13/2009-ई. ई.-4]

अंशु वैश्य, सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 16th February, 2010

S.O. 427(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Eighty-sixth Amendment) Act, 2002, the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.

अधिसूचना

नई दिल्ली, 16 फरवरी, 2010

का.आ.428(अ).— केन्द्रीय सरकार, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 1-13/2009-ई.ई.-4]

अंशु वैश्य, सचिव

NOTIFICATION

New Delhi, the 16th February, 2010

S.O. 428(E).— In exercise of the powers conferred by sub-section (3) of section 1 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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सं. 622]

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मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा एवं साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 749(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 29 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद् को प्रारंभिक शिक्षा के लिए पाठ्यचर्या तथा मूल्यांकन प्रविधि निर्धारित करने और इस अधिनियम की धारा 7 की उप-धारा (6) के खण्ड (क) के तहत राष्ट्रीय पाठ्यचर्या संरचना तैयार करने वाले शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-4]

अनिता कौल, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 749(E).—In exercise of the powers conferred by sub-section (1) of Section 29 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council of Educational Research and Training as the academic authority to lay down the curriculum and evaluation

1235 GI/2010

procedure for elementary education, and to develop a framework of national curriculum under clause (a) of sub-section (6) of Section 7 of the Act.

[F.No. 1-13/2009-EE-4]

ANITA KAUL, Jt. Secy.

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 750(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा राष्ट्रीय अध्यापक शिक्षा परिषद् को शिक्षक के रूप में नियुक्त किए जाने के लिए पात्र व्यक्ति के लिए न्यूनतम अर्हताओं का निर्धारण करने वाले शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-4]

अनिता कौल, संयुक्त सचिव

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 750(E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council for Teacher Education as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.

[F.No. 1-13/2009-EE-4]

ANITA KAUL, Jt. Secy.

**Status on average working days in the schools - Govt. and Aided schools
(DISE 2008-09)**

State Name	Primary		Upper Primary	
	Average no. of working days	% Schools with working days < 200	Average no. of working days	% Schools with working days < 220
Andaman & Nicobar Islands	201	10.2	204	64.0
Andhra Pradesh	216	2.9	217	9.9
Arunachal Pradesh	181	41.6	206	46.1
Assam	231	11.3	228	21.9
Bihar	185	26.6	190	26.1
Chandigarh	227	0.0	231	4.9
Chhattisgarh	223	5.2	226	8.3
Dadra & Nagar Haveli (Ut)	239	0.6	232	2.7
Daman & Diu	225	0.0	226	0.0
Delhi	212	0.0	215	87.8
Goa	200	14.8	181	80.4
Gujarat	218	4.6	215	28.5
Haryana	212	5.7	197	25.3
Himachal Pradesh	235	0.7	229	7.5
Jammu & Kashmir	213	16.8	213	63.3
Jharkhand	226	9.5	224	10.9
Karnataka	216	6.6	217	6.9
Kerala	186	98.6	181	99.9
Lakshadweep (Ut)	215	0.0	215	100.0
Madhya Pradesh	224	1.9	216	14.7
Maharashtra	215	6.5	217	17.6
Manipur	200	53.2	201	76.1
Meghalaya	192	44.3	188	83.1
Mizoram	199	39.4	199	94.7
Nagaland	182	81.7	185	88.2
Orissa	201	10.2	206	43.3
Pudducherry	198	88.8	189	96.3
Punjab	228	3.7	228	7.8
Rajasthan	223	6.6	225	9.6
Sikkim	191	12.0	192	56.8
Tamil Nadu	219	0.3	215	45.3
Tripura	217	15.5	224	13.0
Uttar Pradesh	190	15.1	179	28.7
Uttaranchal	220	3.9	213	19.5
West Bengal	205	2.7	184	27.0
Total	211	10.0	211	23.8

State-wise status of sanctioned post, teachers working and teachers vacancies

Sl. No.	State	Sanctioned Post*			Working			Vacancies*			Remarks
		State	SSA	Total	State	SSA	Total	State	SSA	Total	
1	A&N Isl.	3282	67	3349	3282	67	3349	0	0	0	
2	AP	229391	38238	267629	186232	38238	224470	43159	0	43159	
3	Aru.P	7104	5517	12621	7104	5226	12330	0	291	291	
4	Assam	138427	3042	141469	126310	0	126310	12117	3042	15159	Does not match with reported 1.83 Lakh working state posts in 2009-10 nor with DISE figure of 2.25 lakh, needs to correct its information
5	Bihar	205965	260841	466806	149561	160145	309706	56404	100696	157100	
6	Chandigarh	2542	785	3327	2283	749	3032	259	36	295	
7	Chhattisgarh	120827	56579	177406	90198	53148	143346	30629	3431	34060	
8	D&NH	828	448	1276	789	377	1166	39	71	110	
9	D&D	426	95	521	360	63	423	66	32	98	
10	Delhi	50073	36	50109	42108	36	42144	7965	0	7965	Reported 53929 teacher posts on state in 2009-10, needs to correct its information
11	Goa	6294	169	6463	6294	169	6463	0	0	0	
12	Gujarat	228092	0	228092	217585	0	217585	10507	0	10507	
13	Haryana	77639	8948	86587	51773	8936	60709	25866	12	25878	
14	HP	51386	4178	55564	45592	3453	49045	5794	725	6519	
15	J&K	55969	38104	94073	48838	30421	79259	7131	7683	14814	Reported 59124 teacher posts on state in 2009-10, needs to correct its information
16	Jharkhand	68867	94605	163472	48262	83459	131721	20605	11146	31751	
17	Karnataka	183362	24278	207640	172368	22882	195250	10994	1396	12390	Reported 1.87 lakh teacher posts on state in 2009-10, needs to correct information
18	Kerala	127627	0	127627	127627	0	127627	0	0	0	
19	Lkshdp	664	26	690	648	26	674	16	0	16	

Sl. No.	State	Sanctioned Post*			Working			Vacancies*			Remarks
		State	SSA	Total	State	SSA	Total	State	SSA	Total	
20	MP	199357	97368	296725	183426	78672	262098	15931	18696	34627	Reported 2.23 lakh teacher posts on state in 2009-10, needs to correct information
21	Maharashtra	268397	13423	281820	258053	12158	270211	10344	1265	11609	
22	Manipur	14005	365	14370	14005	0	14005	0	365	365	
23	Meghalaya	11886	10656	22542	11886	10656	22542	0	0	0	Reported 12342 teacher posts on state in 2009-10, needs to correct its information
24	Mizoram	10413	1889	12302	10413	1886	12299	0	3	3	Reported 12125 teacher posts on state in 2009-10, needs to correct its information
25	Nagaland	12599	590	13189	12599	590	13189	0	0	0	Reported 12927 teacher posts on state in 2009-10, needs to correct its information
26	Orissa	136637	83349	219986	98736	68752	167488	37901	14597	52498	
27	Puducherry	3911	48	3959	3685	36	3721	226	12	238	
28	Punjab	80991	4840	85831	66882	4813	71695	14109	27	14136	
29	Rajasthan	176609	114132	290741	146753	93119	239872	29856	21013	50869	
30	Sikkim	6258	410	6668	6258	185	6443	0	225	225	
31	Tamil Nadu	133816	22628	156444	129469	22628	152097	4347	0	4347	Reported 1.95 lakh teacher posts and 1.88 lakh working teachers on state in 2009-10, needs to correct its information
32	Tripura	28736	5770	34506	24851	5341	30192	3885	429	4314	
33	Uttar Pradesh	335870	276217	612087	197629	249481	447110	138241	26736	164977	Reported 3.56 lakh teacher posts on state in 2009-10, needs to correct information
34	Uttarakhand	42521	7559	50080	38760	5998	44758	3761	1561	5322	
35	W.B.	317803	107219	425022	274127	61605	335732	43676	45614	89290	
	TOTAL	3338574	1282419	4620993	2804746	1030201	3834947	533828	252218	786046	
	SSA information as per PMIS Report and States sanctioned posts as per AWP&B 2010-11										
	Vacancies have been calculated after deducting working from sanctions										

State-wise estimate of additional teachers and part-time instructors required as per RTE Act

State/UT	Estimated Number of schools require Part time-instructors*	Estimated Number of Part time-instructors required for Upper Primary schools	Estimated Additional teachers required as per RTE
ANDHRA PRADESH	8511	25533	0
BIHAR	9232	27696	96534
CHHATTISGARH	3834	11502	0
GOA	42	126	4056
GUJARAT	3488	10464	66956
HARYANA	2823	8469	19655
HIMACHAL PRADESH	1232	3696	0
JAMMU & KASHMIR	887	2661	0
JHARKHAND	3370	10110	0
KARNATAKA	5135	15405	24265
KERALA	1382	4146	15001
MADHYA PRADESH	9837	29511	0
MAHARASHTRA	3281	9843	0
ORISSA	4532	13596	0
PUNJAB	3374	10122	46241
RAJASTHAN	6840	20520	0
TAMIL NADU	6610	19830	0
UTTAR PRADESH	14498	43494	229621
UTTARAKHAND	995	2985	1058
WEST BENGAL	7252	21756	4799
Subtotal: Major States	97155	291465	508185
A & N ISLANDS	61	183	0
CHANDIGARH	80	240	362
D & N HAVELI	28	84	0
DAMAN & DIU	18	54	149
DELHI	902	2706	0
LAKSHADWEEP	13	39	0
PUDUCHERRY	143	429	47
Subtotal: UTs	1245	3735	559
ARUNACHAL PRADESH	218	654	0
ASSAM	3849	11547	0
MANIPUR	103	309	0
MEGHALAYA	49	147	0
MIZORAM	38	114	0
NAGALAND	144	432	0
SIKKIM	105	315	0
TRIPURA	712	2136	0
Subtotal: NE States	5218	15654	0
Grand Total	103618	310854	508744

* should be available for all upper primary schools having enrolment more than 100

Number and percentage of untrained teachers, as per DISE 2008-09 (Govt. teachers)

State Name	Regular teachers			Para teachers			Total teachers		
	Total	Un-trained	% Un-trained	Total	Untrained	% Untrained	Total	Untrained	% Untrained
A & N Islands	3228	13	0.4	44	4	9.1	3272	17	0.5
Andhra Pradesh	279876	2684	1.0	50289	28598	56.9	330165	31282	9.5
Arunachal Pradesh	12887	9271	71.9	2560	2389	93.3	15447	11660	75.5
Assam	225380	132959	59.0	20237	17530	86.6	245617	150489	61.3
Bihar	313382	155786	49.7	24107	16039	66.5	337489	171825	50.9
Chandigarh	2537	3	0.1	926	0	0.0	3463	3	0.1
Chhattisgarh	130303	39277	30.1	14185	6109	43.1	144488	45386	31.4
D & N Haveli	1221	1	0.1	0	0	0.0	1221	1	0.1
Daman & Diu	606	30	5.0	1	0	0.0	607	30	4.9
Delhi	52383	530	1.0	709	8	1.1	53092	538	1.0
Goa	7948	251	3.2	119	39	32.8	8067	290	3.6
Gujarat	190171	974	0.5	1241	27	2.2	191412	1001	0.5
Haryana	74409	2188	2.9	12642	189	1.5	87051	2377	2.7
Himachal Pradesh	39179	546	1.4	9367	2001	21.4	48546	2547	5.2
Jammu & Kashmir	48828	15279	31.3	29763	20449	68.7	78591	35728	45.5
Jharkhand	67259	7189	10.7	71278	42851	60.1	138537	50040	36.1
Karnataka	201252	4065	2.0	1018	45	4.4	202270	4110	2.0
Kerala	121441	1421	1.2	2672	65	2.4	124113	1486	1.2
Lakshadweep	666	2	0.3	0	0	0.0	666	2	0.3
Madhya Pradesh	284265	39029	13.7	1008	534	53.0	285273	39563	13.9
Maharashtra	457267	2072	0.5	8123	1209	14.9	465390	3281	0.7
Manipur	13721	6915	50.4	96	79	82.3	13817	6994	50.6
Meghalaya	32378	22234	68.7	2422	2017	83.3	34800	24251	69.7
Mizoram	10310	1964	19.0	2918	1998	68.5	13228	3962	30.0
Nagaland	13027	9416	72.3	87	59	67.8	13114	9475	72.3
Orissa	216124	37737	17.5	2989	1344	45.0	219113	39081	17.8
Puducherry	1657	15	0.9	105	2	1.9	1762	17	1.0
Punjab	75734	1007	1.3	4789	1597	33.3	80523	2604	3.2
Rajasthan	254578	14795	5.8	22264	3152	14.2	276842	17947	6.5
Sikkim	6554	3530	53.9	23	16	69.6	6577	3546	53.9
Tamil Nadu	209309	1427	0.7	609	35	5.7	209918	1462	0.7
Tripura	27722	15612	56.3	893	700	78.4	28615	16312	57.0
Uttar Pradesh	302607	17791	5.9	168882	112384	66.5	471489	130175	27.6
Uttarakhand	42377	1458	3.4	4152	2346	56.5	46529	3804	8.2
West Bengal	219743	53918	24.5	45022	36584	81.3	264765	90502	34.2
Total	3940329	601389	15.3	505540	300399	59.4	4445869	901788	20.3

Grants-in-Aid to States for Elementary Education by 13th Finance Commission for the period 2010-11 to 2014-2015

State	2010-11	2011-12	2012-13	2013-14	2014-15	Total
Andhra Pradesh	170	179	188	198	207	942
Arunachal Pradesh	4	4	5	5	6	24
Assam	31	40	49	59	59	238
Bihar	585	699	818	946	970	4018
Chhattisgarh	136	154	173	194	200	857
Goa	2	2	2	2	3	11
Gujarat	72	85	98	113	115	483
Haryana	40	43	46	49	51	229
Himachal Pradesh	20	21	23	24	25	113
Jammu & Kashmir	80	85	90	95	99	449
Jharkhand	223	266	311	359	369	1528
Karnataka	104	119	135	152	157	667
Kerala	25	27	28	29	31	140
Madhya Pradesh	320	384	452	523	537	2216
Maharashtra	131	140	149	159	165	744
Manipur	3	3	3	3	3	15
Meghalaya	9	10	10	11	12	52
Mizoram	1	1	1	1	1	5
Nagaland	1	1	1	2	2	7
Orissa	170	187	204	223	232	1016
Punjab	36	41	45	50	52	224
Rajasthan	287	320	356	394	409	1766
Sikkim	1	1	1	1	1	5
Tamil Nadu	111	126	141	158	164	700
Tripura	4	4	5	5	5	23
Uttar Pradesh	723	871	1027	1192	1227	5040
Uttarakhand	31	35	40	45	46	197
West Bengal	355	416	480	548	560	2359
Total	3675	4264	4881	5540	5708	24068

State-wise financial requirement for both RTE and SSA for five years (2010-11 to 2014-15)

State/UT	Financial requirement for both RTE and SSA						Centre - State Share on current funding pattern	
	2010-11	2011-12	2012-13	2013-14	2014-15	Total	Central Share	State Share
Andhra Pradesh	1,978	2,055	2,142	2,032	2,068	10,275	5,236	5039
Bihar	6,812	7,403	8,090	8,356	8,563	39,224	19,953	19271
Chhattisgarh	1,473	1,527	1,589	1,505	1,547	7,641	3,894	3747
Goa	29	47	75	81	84	316	159	157
Gujarat	894	1,258	1,659	1,936	1,995	7,741	3,915	3826
Haryana	501	594	758	769	788	3,411	1,731	1680
Himachal Pradesh	207	219	232	224	229	1,110	565	545
Jammu & Kashmir	779	808	841	819	849	4,095	2,086	2009
Jharkhand	2,269	2,333	2,408	2,374	2,435	11,820	6,024	5796
Karnataka	1,113	1,285	1,473	1,565	1,607	7,043	3,577	3466
Kerala	310	379	499	505	517	2,209	1,119	1090
Madhya Pradesh	2,920	3,033	3,162	3,130	3,206	15,451	7,871	7580
Maharashtra	1,658	1,687	1,723	1,696	1,717	8,481	4,323	4158
Orissa	1,955	2,000	2,061	2,013	2,057	10,087	5,142	4945
Punjab	410	626	978	1,032	1,069	4,115	2,078	2037
Rajasthan	2,879	2,926	3,006	3,000	3,066	14,876	7,581	7295
Tamil Nadu	927	991	1,059	1,074	1,100	5,151	2,622	2529
Uttar Pradesh	7,574	8,788	10,275	11,268	11,593	49,498	25,128	24370
Uttarakhand	278	291	309	309	315	1,503	766	737
West Bengal	3,015	3,088	3,194	3,205	3,262	15,764	8,033	7731
A & N Islands	9	10	10	10	10	49	25	24
Chandigarh	22	24	28	28	29	131	67	64
Dadra & Nagar Haveli	13	14	14	14	14	69	35	34
Daman & Diu	6	7	8	8	9	38	19	19
Delhi	176	176	179	173	172	875	446	429
Lakshadweep	2	2	3	3	3	13	7	6
Puducherry	14	15	16	16	17	78	40	38
Arunachal Pradesh	186	190	194	151	154	875	787	88
Assam	1,540	1,558	1,578	928	925	6,529	5,876	653
Manipur	64	65	65	43	43	280	252	28
Meghalaya	214	220	226	208	215	1,083	975	108
Mizoram	59	60	61	50	51	280	252	28
Nagaland	56	57	58	46	47	264	238	26
Sikkim	22	23	24	22	23	114	103	11
Tripura	140	147	154	151	154	745	670	75
Grand Total	40,503	43,905	48,152	48,743	49,931	231,233	121,594	109639

**STATEMENT SHOWING GRANTS RELEASED TO STATES/UTs DURING
2010-11 UNDER SSA**

(in Rs. lakh)

Sl. No.	States/UTs	Outlay (central & state share) during 2010-11	Amount released (central share) during 2010-11	Remark
1	A&N Islands	1133.35	207.78	
2	Andhra Pradesh	173614.34	16000.00	
3	Arunachal Pradesh	20559.13	0.00	UC of 2008-09 not received from State.
4	Assam	72656.68	34954.35	
5	Bihar	540972.4	119789.63	
6	Chandigarh	3741.22	1093.20	
7	Chhattisgarh	176702.35	47863.00	
8	D&N Haveli	1246.71	0.00	UC of 2008-09 not received from State.
9	Daman & Diu	570.97	0.00	
10	Delhi	7588.73	0.00	
11	Goa	1943.87	0.00	
12	Gujarat	86272.97	24116.16	
13	Haryana	67688.50	17786.11	
14	Himachal Pradesh	24464.86	6557.11	
15	J&K	97457.76	0.00	
16	Jharkhand	161614.83	34324.26	
17	Karnataka	128730.59	0.00	UC of 2008-09 not received from State.
18	Kerala	30650.82	7660.73	
19	Lakshadweep	386.02	127.39	
20	Madhya Pradesh	319425.01	0.00	UC of 2008-09 not received from State.
21	Maharashtra	168215.11	50537.00	
22	Manipur	11464.45	0.00	UC of 2008-09 not received from State.
23	Meghalaya	27379.39	11040.90	
24	Mizoram	8112.74	0.00	UC of 2008-09 not received from State.
25	Nagaland	17071.93	0.00	
26	Orissa	170704.05	43177.85	
27	Puducherry	1423.59	0.00	UC of 2008-09 not received from State.
28	Punjab	47865.00	13003.15	
29	Rajasthan	287479.00	38000.00	
30	Sikkim	3951.00	2969.19	
31	Tamil Nadu	121162.67	35784.34	
32	Tripura	15564.51	4669.35	
33	Uttar Pradesh	496283.05	136262.88	
34	Uttrakhand	43094.51	11234.58	
35	West Bengal	328663.66	88564.17	
	Total	3665855.77	745723.13	

Outlay approved, Grants released and Expenditure incurred during 2003-04 to 2009-10 under SSA

(In Rs. lakh)

Sl.No.	Name of the State	2003-2004			2004-2005			2005-2006			2006-2007		
		Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.
1	Andhra Pradesh	39535	9884	14912	57011	28000	33757	72698	37999	55816	130525	46246	72237
2	Arunachal Pradesh	4835	675	1188	6403	3009	1813	6578	4443	5751	11928	7144	9978
3	Assam	41859	12190	18395	31746	20654	22400	27606	13850	24804	104207	51465	42390
4	Bihar	77166	19516	7980	88483	31971	34132	90002	32400	46676	241408	107744	155709
5	Chhattisgarh	21830	6589	4895	39396	20787	29566	55068	30184	42767	82132	50182	64342
6	Goa	0	0	0	0	0	0	1206	728	497	2078	724	1405
7	Gujarat	23493	11660	14717	29184	14072	18633	30332	15085	23983	38939	14807	28103
8	Haryana	15088	6896	9118	22919	12882	11359	24906	10197	19859	36502	25647	30389
9	Himachal Pradesh	11004	5462	6332	12156	6144	8419	12044	7615	9930	12118	6251	10058
10	Jammu & Kashmir	16612	5327	3607	20704	7747	8161	28345	18531	20831	35454	22083	31625
11	Jharkhand	32808	11474	7096	44696	16569	29250	59509	28569	37760	104285	51515	64639
12	Karnataka	33792	10427	16050	43533	26281	34456	43223	28304	40423	74215	54207	70193
13	Kerala	12743	4966	6078	16790	8939	9384	17542	5939	10329	17154	6382	10159
14	Madhya Pradesh	84428	35238	29202	125044	44609	60513	142280	77173	104047	186988	110880	148894
15	Maharashtra	76526	20527	33364	85602	35490	38956	88217	50235	60459	106460	52159	78115
16	Manipur	3161	500	0	4601	1225	1355	5016	3208	2052	6237	9	1800
17	Meghalaya	4028	826	627	5427	2931	2150	3471	1921	2356	9154	4294	7182
18	Mizoram	3153	1182	876	4671	3300	4479	3687	2559	3574	4607	3442	4760
19	Nagaland	2951	0	1015	3440	2088	2751	3385	2323	2879	6204	2315	231
20	Orissa	47197	13453	15793	64004	21807	28061	65444	32793	38439	93961	44011	65779
21	Punjab	20146	6492	4441	20035	3040	9637	22582	14684	21891	23278	12880	15806
22	Rajasthan	45031	15627	21357	64090	23549	39591	85422	60313	75884	125337	75810	111679
23	Sikkim	1233	270	214	1601	1000	724	1990	1063	965	2439	402	863
24	Tamil Nadu	40493	10506	23659	44045	26517	36639	48782	35330	47961	72318	37330	55761
25	Tripura	5117	2752	2564	6256	4704	5113	9437	7070	8163	9085	5330	8706
26	Uttar Pradesh	109514	34043	47649	160446	87761	125166	264189	182799	223374	367851	206654	265381
27	Uttarakhandl	12577	3522	6629	13040	9145	9695	16851	10004	14687	24821	16934	20527

Sl.No.	Name of the State	2003-2004			2004-2005			2005-2006			2006-2007		
		Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.
28	West Bengal	59819	16748	6583	87774	46024	50950	105945	34200	48222	146487	61737	94215
29	A & N Islands	757	284	222	590	273	272	833	163	449	1350	420	586
30	Chandigarh	599	225	166	1401	448	604	1370	350	126	1163	300	708
31	Dadra & N. Haveli	1193	447	0	878	112	10	735	0	379	830	100	311
32	Daman & Diu	0	0	0	298	0	0	353	112	58	261		26
33	Delhi	5226	1960	521	4225	0	855	6689	1100	2557	8444	4230	4958
34	Lakshadweep	110	28		132	12	0	93	0	1	418	87	9
35	Pondicherry	731	141	141	1060	226	266	1244	529	569	942		408
	Total	854754	269838	305391	1111680	511314	659115	1347073	751771	998517	2089578	1083720	1477930

Sl.No.	Name of the State	2007-2008			2008-2009			2009-2010		
		Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.
1	Andhra Pradesh	124607	28100	43226	119734	71032	93527	117776	38570	72257
2	Arunachal Pradesh	12497	11044	11040	18133	13684	16865	16332	11428	12428
3	Assam	62138	28904	54623	61954	42741	55426	60474	47480	50781
4	Bihar	333930	135418	194222	366416	186158	209431	429455	121739	224870
5	Chhattisgarh	78478	46788	66686	90000	51854	75101	112332	55593	96341
6	Goa	1680	900	1270	1670	804	1274	1902	551	0
7	Gujarat	38222	22658	27605	50005	25432	34077	55496	20032	40058
8	Haryana	35707	14220	22989	42550	20547	29943	59801	27600	45621
9	Himachal Pradesh	12198	7638	10883	14391	8553	12285	16641	8608	14610
10	Jammu & Kashmir	32152	20063	27059	49945	20533	26622	76109	37363	22258
11	Jharkhand	132192	80749	80624	167282	69041	122584	156495	70940	119947
12	Karnataka	69746	40605	68740	96014	51578	89807	96104	44221	83029
13	Kerala	15956	8323	13890	18861	10854	17696	21265	11990	19233
14	Madhya Pradesh	179824	86770	121187	184328	85569	153094	222282	113249	194012
15	Maharashtra	89523	45730	76383	109235	67386	98285	119387	56432	107884
16	Manipur	4809	1851	2086	3930	321	782	5286	1500	0
17	Meghalaya	14007	9360	10854	16613	9440	10795	19816	9383	12094
18	Mizoram	4803	4212	4718	6739	5113	2127	8490	6618	8254
19	Nagaland	5136	4596	4576	5718	2868	3204	6429	4913	5440
20	Orissa	108844	62854	80401	105041	49081	84525	139903	63062	112012
21	Punjab	18489	10494	12705	26510	13808	26102	36912	20044	36772
22	Rajasthan	159999	101307	134401	179804	108327	162651	224062	127124	199894
23	Sikkim	2303	1036	896	2302	1075	1890	2456	1736	2041
24	Tamil Nadu	70271	53125	60672	78230	45414	84457	86231	48366	78267
25	Tripura	4832	4178	4294	7469	6464	6937	11173	7473	9196
26	Uttar Pradesh	344153	204758	294482	374627	212885	331477	387025	196012	335049
27	Uttarakhand	25284	13163	18572	27296	11444	22073	33057	16006	27187
28	West Bengal	143876	90572	101725	173779	65169	124384	219373	104142	162540

Sl.No.	Name of the State	2007-2008			2008-2009			2009-2010		
		Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.	Outlay	GoI Release	Exp.
29	A & N Islands	929	187	262	1404	781	1128	1351	412	0
30	Chandigarh	1954	935	1315	1886	821	1063	2757	1101	2063
31	Dadra & N. Haveli	794	419	287	1002	105	623	1167	350	631
32	Daman & Diu	258		131	293	0	139	469	169	324
33	Delhi	5234	1672	2973	6125	1529	3906	5833	3089	3685
34	Lakshadweep	235		112	347	70	230	292	144	246
35	Pondicherry	894	577	667	1314	639	1142	1246	670	1125
	Total	2135956	1143204	1556557	2410947	1261120	1905652	2755178	1278108	2100147

AGENDA NOTE ON NATIONAL VOCATIONAL QUALIFICATION FRAMEWORK (NVQF)

1.0 Background

The technical and vocational education and training system (TVET) in India develops human resource through a three-tier system:

- Graduate and post-graduate level specialists (e.g. IITs, NITs, engineering colleges) trained as engineers and technologists.
- Diploma-level graduates who are trained in polytechnics as technicians and supervisors.
- Certificate-level for higher secondary students in the vocational stream and craft people trained in ITIs as well as through formal apprenticeships as semi-skilled and skilled workers.

There are more than 17 ministries/departments which provide or finance formal/non-formal VET programmes. The total annual training capacity of VET programmes offered through various Ministries/Departments is estimated to be about 28 lakh. The main Ministries are Ministry of Human Resource Development (MHRD) and Ministry of Labour & Employment (M/oL&E).

There are lot of variations between the VET programme in terms of duration, target group, entry qualifications, testing and certification, curriculum, etc. which has resulted in problems related to recognition of qualifications, equivalence and vertical mobility. There is also a need to expand the VET programmes to achieve the target of providing training to around 120 lakh annually. Addressing the nation on the Independence Day (2007), Prime Minister spoke of the *need for a Vocational Education Mission, and declared that 1600 new industrial training institutes (ITIs) and polytechnics, 10,000 new vocational schools and 50,000 new Skill Development Centres will be opened to ensure that annually, over 100 lakh students get vocational training, which would be a four-fold increase.*

2.0 National Vocational Qualification Framework

There is need for a National Vocational Qualification Framework (NVQF) to provide a common reference framework for linking various qualifications and setting common principles and guidelines for a nationally recognised qualification system. It is a unified system of national qualifications covering Schools, Vocational Education and Training Institutions and the Higher Education sector. It is useful in integrating education and training system that encourages life-long learning.

The NVQF is designed to:

- provide nationally recognised, consistent standards and qualifications.
- provide recognition and credit for all learning of knowledge and skills.

- facilitate mobility and progression within education, training and career paths.
- facilitate validation of non-formal and informal learning as recognition of prior learning.
- facilitate lifelong learning.
- promote international recognition of qualification offered in the country.

2.1 The Need

India is referred to as a 'young nation' with 28 million population of youth added every year. Only about 2.5 million vocational training seats are available in the country whereas about 12.8 million persons enter the labour market every year. About 90 per cent of employment opportunities require vocational skills, something that is not being imparted in schools and colleges. The major reforms proposed for bringing about necessary 'flexibility' in the offering of vocational courses and development of 'modular competency based curricula' in collaboration with the Industry to suit the needs of the a variety of target groups and the employers will be useful in reducing the skill shortage.

The National Policy on Skill Development-2009 of Government of India identifies NVQF as the main instrument for linking various education and training pathways and qualifications. The NVQF will

- lead to a shift from a *provider determined education and training system* to *user determined or demand-driven training system*.
- encourage people to *progress through quality assured education and training provisions through a flexible access to qualifications*.
- recognize *prior learning of people* and serve as *linkage between work-based qualification and academic qualifications*.
- involve employers as an *integral part of the training, assessment and certification system*.

2.2 Operational Mechanism of NVQF

2.2.1 The framework proposes to integrate the general academic education, vocational education, vocational training and higher education as a comprehensive system The NVQF has a three-pronged system:

- national standards are registered
- national standards are used by accredited organisations
- a moderation system ensures national consistency.

2.2.2 The different education and training pathway through which NVQF operates are

- formal vocational education and training
- work-based vocational training (informal training)
- open and distance education and training

- blended learning (partly institution based, work-based and open learning education and training).

2.2.3 Credit Accumulation and Credit Transfer (CACT) system provides a means of linking individual components of existing awards, whereas articulation provides sequential pathways between qualifications.

2.2.4 NVQF is based on nationally recognized occupational standards (it is a detailed listing of all major activities that a worker must perform in the occupation) or Competency Standards (it is a detailed listing of the knowledge, skills and attitude that a worker should possess to perform a task) written by the particular employment-led Sector Skills Council. A “Sector” defines a group of related economic entities or enterprises (e.g. financial sector, mining sector, and agricultural sector).

2.2.5 Each occupational/competency standard registered on the NVQF describes what a learner needs to know or what they must be able to achieve. These standards comprise the basic unit against which assessment can be made. Education and training organisations that want to assess learners against standards and provide VET will have to be accredited for those standards.

3.0 The proposed Indian NVQ Framework

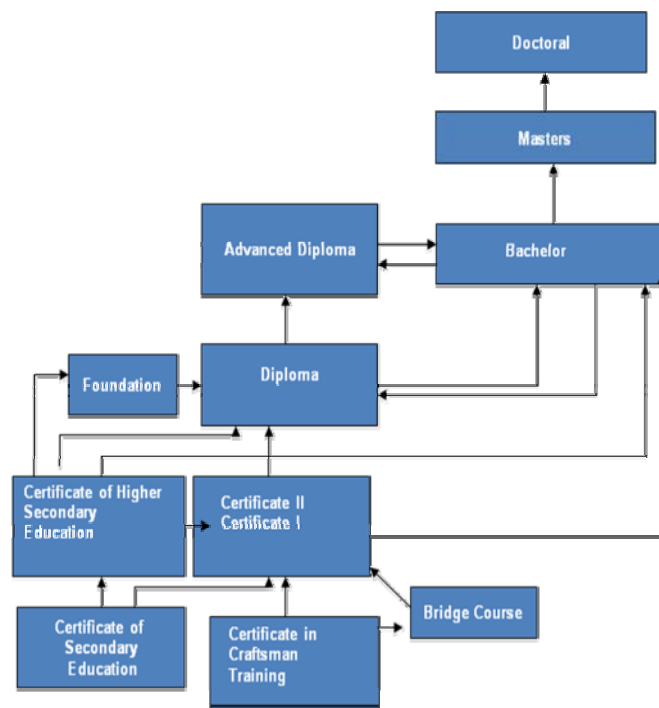
General Education Qualifications		Vocational Education Qualifications	ITI Qualifications	Polytechnic Qualifications	Higher Education Qualifications
Certificate of Higher Secondary Education	Class XII	Certificate II	Trade Certificate II	Advanced Diploma	Post Doctorate Doctorate
	Class XI	Certificate I	Trade Certificate I	Diploma Certificate II** Certificate I*	M.Phil. Master degree Bachelor degree

Certificate of Secondary Education	Class X		Bridge course		
	Class IX		Certificate in Craftsmen Training #		

- * First year of polytechnic diploma,
- ** Second year of polytechnic diploma,
- # Entry is after class 8.

4.0

Qualification Pathways



5.0 Examples of Countries with National Qualification Framework

- Australia
- Austria
- Canada
- Denmark
- Ireland
- Malaysia
- New Zealand
- Sri Lanka
- South Africa

- Switzerland
- United Kingdom

It would be desirable to develop a detailed National Vocational Qualification Framework so as to address the issue of skill shortage in various sectors in the country.

AGENDA NOTE ON CORE CURRICULUM ON SCIENCE AND MATHEMATICS SUBJECTS IN THE HIGHER SECONDARY STAGE.

The need for a core curriculum in Science and Mathematics in the higher secondary stage (classes 11 & 12) for all school Boards in the country has been felt for some time. The rationale behind this is as follows:

- a) To ensure that the learning outcome of students passing out from the higher secondary stage from any Boards in the country is at an acceptable level.
- b) To provide a level playing field for students affiliated to various Boards in the country in all India level entrance examinations to join various courses including engineering, medical, science, law, architecture *etc.*
- c) To reduce the gap among various Boards in the curriculum, so that any student passing out from any Indian Board would be globally competitive.

This issue was discussed in the annual conference of COBSE (which is an association of all central and state Boards of secondary education), in Hyderabad on 9-10th August, 2008 and there was a recommendation that the commonality of Science and Math syllabus at the senior secondary level should be raised to 90/95 percent allowing 5/10% for local needs and concerns. It was also decided that COBSE would constitute a committee to work on the core elements for adoption by different Boards so as to ensure that students have a level playing field in competitive examinations, particularly for engineering and medicine.

In the 56th meeting of CAGE held on 31st August 2009, the following decision was taken: “CAGE endorsed the necessity of a core curriculum in science and mathematics at secondary and higher secondary levels across all Education Board in the country, so as to provide a level playing field to all students to join professional courses”.

NCERT has already developed National Curriculum Framework 2005 for all stages of school education including higher secondary stage. The syllabi for the higher secondary stage have also been prepared by NCERT. 17 states and Union Territories have already adopted or adapted the NCERT syllabi at the higher secondary stage in order to provide education of comparable quality. These states are Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Kerala, Sikkim, Uttarakhand, Andaman and Nicobar Islands, Lakshadweep and Rajasthan. 6 more states namely Punjab, Manipur, Mizoram, Uttar Pradesh, Madhya Pradesh and Meghalaya have revised their syllabi on the basis of NCF 2005. Thus, a large number of states have already adapted a core curriculum at the higher secondary stage. Some more states namely, Gujarat, Maharashtra, Andhra Pradesh, Orissa, West Bengal, Tripura, Daman and Diu, Puducherry, Dadra and Nagar Haveli, Karnataka, Nagaland and Tamil Nadu are in the process of revising the syllabi in the higher secondary stage.

Therefore, it is appropriate time to introduce core curriculum by all central and state Boards for the higher secondary stage so as to provide comparable standards of education and also to provide a level playing field for participation in competitive entrance tests at all India

level. A meeting of the representatives of Boards of Secondary Education was held by COBSE on 16.2.2010 and 20 out of 29 boards conducting higher secondary examination attended. All the Boards present in the meeting unanimously decided to adopt the core curriculum in Science and Math from the session 2011-12.

It is, therefore, for the consideration of COBSE to endorse the proposal for introduction of core curriculum for senior secondary stage in Science and Math at the higher secondary stage from the next academic session 2011-12, and also to consider adoption of a core curriculum in Commerce subjects from the academic session 2012-13.
