

PART-V

NOTIFICATION

NO.AS/LEG-07/2024/1411

Dated Kohima, the 27th February, 2024.

“The Establishment of Private University Bill, 2024” together with the Statement of Objects and Reasons and the Financial Memorandum which was introduced in the Nagaland Legislative Assembly on Tuesday the 27th February 2024, is published for general information as required under Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

KHRUOHITUONUO RIO
Secretary-in-Charge
Nagaland Legislative Assembly
Secretariat: Kohima

ESTABLISHMENT OF PRIVATE UNIVERSITY BILL, 2024**1. FOR THE ESTABLISHMENT OF PRIVATE UNIVERSITY IN THE STATE OF NAGALAND, THE FOLLOWING PROCEDURES SHALL BE ADOPTED:**

The proposal for establishment of Private University shall be submitted to the Director, Directorate of Higher Education, Nagaland Kohima by the Sponsoring body. The sponsoring body shall be:

- (a). A Society registered under the **Societies Registration Act ,1860 (Central Act No.21 of 1860)** or
- (b). Any Public Trust registered under the **State Public Trust Act, or the Indian Trusts Act 1882 (Central Act No.2 of 1882)** or under the **relevant Laws in any other State or Union Territory** or
- (c). A Company registered under **Sec 8 Companies Act, 2013.**

2. PROCEDURES FOR SUBMISSION OF APPLICATION AND PROPOSAL TO BE FOLLOWED BY THE SPOSORING BODY:

A Sponsoring Body desirous of setting up of a Private University, shall submit an application along with detailed proposal to the Director, Directorate of Higher Education along with a demand draft of **₹ .2,00,000/- (Rupees two lakh)** only in favour of Director, Higher Education.

3. CONTENTS OF THE PROPOSAL:

The proposal must contain the following particulars, namely:-

- a. The proposal should mandatorily contain- the details of the sponsoring body along with the copies of its Registration Certificate, constitutions and byelaws;
- b. The name, location and headquarters of the proposed University;
- c. The objectives of the University;
- d. Justifications regarding the necessity of establishing the proposed University;
- e. Details of whether the Private University is proposed to be a domain specific or multi-domain and in case of multiple domain, details of the specific domains proposed such as engineering, law, management etc;
- f. The nature and type of programmes of study, training and research proposed to be undertaken by means of:
Conventional (Physical/Regular Classes), Skill, Vocational, Onlinetas per UGC Norms) by the University and their relevance to the development goals and employment needs of the country and the State and phasing of such programmes over the first five year with programme -wise enrolment targets;
- g. The proposed fee structure including the extent of concessions or rebates in fee or free-ships and scholarships to economically or socially backward families, including ST, handicapped students; at least 25% seats shall be reserved for the all aforesaid categories put together;
- h. The system proposed to be followed for selecting students to the programmes of study at the University;

- i. The experience and expertise in the concerned disciplines; availability of academic research and training facilities including teaching and non teaching staff; the system proposed to be followed for appointment of teachers and other employees in University;
- j. The availability of land and proof of ownership of land (if already exist) or plans for land procurement and infrastructural development for the proposed University in phased manner;
- k. The details of plans for campus development such as construction of buildings, development of structural amenities and infrastructural facilities and procurement of equipments etc. to be undertaken before the University starts functioning and phased programmes for campus and infrastructure development within first five years of its existence;
- l. Details of play grounds and other facilities available or proposed to be created for games and sports and extra-curricular activities like National Cadet Corps, National Service Schemes, Scout & Guides etc.;
- m. The outlays of capital expenditure proposed for the next five years and its sources of finance and estimated expenditure per student;
- n. Commitment to follow the norms of the regulating bodies;
- o. Commitment to include two representatives of the State Government as members in the **Board of Governors (BOG)** and two representative of the State Government as members in the **Board of Management (BOM)** in the University.
- p. Such other details as the sponsoring body may like to give or such other details as may be prescribed by the State Government.

4. EXAMINATION OF APPLICATION AND PROPOSAL AND THE INSPECTION REPORT: (AT DIRECTORATE LEVEL AND STATE LEVEL)

At the Directorate Level:

On receipt of the proposal for establishment of a Private University, The Director of Higher Education shall:

- a. Depute its officers for Inspection/Examination of submitted Proposal of the Sponsoring Universities or Agencies and submit its report/findings.
- b. Obtain relevant land documents of the site (acquired /to be acquired) for the proposed University.
- c. Directorate shall examine/scrutinize the application, proposal, documents, reports and forward to the Government for examination by the Committee Constituted by the State Government.
- d. The procedures to be completed within a period of 2 months from receipt of the application and proposal.
- e. *Proposals with incomplete documents will be rejected from the Directorate level after due opportunity is given to the applicant.*

At the State Level:

At the State Level, the State Government shall constitute a Committee comprising of senior officials from the Department .The Committee shall:

- a. Examine the applications, proposal, documents and reports submitted by the Directorate.
- b. Examine the financial soundness and assets of the sponsoring body or its promoters and its ability to set up the infrastructure of the proposed University;
- c. Shall examine the background, general reputation of the sponsoring body, its experience in the field and its commitment to follow the norms of UGC or any regulated body;

- d. Examine the potentiality to develop the human resources as per the requirements of contemporary demands.
- e. Examine the proposal and the detail project report, may call for such information from the sponsoring body as it thinks proper for the purpose.
- f. Submit its report to the State Government within a period of one month from the date of its constitution.
- g. At the State level, the Committee shall complete all the necessary procedures within a period of 3 (three) months time after receipt from the Directorate.

5. ISSUE OF LETTER OF INTENT:

After the receipt of the report of the committee, if the State Government is satisfied that it is advisable to establish the university, it may issue a **Letter of Intent** and ask the sponsoring body to:-

- a. Establish an Endowment Fund for the University which shall be pledged to the State Government which may be increased by notification issued by the State Government in the Gazette from time to time. The amount of endowment fund shall be:
 - i). ₹ 3,00,00,000/- (Rupees Three crore) only (multi-domain).
 - ii). The Sponsoring body shall establish a permanent Endowment Fund. The Endowment Fund shall be deposited in a dedicated Account of the Directorate of Higher Education.
 - iii). The Endowment Fund shall be deposited in the form of Fixed Deposit and shall be kept in the Account till the University exist.
 - iv). The Account shall be jointly operated by the Director and a representative appointed by the sponsoring body/university.
 - v). The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of the Act and functions as per provision of the Act, the Statutes and the Ordinances. The State Government shall have the power to forfeit part or whole of the Endowment Fund in case the University or the Sponsoring body contravenes the provisions of the Act, Statutes, the Ordinances, the regulations or rules made there under.
 - vi). The sponsoring body may utilize **75 percent** of the total interest generated from the Endowment Fund for the development of infrastructure of the University and not for meeting the recurring expenditure of the University.
 - vii). Procedures to withdraw 75% percent of the total interest generated from the fixed deposit of the endowment fund-
 - The sponsoring body/university shall submit a proposal to the Director, Higher Education with Detail Project Reports indicating the type works, amount required and the tentative date of completion of the infrastructure developmental works to be taken up by the University.
 - The Director shall examine and forward the proposal to the Government for Administrative Approval from the Administrative Head of Department (AHOD).
 - Basing on the Administrative approval issued by the AHOD, the Director shall issue an order allowing the sponsoring body/University to withdraw the amount from the bank.

- The Cheque for withdrawal of fund shall be jointly signed by the Director, Higher Education and the official representative of the sponsoring body/University.
 - viii). The Director, Higher Education shall depute officers from the Department to inspect and monitor the progress of the developmental works basing on the Detail Project Reports submitted by the sponsoring body/University.
 - ix). The fund drawn shall be strictly utilized for the projects which are projected in the DPR only. Diversion of fund for other non developmental works shall not be allowed.
 - x). The sponsoring body/University shall submit the progress report of the works with photographs to the Director, Higher Education every 6(six) months till completion of the works.
 - xi). The sponsoring body/University shall complete the works within the stipulated period as indicated in the DPR.
 - xii). In case of diversion of fund, non compliance to government instructions and discontinuation of the works by the sponsoring body/ University, the State Government shall have the right to forfeit the exact amount released to the university. The amount shall be forfeited by deduction from the interest accrued from the endowment fund.
 - xiii). 1% of the Interest accrued from the Endowment Fund shall be utilised by the Department for inspection and monitoring activities for the respective universities.
- b. To acquire not less than 25 acres of land. The sponsoring body/ university should possess the required area of land by way of Ownership or Lease for a period of 30 (thirty) years.
 - c. Construct/Lease/Acquire administrative building of at least 1000 sq mtrs, academic building including library, lecture theatre, laboratories, of at least 10000 sq mtrs, adequate residential accommodation for teachers guest, hotels which shall gradually be increased to accommodate at least 25% of students strength in each course within 3 years of existence.
 - d. Purchase books and journals of at least ₹ .10,00,000/- (Rupees Ten Lakhs) only as per the norms of regulating bodies, purchase equipments, computers, furniture's other mobile and immobile assets and infrastructure facilities worth ₹ .20,00,000/- (Rupees Twenty lakhs) only or as per the norms of the regulating bodies.
 - e. Give undertaking to appoint at least one Professor, two Associate Professors and three Assistant Professors having prescribed qualifications and necessary supporting staff in each department or discipline to be started by the sponsoring body/University.
 - f. Give undertaking for establishment of provident fund and to take up welfare programmes for the employees of the University and
 - g. Give undertaking to fulfil all such conditions prescribed by University Grants Commission (UGC), All India Council for Technical Education (AICTE) and other statutory body established by the law of the Union and the State Government.

6. SUBMISSION OF COMPLIANCE REPORT BY THE SPONSORING BODY:

- a. The sponsoring body shall, within a maximum period of one year, submit to the State Government a compliance report along with an unambiguous affidavit, necessary documents to the effect that all conditions referred in the Letter of Intent have been fulfilled.
- b. On receiving the compliance report, the Department shall get the report duly verified.
- c. After completion of the verification of the compliance report, the Department shall submit its report to the State Government within a period of one month specifying whether the sponsoring body has fulfilled the requirements and conditions laid down in the Letter of Intent (LoI).

- d. If the sponsoring body has failed to comply with the provision of the Letter of Intent within a maximum period of one year from the date of issue of the Letter of Intent, the proposal submitted shall stand rejected and the Letter of Intent issued to the sponsoring body shall be deemed to have been withdrawn.
- e. However, the State Government may extend the term of Letter of Intent for a further period of one year if such request is made by the sponsoring body and the State Government is satisfied in respect of the reasons given by the sponsoring body for extension of Letter of Intent.
- f. If the State Government is satisfied after considering the report of the Department submitted under **Para 6.(c)**, necessary action in respect of establishment of the Private University may be taken up by the State Government.

7. ENACTMENT OF LAW FOR PRIVATE UNIVERSITY:

After receiving satisfactory reports from the Committee constituted by the State Government, the State Government (Department of Higher & Technical Education) will table a separate bill/Ordinance for specific Private University before the State Legislature for its approval. The State Government will then pass a bill for the establishment and incorporation of the particular Private University, thereby enabling the Government to issue a Gazette Notification.

8. OTHER CONDITIONS:

- a. The said Notification will be sent to UGC and Ministry of Education Government of India, New Delhi for information. The Sponsoring Body will be further required to make an application to UGC to enlist the newly incorporated University in the UGC List of Authorized Universities.
- b. The University must meet the norms, notifications, regulations and guidelines as laid down by UGC from time to time, offer all academic and non formal courses as per UGC guidelines, adhere to the nomenclature of degrees and programmes as specified under UGC Act and set up statutes, regulations, rules and Authorities like Board of Governors, Board of Management, Academic Council, Executive Council, Finance Committee and other required Boards and Committee as per the UGC norms to deal with governance, academic, administration and financial issues.
- c. The University shall maintain high standards of academics, instructions and physical infrastructure, qualification of teachers, management etc. as prescribed by the Statutory/Regulatory body concerned, such as University Grants Commission (UGC), All India Council for Technical Education (AICTE), Medical Council of India (MCI), Dental Council of India (DCI), National Council of Teachers Education (NCERT), Bar Council of India (BCI), Indian Nursing Council of India (MC) etc. And shall obtain their approval for running various programmes of study as applicable.
- d. The University will be required to get itself assessed by NAAC within **5 (five)** years of its establishment and will also have to fulfil all other requirements/ criteria laid down by various statutory bodies as applicable.
- e. A copy of the Annual Report & Audit Report of the University is to be submitted to the Director, Directorate of Higher Education, Government of Nagaland after every financial year.

- f. A nominal share of the students' fee of ₹ . 250/- (Rupees One Hundred Fifty) only per student shall be given to the State Government annually.
- g. Comply to UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations,2003 and UGC Letter No. F.NO/DEB/QMC/2013 23.8.2013 regarding Territorial jurisdiction & offering of programmes through off campus/Study Centres etc by Institutions/Universities-reg (*Enclosed*) and any other Orders/Notifications issued by UGC from time to time.

9. Special Clause: *DEPARTMENT OF TECHNICAL EDUCATION, NAGALAND*

ESTABLISHMENT OF TECHNICAL/PROFESSIONAL (Engineering, Allied & Professional courses/programmes) UNIVERSITY

Notwithstanding above mentioned rules for establishment of Private University for the Technical / Professional (*Engineering, Allied & Professional courses/Programmes*) in the State of Nagaland the application shall be routed through the **DIRECTORATE OF TECHNICAL EDUCATION, GOVERNMENT OF NAGALAND.**

STATEMENT OF OBJECTS AND REASONS

Considering the growing need for quality facilities in the State's Higher Education system to cater to the growing number of students, the State Government considers it necessary to formulate a guideline to provide a stable policy and institutional framework to encourage private investment in the State with an emphasis on the guiding principles of access, equity and quality in the higher education sector.

The Bill for setting up of Private Universities in Nagaland is expected to provide a stable environment and a level playing field to private players in the State. It is intended to encourage private investment in the higher education in a well regulated and transparent manner.

The Bill for establishment and incorporation of private universities in the State for imparting higher education and to regulate their functions and for matters connected therewith and incidental thereto.

Taking into due consideration, the expectations and aspirations of the people of the State, "**the Guidelines for Establishment of Private University Act, 2024**", is hereby proposed through this Bill.

Sd/-

TEMJEN IMNA ALONG
HON'BLE MINISTER
HIGHER EDUCATION & TOURISM
NAGALAND, KOHIMA.

FINANCIAL MEMORANDUM

The provisions and implementation in The Establishment of Private University Bill, 2024 do not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State. Hence, this is not a Money Bill or a Financial Bill.

Sd/-
TEMJEN IMNA ALONG
HON'BLE MINISTER
HIGHER EDUCATION & TOURISM
NAGALAND, KOHIMA.