

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.