



PARLIAMENT OF INDIA RAJYA SABHA

247

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON HUMAN RESOURCE DEVELOPMENT

TWO HUNDRED FORTY SEVENTH REPORT

ON

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

(PRESENTED TO THE RAJYA SABHA ON 13TH DECEMBER, 2012)
(LAID ON THE TABLE OF LOK SABHA ON 13TH DECEMBER, 2012)

RAJYA SABHA SECRETARIAT
NEW DELHI
DECEMBER, 2012/ AGRAHAYANA, 1934 (SAKA)

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**COMPOSITION OF THE COMMITTEE ON HRD
(2011-12)**

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30. Shri Madhu Goud Yaskhi
31. *Shri Rathod Ramesh

**COMPOSITION OF THE COMMITTEE ON HRD
(2012-13)**

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RAJYA SABHA

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SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

P E R F A C E

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Forty Seventh Report of the Committee on the Higher Education and Research Bill, 2011.*

2. The Higher Education and Research Bill, 2011 was introduced in the Rajya Sabha on the 28th December, 2011. In pursuance of Rule 270 relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha referred ** the Bill to the Committee on the 3rd the January, 2012 for examination and report.

3. The Bill being a major policy initiative, the Committee issued a Press Release on the 18th January, 2012 for eliciting public opinion on the Bill. The Committee received a large number of memoranda in response to the Press Release. The memoranda were forwarded to the Department of Higher Education for comments. Views of the stakeholders and the comments of the Department were taken note of while formulating the observations and recommendations of the Committee. The Committee held extensive deliberations with both Government and Private Sector stakeholders which included, Secretary, Department of Higher Education, Chairman, University Grants Commission, Chairman, All India Council of Technical Education, Vice Chancellors of Delhi University, IGNOU and Kannur University, Secretary, Department of Health and Family Welfare, Chairman, Medical Council of India (MCI), Secretary, Department of Health Research and DG, Indian Council of Medical Research (ICMR), and representatives of Institute of Chartered Accountants of India (ICAI), Institute of Cost Accountants of India, Institute of Company Secretaries of India (ICSI), Institution of Engineers, Bar Council of India, FICCI, PHD Chambers of Commerce and Industry, Education Promotion Society of India (EPSI), Saarthak Advocates and Solicitors, Delhi University Teachers Association, Rakshak Foundation, National Council of Teacher Education, Council of Architecture and representatives of State Government of Uttar Pradesh and Government of NCT of Delhi.

4. The Committee considered the Bill in fifteen sittings held on the 22nd February, 17th May, 4th, 15th, 22nd, 29th June, 20th July, 3rd, 16th, 28th August, 29th October, 6th, 19th, 29th November and 11th December, 2012.

5. The Committee, while drafting the Report, relied on the following:

- (i) Background Note on the Bill received from the Department of Higher Education;
- (ii) Note on the clauses of the Bill received from the Department of Higher Education;
- (iii) Verbatim record of the oral evidence taken on the Bill;
- (iv) Presentation made and clarification given by the Secretary, Department of Higher Education;
- (v) Memoranda received from organizations/individuals;
- (vi) Replies to questionnaire received from the Department of Higher Education; and
- (vii) Replies to questionnaire received from the stakeholders.

6. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on 11th December, 2012.

7. Two Notes of dissent given by Shri P. K. Biju and Shri Prashanta Kumar Majumdar are appended to the Report.

8. For facility of the reference, observations and recommendations of Committee have been printed in bold letters at end of Report.

NEW DELHI
December 11, 2012
Agrahayana 20, 1934 (Saka)

OSCAR FERNANDES,
Chairman

*Department-related Parliamentary
Standing Committee on Human Resource Development*

(iii)

* Published in Gazette of India Extraordinary Part-II Section 2 dated 28th December, 2011

**Rajya Sabha Secretariat Parliamentary Bulletin Part II No.49196 dated 3rd January, 2012

LIST OF ABBREVIATIONS

1	IGNOU	-	Indira Gandhi National Open University
2	MCI	-	Medical Council of India
3	ICMR	-	Indian Council of Medical Research
4	ICAI	-	Institute of Chartered Accountants of India
5	ICSI	-	Institute of Company Secretaries of India
6	FICCI	-	Federation of Indian Chambers of Commerce & Industry
7	EPSI	-	Education Promotion Society of India
8	PHD	-	Punjab, Haryana and Delhi
9	ICT	-	Information and Communication Technology
10	DEC	-	Distance Education Council
11	BOG	-	Board of Governors
12	NCTE	-	National Council for Teacher Education
13	UGC	-	University Grants Commission
14	AICTE	-	All India Council for Technical Education
15	NPE	-	National Policy on Education
16	IRAHE	-	Independent Regulatory Authority for Higher Education
17	NKC	-	National Knowledge Commission
18	NCHER	-	National Commission for Higher Education & Research
19	CABE	-	Central Advisory Board of Education
20	NCERT	-	National Council for Education, Research & Training
21	MDI	-	Management Development Institute
22	IIT	-	Indian Institute of Technology
23	BCI	-	Bar Council of India
24	NCHRH	-	National Commission for Human Resource for Health
25	HRD	-	Human Resource Development
26	DUTA	-	Delhi University Teacher Association

I. INTRODUCTION

1.1 The Higher Education and Research Bill, 2011 was referred to the Department-related Parliamentary Standing Committee on Human Resource Development by the Hon'ble Chairman, Rajya Sabha on the 3rd January, 2012 for examination and report.

1.2 The Higher Education and Research Bill, 2011 seeks to provide for comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices and for that purpose to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical, professional and medical education other than agricultural education and for matters connected therewith or incidental thereto.

1.3 The Statement of Objects and Reasons to the Bill reads as follows:-

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

University Grants Commission was constituted as a statutory body under the UGC Act, 1956 for coordinating the activities of higher educational institutions maintaining standards. It was expected that the UGC would perform the over arching function of promoting and steering the higher education sector in country. Over time however, several Councils have been set up to promote or regulate areas of technical, professional and medical education. While this has focused attention on specialized areas of education, it has also led to fragmentation of knowledge with different regulatory agencies taking different views on matters of standards and promotion of higher education. This has prevented flow of ideas across disciplines and created boundaries in the higher educational sector where none should exist. It has, therefore, become imperative that a holistic view of higher education is taken because of the increasingly converging nature of disciplines and the opportunities of knowledge creation that lie at the intersections of existing disciplines.

In its report, the Education Commission (Kothari Commission) (1964-66) had recommended that the University Grants Commission should represent the entire spectrum of higher education and that all higher education should be regarded as an integrated

whole. The National Policy on Education, 1986, and the Plan of Action, 1992, have also envisaged the establishment of a National Apex Body for bringing about greater coordination and integration in the planning and development of higher education system including research. The National Knowledge Commission in its Report, 2007 had recommended the establishment of an Independent Regulatory Authority for Higher Education. The Committee to advise on the Renovation and Rejuvenation of Higher Education in its Report, 2009, has also recommended for the creation of an all-encompassing the National Commission for Higher Education and Research as a Constitutional body to replace the existing regulatory bodies. In view of the above, it is proposed to enact a law, namely, the Higher Education and Research Bill, 2011 empowering the Central Government to establish the National Commission for Higher Education and Research which shall be an over-arching body to maintain and coordinate the standards in higher education in the country. The Higher Education and Research Bill, 2011 seeks to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation; to provide for a comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices and for that purpose to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including university education, vocational, technical, professional and medical education other than agricultural education".

1.4 Giving a background of the Bill, the Department of Higher Education submitted that with the rapid growth in the higher education sector, numerous concerns had arisen about the regulatory structure in various fields of knowledge in institutions of higher learning. At present, the Indian Higher Education system encompassed nearly 554 University level institutions and over 32,000 colleges. The expansion of the higher educational system also witnessed the setting up of several Councils for promoting and/or regulating areas of higher education, technical education, professional and medical education. While this had focused attention on specialized areas of education, it had also led to fragmentation of knowledge with different regulatory agencies taking different views on matters of standards and promotion of higher education. This had prevented flow of ideas across disciplines and created boundaries in the higher educational sector where none should exist. In this backdrop, it became imperative that a holistic view of higher education was

taken because of the increasingly converging nature of disciplines and the opportunities of knowledge creation that lie at the intersections of existing disciplines.

1.5 The Secretary, Department of Higher Education, in her deposition before the Committee highlighted the fact that the Higher Education and Research Bill, 2011 was the centerpiece of reforms in higher education amongst the series of legislations brought out in the field of higher education. She submitted that the vision and mission of the Ministry was to focus on reinvesting the universities of the country with the autonomy and the self-governance paradigm essential for meeting the challenges of the twenty-first century.

1.6 The Committee was given to understand that the origin of the idea of establishing a national body for regulating higher education could be traced to the reports of Kothari Commission (1964-66), the National Policy on Education (1986), the Plan of Action 1992, the National Knowledge Commission (2007) and the Committee on the Renovation and Rejuvenation of Higher Education under Prof. Yashpal (2009). The Kothari Commission had recommended that the UGC should represent the entire spectrum of higher education and that all higher education should be regarded as an integrated whole. The NPE and Plan of Action envisaged the establishment of a National Apex Body for bringing about greater system including research. NKC had recommended for the establishment of an Independent Regulatory Authority for Higher Education (IRAHE) and the Yashpal Committee had recommended for the creation of an all-encompassing National Commission for Higher Education and Research, a constitutional body to replace the existing regulatory bodies.

1.7 The Committee was further informed that with the proposed legislation being enacted, the three Acts i.e the UGC Act, 1956, the AICTE Act, 1987 and the NCTE Act, 1983 shall stand repealed and the three statutory bodies set up thereunder would be subsumed in the new Commission proposed to be set up.

II. CONSULTATION PROCESS

2.1 Considering the wide ramifications of the proposed legislation on the higher education system of the country due to the massive changes envisaged, the consultation exercise undertaken by the Department to gather the views/suggestions of all the stakeholders was of great importance. The Department submitted that the issue of NCHER was placed at the Central Advisory Board of Education (CABE) in its 56th Resolution meeting held on the 31st August, 2009. CABE approved the proposal for an autonomous overarching authority for Higher Education and research with its policy-related functions being distinct from regulatory functions. Some States felt that there should

be scope for the involvement of States. A Task Force constituted to follow up on the proposed NCHER consulted the States in this regard. CABE also approved the proposal of a self-selecting Collegium of eminent persons for greater objectivity and assistance to Search Committee in the selection of Chairperson and Members of the proposed National Commission and in the selection of Vice-Chancellors and other eminent academic and research positions.

2.2 After going through the recommendations of the Yash Pal Committee Report and the NKC Report, the Task Force prepared a draft legislation proposing the broad structure, constitution and powers and functions of the proposed NCHER. It was then placed in the public domain for consultations in the month of January, 2010. In addition to receiving comments and suggestions from the general public and experts, including State Governments, the Task Force also deemed it fit to hold consultations with various stakeholders in different regions of the country. Therefore, consultation meetings were held in the month of February and March, 2010 at Bengaluru, Thiruvanthapuram, Chennai, Bhopal, Ahmedabad, Pune, Guwahati, Kolkata, Ranchi, Chandigarh and New Delhi. An interaction with academics, State Higher Education Councils and industry association representations was held on the 29th May, 2010 and suggestions received therein were also considered by the Task Force.

2.3 It was highlighted in the Report of the Task Force that during consultations at different locations in the country, a recurrent theme was that the Bill deviated from the approach of the National Knowledge Commission and Yashpal Committee by fragmenting higher education. A strong concern was expressed at all the consultation conferences seeking a holistic approach to higher education and paving the way for inclusion of medical education within the ambit of the Bill, which the initial draft did not include. Taking a cue from the practice prevalent in several countries around the world that the professional councils could further structure an existing examination qualifying which enabled a graduate or post graduate to register as a practitioner of a particular profession. A similar approach was suggested by the Task Force according to which NCHER could lay down standards of academic quality for the advancement of knowledge and pursuit of studies, including medical education. NCHER would not enter the realm of specifying standards of qualifications required for professional practice which would entirely be within the jurisdiction of professional councils. In order to have a consensual approach to the issue, a meeting was also held in the Planning Commission on the 10th June, 2010 with the members of Task Force on the proposed National Council for Human Resources in Health Bill. After the Bill was finalized, it was placed before the Central Advisory Board of Education (CABE) in its meeting held on the 19th June, 2010 and was unanimously endorsed by CABE. However, CABE decided that all the States

should be asked once again to formally furnish their comments/suggestions on the Bill within a month. In all, eighteen States responded by sending their comments on the Bill.

2.4 The Committee observes that the State Governments of Bihar, Uttarakhand, Kerala, Maharashtra, Mizoram, Haryana, Punjab, Tamil Nadu, Chhattisgarh, Uttar Pradesh, Rajasthan, UT of Chandigarh, Manipur, Karnataka, Madhya Pradesh and West Bengal had submitted their comments to the Ministry of HRD on the Bill. The Committee finds that almost all the State Governments have voiced their serious concern about the proposed legislation being against the federal structure of the country. The spirit of the Bill seemed against the federal structure of education as well as political system of the country. It would adversely affect the autonomy of State Governments. It has also been alleged that the aspirations of State Universities were being ignored as it did not take care of the local sensibilities and problems which were best understood and resolved at the State Government level. Secondly, it has been pointed out by the State Governments that they have neither been empowered nor been given a chance to represent or play any role in the formulation of policy on higher education and research. In fact, the State Governments have been excluded from the process of policy formulation. Such exclusion and denial of role for State Governments would deprive the States of any role in the future of higher education in the States. This would also have negative impact on the enrolment and quality in higher education. The State Governments have demanded to have more voice and space in decision-making. It had been suggested by the State Governments that NCHER should not function in isolation and a mechanism should be put in place to ensure harmonious functioning.

2.5 In other words, the following are the specific areas of concern, which the State Governments have pointed out in the proposed Bill:-

- A tendency in the Bill is that of centralization of power which militates against the principles of federal polity. There is a danger of the new body becoming an authoritarian one in nature and functioning. The body of so-called seven wise men with unrestricted powers is going to regulate higher education in the entire country. Comprehensive and coherent policy formulation for the entire country may not be possible by the few members of the Commission.
- The Bill in its present form will result in eroding the autonomy of Universities, particularly the State Universities. The proposed NCHER would reduce all academic and administrative bodies of the Universities to functional non-entities.
- Certain sections of the Bill (26(3)(4), 32, 33, 36, 41 and 54) are in direct conflict with the prevailing jurisdiction of the State Governments and Legislature and

place the proposed new body over and above the legislature and State Governments.

- There is lack of proper representation of States in the NCHER. The representation of States is there only in the General Council and no substantial powers are given to the representatives of the States as the members have no say on the important issues.

2.6 The response of the Department of Higher Education to the strong reservations expressed by the State Governments was that Education was a subject in the Concurrent List of the Seventh Schedule of the Constitution. While the State Legislatures were competent to establish, regulate and wind up Universities under Entry 32 of the State List, such Universities could be regulated presently by the UGC which had been created to sub-serve the purposes of Entry 66. NCHER would be exercising the same functions as UGC. Similarly, such powers were also being exercised by other statutory regulatory bodies. Hence, there was no overt or covert intention to disturb the federal structure of the country through this Bill.

2.7 The Committee has been viewing with serious concern the element of sheer lack of consultation process with the most crucial stakeholders, i.e. State Governments persisting in the various draft legislations relating to higher education brought before it in the last two-three years. The Committee feels disturbed to note that the present piece of legislation is also no exception. The Committee would like to emphasize that undisputedly it is the State Governments alone which have to ultimately work as implementing agencies at the ground level as and when this Bill becomes an Act. One must not forget that ours is a very diverse country, with different States representing their own specific and unique features and ground-realities. While the Central Government has its well-defined role of a co-ordinator, it is the State Governments which are the active participants and beneficiaries. The Committee is, therefore, of the firm view that the proposed Bill in no way should adversely affect the federal structure of the country. The State Governments should have proper representation and say in the formulation of any policy relating to higher education. Further, it is a fact that an over-arching body like NCHER would not be able to regulate the higher education system of the entire country without the active participation of the State Governments. The Committee also feels that due importance should be given to regional/local specificities and sensibilities, while formulating any policy. From the feedback made available to the Committee, it is quite evident that very pertinent apprehensions of State Governments have remained unaddressed. Rightful course would have been if the Department had allayed the

apprehensions of the State Governments by finding a middle path where there would have been harmonious decision-making and functioning between the Centre and States. However, as in the earlier cases, the Department has failed to take the right initiative in this direction.

2.8 The Committee has been given to understand that the Department had consulted other stakeholders/scholars/educationists/CABE Members on the proposed Bill like NCERT, Association of Indian Universities, Polytechnics Lecturers Welfare Association of Haryana, Central Council of Indian Medicine, MDI, Gurgaon, PHD Chamber of Commerce and Industry, Round Table organized by Observer Research Foundation, Mumbai, Pan IIT Alumni, Economic and Political Weekly etc. The important issues highlighted by these stakeholders are as follows:-

- Mechanisms for social audit of the processes of the Commission and for obtaining feedback from the public to foster accountability could be specified in the Bill rather than putting under powers and functions of the Commission
- NCHER should ensure that not only the Institutes but the curriculum and programmes are also accredited to prevent academic stagnation, since it is noticed that many Universities do not revise their curricula even for decades.
- Lack of clarity between executive and advisory functions of the Commission and planning, implementing and monitoring responsibilities are ascribed to the Commission.
- Role and responsibilities of the State Governments in respect of State Universities need to be specified with clarity.
- The Bill needs to contain measures for revamping of governance structures of Universities especially State Universities with respect to accountability and financial discipline.
- The Bill ignores the issue of quality of education and expansion of State Universities, which are the backbone of higher education in India.
- The functions of the Commission are a source of concern. The Bill proposes combining the regulatory, funding and promotional roles in higher education under a single body.
- The Bill provides a vast list of areas to be brought under uniform regulation of Commission. These include areas like curriculum, affiliation etc. These have been traditionally under the purview of Universities and this type of rule-making goes against the stated larger objectives of University autonomy.

2.9 The Committee observes that the proposed legislation would affect all facets of the higher education system and is envisaged to revamp it totally with the creation of new dispensations proposed under it. The Committee takes cognizance of the various shortcomings and gap areas highlighted by the stakeholders. The Committee finds that the objective of the proposed legislation is laudable but there is an air of suspicion and confusion regarding the creation of an overarching body having all the functions of planning, advising, implementing and monitoring by subsuming the tried and tested well-established regulatory bodies like UGC, AICTE and NCTE. The Committee is of the view that the arena of the higher

education system in the country is too large and wide and is highly sensitive to area-specific social, economical and cultural specialties. Effective implementation of manifold aspects of higher education initiatives initiated in the recent past by a single and centralized body does not seem to be a very viable proposition. The Committee would like to point out that promotion of autonomy of higher educational institutions and universities is the corner-stone of the proposed legislation. Unfortunately, this remains the weakest area in the eyes of all the stakeholders consulted by the Department. The Committee, therefore, observes that the need of the hour is to allay completely the apprehensions of the stakeholders by specifying with utmost clarity as to how the proposed legislation would go about revamping the higher education system in the country through its over-arching body without over-stepping on the functions and powers of the State Governments and Universities.

2.10 The Committee takes note of the fact that well-established statutory regulatory bodies like UGC, AICTE and NCTE are proposed to be subsumed under the over-arching Commission. All these bodies have been established at different points of time, with UGC being set up way back in 1956. All these years, these bodies have been carrying out their assigned task effectively. However, with the passage of time, there has been a massive expansion of higher education sector in the country. Fast-changing global scenario and emergence of newer areas of specialization, particularly so far as professional education is concerned have complicated the situation further. If one looks back at the past six decades in the higher education sector, initially when there were fewer number of institutions, the policy-makers set up separate regulatory bodies governing their own specific domain. The present situation is that there has been tremendous increase in the number of higher educational institutions, reaching to as many as 600 universities, 33,000 colleges, 3800 technical institutions, 500 architecture institutions, 3800 management institutions. In such a scenario, apparently these institutions would stand greatly benefitted by specialized bodies. Overlapping and over-stepping in their functioning should not be cited as the factor responsible for getting them subsumed under one Umbrella Commission. Appropriate course would perhaps have been their re-structuring and strengthening, taking the long awaited corrective measures. The Committee would like to point out that from time to time, it has been giving specific observations and recommendations on different aspects of higher education. Somehow the same have not been given due importance by the Department.

2.11 The Committee observes that the proposed legislation as formulated not only leaves very critical gap-areas unattended but also regulatory functions of the statutory bodies are not reflected therein. It seems that with the proposed legislation being enacted, there would be no monitoring mechanism available for technical institutions deviating from their assigned role. The other worrisome aspect disturbing the Committee is that the main objective of the Bill, protecting the autonomy of higher educational institutions, is likely to remain unachieved. Many provisions of the Bill clearly indicate that when enacted, they will directly interfere in the functioning of all categories of higher educational institutions, including State universities. Finally, all the existing regulatory bodies are having their presence in States through Regional Councils/Boards/Committees. But the same are missing in the proposed legislation.

2.12 The idea of having one over-arching Commission encompassing the entire higher education sector germinated from the recommendations made by the National Knowledge Commission (NKC) and the Yashpal Committee. The Committee observes that NKC had recommended the setting up of four Standing Committees for Legal Education, Medical Education, Management Education and Open and Distance Education under the Commission. These Standing Committees have been assigned all the regulatory powers enshrined in the existing regulatory bodies. Recommendation of the Yashpal Committee was to divest all professional bodies of their academic functions which would be restored to the Universities. The professional bodies may conduct regular qualifying tests for professionals, may prescribe syllabi for such exams and leave it to the universities to design their curriculum.

2.13 The Committee observes that Reports of the National Knowledge Commission, Yashpal Committee and the Task Force on Higher Education are the corner-stone on which the proposed National Commission for Higher Education and Research and various ancillary bodies thereunder is envisaged. The Task Force had also undertaken a very extensive consultation exercise with the State Governments and other stakeholders. The draft Bill was unanimously endorsed by CAGE. The Committee finds that as decided by CAGE all the State Governments were asked once again to furnish their comments on the Bill. The draft was further revised based on the suggestions received from the State Governments. The Committee has been given to understand that the revised draft Bill ensures that the federal polity of the country is in no way compromised while at the same time ensuring uniformity in standards of higher education and research across the country encompassing all institutions

of higher learning. The Committee had the opportunity to make a comparative analysis of two earlier draft Bills of 2010 and the present Bill before it. The Committee is, however, surprised to note that so far as apprehensions of State Governments are concerned they have virtually remained unaddressed.

2.14 Keeping in view the wide-ranging impact of the proposed Bill in the higher education sector, the Committee decided to give another opportunity to all the stakeholders and those concerned to share their views on the Bill with it. The Committee, accordingly, issued a Press Release on the 18th January, 2012 to which an over-whelming response was received. All the relevant Memoranda were forwarded to the Department for getting their feedback. In a series of interactions spread over 15 meetings, the Committee heard a large number of witnesses, representing different backgrounds. These included the Institute of Chartered Accountants of India, the Institute of Cost and Works Accountants of India, the Institute of Company Secretaries of India, the Institution of Engineers, Bar Council of India, Delhi University, IGNOU, Department of Higher Education, Departments of Health & Family Welfare and Health Research, the Federation of Indian Chambers of Commerce and Industry, the PHD Chambers of Commerce and Industry, the Education Promotion Society of India, the Sarthak Advocates and Solicitors, the Delhi University Teacher's Association, UGC, AICTE, the Rakshak Foundation, the Indian Council of Medical Research, the Council of Architecture and NCTE. Besides that, detailed questionnaire sent by it to all the stakeholders also elicited very useful information. This exercise enabled the Committee to examine the proposed legislation in great detail, covering all the conceivable aspects. The Committee also decided to have the benefit of the views of State Governments so as to widen its process of consultation. It heard the views of Secretaries of Education of the State Government of Uttar Pradesh and National Capital Territory of Delhi. However, the questionnaire sent to the remaining State Governments failed to elicit any response.

2.15 The Committee interacted with the Chairman of UGC on the 29th June, 2012 who supported the proposed Bill on the ground that due to enormous transformation in the higher education system in India, it had become the core concern of social and economic development. However, many challenges marred the higher education system in India. The Chairman, UGC submitted that these challenges required visionary policy initiatives which should include inclusive and qualitative expansion of higher education, strengthening of research and innovation, autonomy of institutions of higher learning, quick redressal of disputes/grievances, prevention of malpractices in educational institutions and taking care of proper skilled work force.

2.16 The Committee was given to understand that UGC needed to reform itself due to the expansion of higher education system and the growing demands of diversified system of higher education. The need was to create a better enabling environment to meet the goal of higher education, better autonomy at all levels from Universities to the apex bodies, setting standards for academic quality and accreditation and then switching over to verification and authentication instead of inspection, change in the process of selection of leaders in educational institutions etc. He highlighted the fact that there was a need to have a national perspective on higher education with a reasonable amount of uniformity in so far as regulatory roles were concerned. He was of the opinion that some of these challenges could not be addressed through the existing provisions of the UGC. Hence, the proposed legislation was required for addressing the emerging issues in the areas of higher education and for the purposes of bringing about qualitative improvement in higher education.

2.17 The Committee also had the opportunity of interacting with the Chairman, AICTE. He apprised the Committee that out of about 8200 programmes which included engineering, technology, architecture, pharmacy and applied arts, most of them were for engineering (3900 institutions) and management (3800 institutions) sector. Also, there were around 3700 polytechnics in the country catering to about one million students at the entry level. He pointed out that there were many challenges in the sphere of technical education like the shortage of teachers. Also, the quality of education being imparted in technical institutions was worrisome. Inability of many institutions to get into the research mode was another problem-area in the technical education sector. There was shortage of funds to promote research in technical institutions.

2.18 The Chairman, AICTE also drew the attention of the Committee to the technical institutions having poor industry interface. Institutions located in big cities where there was lot of scope for industry connect were doing very well as compared to institutions located in rural areas or remote places. The proposed legislation, according to him, was a conscious effort to bring different education groups together and to create a synergy between various bodies to set better standards for higher learning. This Bill would also help in avoiding the overlap and areas of conflict between the several regulators and would seek to build the best practices together and inter-link different disciplines. The umbrella kind of a body as proposed in the Bill would set standards for quality and create synergy wherever needed.

2.19 Representatives of NCTE appeared before the Committee on the 3rd August, 2012 to present their views on the Bill. The Member Secretary, NCTE submitted before the Committee that

the Bill had the objective of having a holistic and integrated approach to higher education which would be mutually beneficial to the various streams of learning including teacher education. Under the National Curriculum Framework of Teacher Education of 2009 prepared by the NCTE, one of the important recommendations was that all programmes of teacher education should be part of the University system. Therefore, there seemed to be compatibility between the NCTE and the proposed Bill with respect to the overall framework that these institutions should be a part of the University system. It was believed this move of having one composite structure under which all areas of education would merge would be of big advantage from the perspective of the improvement in the teacher education system. Even the report of the Education Commission in 1964-66 recommended to bring the entire teacher education system under the university or higher education system as the teacher education curriculum was suffering because of its isolation from the higher education system. Through the proposed legislation, an attempt was being made to bring in teacher education as a component of professional education of teachers under the umbrella of higher education system.

2.20 The representatives of NCTE also highlighted few concerns regarding the Bill. In their view, teacher education was not adequately reflected in the Bill. There was no definition of teacher education or professional education. Also, the Bill was only about higher education system and confined only to those sectors of teacher education which were already under higher education. Teacher education was divided into several sectors. The Bachelor of Education and Master of Education programmes fell in the domain of university system but preparation of teachers for elementary education and for early childhood was being handled by the State-level system. If the entire teacher education system was to be brought under the umbrella of higher education system, all the divisions of teacher education would have to be accommodated in the Bill as it was not desirable to fragment the system of teacher education. The NCTE was presently dealing with all the sectors of teacher education and if it was to be dissolved, all functions of the NCTE should be reflected in the Bill. Secondly, it was suggested by NCTE representatives that there should be an expert group for teacher education also at par with other expert groups of other disciplines.

2.21 Since the legal and health research were proposed to be brought within the ambit of this legislation, the Committee considered it essential to hear the views of the Bar Council of India (BCI) and the Ministry of Health and Family Welfare and Medical Council of India (MCI). The Committee met the representatives of BCI on the 17th May and the 16th August, 2012. They informed the Committee that the Bar Council of India was not consulted before bringing forth the Bill. The Chairman, Bar Council of India informed the Committee that with regard to legal

education and profession, the Bar Council of India and the State Bar Councils were fully authorized by the Advocates Act, 1961 to prescribe the norms, curriculum of legal education, recognition of Universities etc. The role of BCI was to promote legal education and to lay down standards of such education in consultation with Universities in India imparting such education and the State Bar Councils; to recognize Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities; to recognize on a reciprocal basis foreign qualification in law obtained outside India etc. The proposed Bill was making an attempt to take away the powers and functions of the BCI as specified under the Advocates Act and also indirectly affecting the powers and functions of State Bar Councils. The nominees of the Central Government were to constitute a Commission which would decide the fate of the entire education system of the country. The BCI had its own Legal Education Committee consisting of academicians of eminence like Vice Chancellors of National Law Universities, Chairman, UGC, Law Secretary, eminent jurists and lawyers. The representatives of the BCI were of the firm view that in no case, NCHER could compete with their Education Committee and, therefore, there was no need of any kind of interference with regard to legal education. Further, they pointed out that legal education and practice were inseparable. The Bill would undermine the autonomy of legal education and profession. It sought to generalize legal education along with medical education, accountancy, engineering etc under one umbrella organization which would lack expertise and would not be a representative body. It was, therefore, suggested by the representatives of BCI to keep legal education out of the purview of the Bill and leave BCI as its sole authority.

2.22 The Committee also heard the views of the Secretary, Department of Health and Family Welfare and Chairman, MCI on the proposed legislation on the 4th January, 2012. He informed the Committee about the National Commission for Human Resources for Health Bill, 2011 (NCHRH) which was meant to provide for an overarching structure, to have a commonality between the different streams of medical education; to lay down certain standards and to determine and regulate the standard of health education in the country. The existing Councils like MCI, the Nursing Council, the Pharmacy Council, the Dental Council would continue to function and regulate the different streams of medical profession and ethics. The Secretary admitted that there were many areas of overlap between the NCHRH Bill and the NCHER Bill but safeguards had been brought in after lot of deliberations. In case of a conflict in which a standard or norm laid down by the MCI was not accepted by the NCHER, a joint mechanism had been included to resolve the issue.

2.23 Continuing on the logic of including medical education within the NCHER Bill, 2011, the Committee was informed that the Ministry of HRD in May, 2010 took a view that there could be

no distinction between various disciplines and medical or legal education were to be regarded as higher education and a part of university education. Recognizing the fact that medical education was still a part of the university system broadly in matter of degrees and recognition, it was felt that the area of health research was an area which the university system was better equipped to handle than the medical colleges. The role of higher education system and medical education and having two bodies for them could not be overlooked. Thus, the responsibilities for regulating medical education was vested with the National Commission for Human Resources in Health but guided by the NCHER. A compromise of sort was, therefore, reached. There would be a dialogue at the highest level between NCHER and NCHRH in formulating policies. There would be clear role for universities in health research but the business of conducting medical education, nursing education, paramedical, pharmacy and other kinds which were not strictly within higher education and were recognized more as professional courses would remain within NCHRH. The primary responsibility for governing medical education should be with the Ministry of Health and Family Welfare and there should be no direct control of NCHER on the medical education.

2.24 The Committee continued the process of consultations by hearing the views of FICCI and PHD Chambers of Commerce and Industry on the 15th June, 2012. FICCI pointed out that the Bill aimed to subsume various existing councils to provide a single window to the stakeholders and to ensure that the current system that had resulted in fragmentation of knowledge with different regulatory agencies, taking different views on matters of standards and promotion of higher education was done away with. It was pointed out that the Bill did not talk about functions of AICTE and DEC that have been taking different positions on some very important issues in the recent past. Similarly, the Bill includes no mention on the regulation of some very critical domains of higher education viz; there were five councils/associations each claiming to be the genuine regulatory body for physiotherapy as a profession and they have been demanding to have a say in the training of physiotherapists. The First Schedule attached to the Bill did not have any council dealing with physiology. NCTE was the regulator for teachers' education in the country. The Bill was silent on its future role. Deemed to be University could be established under the provisions of Section 3 of the UGC Act, 1956. This concept of setting up a deemed to be university was peculiar to India. It created a lot of of avoidable confusion in the present era of internationalization of higher education. Section 17(2)(c) of the Bill conferred powers on NCHER to specify norms and processes for setting up of universities. It implied, that once the Bill came into force, no more deemed to be universities were likely to be established. It would be prudent to include a clause in the Bill laying down the process of converting deemed to be universities to full fledged universities.

Otherwise, this anomaly would remain with the system for perpetuity. It may require each Deemed to be University to get its own 'Act' to be passed by the respective State Legislature or the Parliament, as the case may be.

2.25 Committee's attention was drawn by FICCI to the dismal status of industry academia linkage in the country. They pointed out that due to a closed economy in the past, the research took a back seat. But, in the last two decades, because of globalization and rapid technological changes, there was a need for industry-academia linkages with the top industries or companies. However, it was the tier-2 and tier-3 institutions and medium and small enterprises which faced a problem in actually creating that linkage. The large institutions have a leader who was capable of making those connects and linkages got developed, but smaller institutions did not have a leader to make such communications with companies and industries. Therefore, there was a requirement which would bring good practices to institutions which were in isolation.

2.26 The representatives of FICCI also raised a question about the functioning of the UGC. They opined that the UGC Act was very well developed but the problem was vesting of powers like approval, accreditation and financing in one single body. They submitted that there was a communication gap and all the universities were suffering from that. They were of the view that creation of a single regulatory body would help as they would be asking permission from a single body than all the regulatory bodies. They also supported the promotion of inter-disciplinary education and research in the Bill. They submitted that joint degree courses were prevalent all over the world and leaving these out of the purview of the Bill would lessen the impact of the Bill.

2.27 The Committee was informed by the PHD Chamber of Commerce and Industry that they welcomed the Bill and were of the view that the NCHER Bill was a big step towards providing greater autonomy to universities in a self-regulated mechanism. The need for an over-arching body was precisely because there had been a multiplicity of regulatory bodies with over-lapping and confusing mandates. Also, the need was for a body which was at an arms length from the Government. Such a body was not envisaged in regulating the autonomy of universities but as a facilitative structure, laying down transparent and non-discretionary criteria for the entry and accreditation of new players, both private, public and foreign. One among the several entry barriers that existed today which deterred many deserving rightful players and corporates to enter higher education space was multiplicity of authorities and a state of unclarity. A single Commission would be able to provide a single window solution for educational institutions. It would reduce the

scope for differing interpretations, legislations and rules and would thus reduce scope for corruption and mal-practices.

2.28 The PHD Chambers submitted before the Committee that it was ironical that on one hand greater participation of private sector in expansion of higher education was being talked about and on the other, the NCHER Bill 2011 did not define a 'private university' which was privately funded and established under the state private university enactment. They were of the view that definition of the term 'private university' should be given separately with the concept of autonomy, while having the same quality adherence norms as of a public university. Also, the condition to seek prior approval from NCHER, before admitting its first students was welcome as this would further ensure maintenance of quality and entry of only serious players.

2.29 Various issues were raised by many other stakeholders on the proposed legislation on the 15th June, 2012. The representatives of Education Promotion Society of India (EPSI) submitted before the Committee that this Bill was going to tilt the balance of scale in favour of the Union Government and it was ignoring the interests of State Governments which had been given the right to govern universities and higher education. This Bill would lead to further centralization of higher education which was not in the interest of future growth of higher education as it would require fast decision-making and simple kind of organizing and management. The national policy of expansion of higher education would not be implemented if the current Bill was passed as this Bill would demotivate the private players coming to the educational sector and lead to reduction in the gross enrolment ratio. Further, they were of the view that a single body may not be a viable mechanism to deal with ever-increasing categories of higher education as well as massive expansion of higher education in the country. Existing higher education system having specific bodies to deal with specific different areas of education and practicing/profession was the most suitable under these circumstances. Domain specific independent bodies like UGC, AICTE, MCI had their own set of problems. Instead of plugging these holes, a new over-arching body was being created which would become unmanageable and un-repairable. Also, monitoring and facilitating mechanisms by NCHER could not be the solution for implementation of norms. Instead of plugging the holes in the current system, it was bound to create more confusion and develop bigger holes. Autonomy of the institutions of higher education and universities was going to be totally taken away as determination and regulation of standards of all the higher education and university matters was vested with the National Higher Education Commission to be established under the proposed legislation.

2.30 Commenting on the role played by UGC, the representatives of EPSI submitted that UGC was performing well its functions of allocation and disbursement of grants for promotion of university education to a certain extent and these efforts further needed to be augmented to facilitate private contribution for massive expansion of higher education and research in the country. A new body to step into the shoes of UGC and/or other existing body(ies) would not serve any purpose. Rather UGC and other existing bodies needed to be pro-active and perform their functions in real spirit. Policies needed to be introduced to enable as many universities and higher educational institutions to avail the benefit of grant available with the UGC and other Centre as well as State Sponsored Schemes. There was a need for increasing the accountability of members of the UGC and an even more urgent need to depoliticize the body in terms of appointment of its chairperson and members so that all universities were able to access resources under the control of UGC. In addition, the UGC should have a clear mandate on what it could and could not regulate. For instance, the power of the UGC to take action against non-compliance with regulations which prescribed minimum norms, or conferring a degree by fake universities should be clearly spelt out and appropriate regulatory (not merely recommendatory) powers should be vested in the UGC.

2.31 The Committee elicited the views of Sarthak Advocates on the NCHER Bill on the 15th June, 2012. The representatives of Sarthak Advocates were of the view that intended objectives of the Bill such as creation of an enabling environment for universities to become autonomous and self-regulatory bodies was a positive development. Further, creation of a single body in the sphere of higher education was intended to remove multiplicity of agencies, address confusions and streamline the growth of higher education in India. The creation of an overarching body for regulating standards of higher education may have its advantages as it could help increase investment in the sector by reducing the number of regulatory authorities that potential stakeholders/investors had to deal with and create a unified window system of seeking approvals. In order to reduce duplicity of efforts and to smoothen the process of granting recognition to institutions imparting distance education, a single window by three education sector regulators- UGC, AICTE and the Distance Education Council, was set up by entering into a Memorandum of Understanding. However, it was also noteworthy that the system of having a single regulatory authority may pose problems as the fields of knowledge would increase. It was important to note that regulatory bodies such as the Bar Council of India (BCI), the AICTE and Medical Council of India (MCI) had been formed because the fields of education regulated by these bodies required expertise in that field. An expert in a specific field would be better equipped to take necessary steps to maintain high standards of education in that field of knowledge. Although the Bill provided for

the creation of Expert Advisory Groups on specific branches of knowledge, it was difficult to analyse whether a seven member Commission would be able to effectively coordinate and determine standards for all fields of professional and technical education. Under this Bill, all powers and functions were centralized and were vested in NCHER. While such a high degree of concentration of powers itself was not desirable, NCHER might also get so overburdened with responsibilities and may not be able to perform any of its functions efficiently.

2.32 The representatives of Sarthak Advocates were of the view that the stated policy of the Bill was that it aimed to promote autonomy within higher educational institutions and universities. In addition, universities were not obligated to adopt the measures taken by NCHER for promotion and coordination of higher education and research and these measures were to act as a reference. However, the inclusion of such provisions in the Bill may lead to experimentation and creation of autonomous institutions in the country. Further, under the guise of recommending measures, NCHER may actually lead to creation of universities which would be clones of one another. In addition to this, the Bill sought to take away autonomy in even administrative matters by requiring central educational institutions to appoint their leaders from a directory of academicians to be maintained by NCHER. Similarly, other universities would also be obligated to comply with the norms and qualifications laid down by NCHER in matter of appointment of their heads.

2.33 Another area of concern highlighted by Sarthak Advocates was that the Bill needed to be reviewed closely from the perspective of how it affected the federal structure of the Indian Constitution. Further, there were a number of political issues such as centralization of powers in favour of a single body that would also have to be addressed. Besides these, the proposal for creating a Collegium of Scholars and the Higher Education Financial Services Corporation for disbursement of funds needed careful scrutiny in terms of whether such institutions were actually needed or not. Also, the Bill did not provide penal regulatory powers to NCHER as given in the UGC Act. Without any penal regulatory powers, the proposed NCHER would find it very difficult to supervise the functioning of Universities and will eventually fall short of achieving its objectives.

2.34 The Committee interacted with the Rakshak Foundation, an international organization working towards increasing citizen participation and awareness in public policy issues and reforms on the 20th July, 2012. They submitted that a single, powerful authority such as NCHER did seem to address the problems of multiple authorities in the higher education sector. The need to bring about greater coordination and integration in the development of higher education would be met better in the case of a single authority such as NCHER. By proposing to repeal the UGC Act, 1956, the

AICTE Act, 1987 and the NCTE Act, 1993 and hence dissolving the UGC, AICTE and NCTE to pave the way for a single super-regulator in the form of the NCHER, as envisaged even by the National Knowledge Commission, was a welcome step. While this would address the problem of over-crowding of regulators at the top level, the issue of fragmentation of higher education and lack of inter-disciplinary research still remained unanswered.

2.35 They pointed out certain problems in the Bill. Firstly, the Preamble to the Bill itself was contradictory as on the one hand, it talked about promoting autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation, while on the other hand, it talked about establishing a national commission for higher education and research to facilitate determination, coordination, maintenance and continued enhancement of standards of higher education and research. It did not define the global standards of educational and research practices. For defining nationwide education, vision should be clear with a defined standard. It did not specifically talk about the most important aspect of higher education that needed careful consideration, infrastructure, which needed careful long-term planning. Secondly, the existing regulatory mechanisms had more or less influenced, if not dictated a set pattern of pedagogy and course structure in our higher education system. As a result, the concept of free thinking and interrogation or challenge of ideas that should form the corner-stone of any college education remained missing in recent years. The Bill presented no clarity as to what extent, NCHER would provide flexibility to educational institutions and their faculty in exercising choice in terms of course structure and programmes. Thirdly, the Bill in its present form was silent on addressing the absence of an entrepreneurial and innovative culture in educational institutions. It failed to lay down a comprehensive mechanism or structure to eliminate the obstacles that currently plague the entrepreneurial environment in India. Therefore, they suggested that the Bill should lay down guidelines on how the NCHER in tandem with various arms of the Government of India would help clear the legal and bureaucratic hurdles that seemed to stifle growth in this sector.

2.36 The Committee also had the opportunity to interact with Vice-Chancellors of Delhi University and Kannur University and representatives of Delhi University Teacher Association. While the Vice-Chancellors welcomed the major initiative on the part of the Government in the higher education sector, their emphasis was that autonomy and independent functioning of universities had to be maintained. Very strong issues were raised by representatives of DUTA. They were of the view that in the absence of any data or case studies, existence of multiple regulatory bodies did not create obstacles for flow of ideas across disciplines or creation of institutional provisions for cross-disciplinary and trans-disciplinary pursuit. Their contention was

that the three Councils/Commission to be replaced by the proposed Commission, operate on a very broad classification of fields in higher education and, therefore, cannot be seen as responsible for creating or promoting compartmentalization of knowledge or education. Their second apprehension was that the single body, with sweeping and overriding powers was to provide easy entry to private players. It was also pointed out that with the sweeping powers envisaged for the proposed Commission, many serious policy decisions could be effected through issuance of mere directions without any role for the Parliament or State Legislatures. Autonomy of Universities and research institutions was also likely to be completely undermined. States were under-represented. Similarly, power of State legislatures to start new universities was also going to be seriously eroded. Absence of teachers' representation will lead to opportunities not being there for raising issues concerning universities, transparency, greater democratization and accountability.

2.37 During its interactions with various stakeholders and from the feedback from different quarters made available to it, the Committee was given to understand that there were certain very crucial areas of concern which needed to be addressed first. While examining the various provisions of the Bill against the backdrop of the present system of specialized regulatory bodies having the mandate of different areas of higher education in the country, the Committee also strongly felt that there were indeed very evident gaps in the Bill as envisaged. The situation had become more complicated due to the undercurrent of ambiguity running behind the proposed over-arching Commission and its associated bodies. The Committee made an attempt to introspect on these very evident areas of concern and find a way out by having a final round of deliberations sharing the same with the Secretary, Department of Higher Education. However, the areas of concern continued to persist. The Committee was of the view that it would be failing in its duty, if an attempt was not made to give a comprehensive report on the Bill by taking a holistic view of existing status of higher education in the country and viability of edifice of National Commission for Higher Education and Research. Following paragraphs give a detailed over-view of various areas of concern.

III. AREAS OF CONCERN

Viability of having an over arching and centralised body like NCHER vis-à-vis separate specialized bodies

3.1 The Higher Education and Research Bill, 2011 seeks to establish the National commission for Higher Education and Research which would be an over-arching body to regulate the higher education system of the country. This body would facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research including

university education, vocational, technical, professional and medical education other than agricultural education.

3.2 The Committee has been given to understand that the Government decided to establish an overarching body in higher education to reform the current regulatory structure based on the recommendations of the National Knowledge Commission and the Yashpal Committee. The Yashpal Committee recommended the creation of a National Committee of Higher Education and Research to replace the existing regulatory bodies including the University Grants Commission, All India Council for Technical Education, the National Council of Teacher Education and the Distance Education Council. The National Knowledge Commission also had recommended the establishment of an Independent Regulatory Authority for Higher Education (IRAHE) to oversee all fields of knowledge in higher education including those regulated presently by professional bodies. The recommendations of the Yashpal Committee and the National Knowledge Commission emanated from a realization that fragmentation of various fields of knowledge in higher education had been considered detrimental to the growth of inter-disciplinary subjects.

3.3 The Department justified the creation of an overarching body on the ground that the regulatory provisions of different Councils many times vary substantially from each other since they were created in different periods by different legislations. The overall responsibility of entire higher education system assigned to the UGC was sometimes inadequately recognized in the regulatory provisions of these Councils and there was little co-ordination among the statutory bodies in respect of degree durations, approval mechanisms, accreditation processes etc. It sometimes led to situations in which two regulatory agencies were at loggerheads and fighting legal cases against each other. It was against this background where co-ordination amongst the bodies was lacking with different regulators setting different norms and standards creating an environment of confusion and litigation which necessitated the creation of an overarching body. It was envisaged that this body would be able not only to promote autonomy of higher educational institutions but also develop a framework for institutional accountability, promote joint and cross-disciplinary learning between and amongst institutions of higher education, promote development of a curriculum framework, especially in emerging or inter-disciplinary fields of knowledge and to promote synergy of research in universities and higher educational institutions with other research agencies.

3.4 Lack of co-ordination between different regulatory bodies leading to fragmentation of knowledge has been cited as the main factor responsible for creating an over-arching body.

The Committee is aware that having multiple regulatory bodies may require an educational institution to interact with separate agencies for different courses but this does not necessarily create obstacles for flow of ideas across disciplines or creation of institutional provisions for cross-disciplinary and trans-disciplinary pursuit. The Committee strongly feels that it is high time to make a study if the present structures can be geared to enhance flexibility. Even the existing bodies can promote integration of education and knowledge by appropriately increasing the funding of educational institutions for establishing exchange programmes both for students and faculty, developing new and emerging areas and developing quality infrastructure. Also, the boom in Information and Communication Technology (ICT) has revolutionized the education sector in a big way. It has helped in expanding the possibilities of collaborative work of research and has increased access to courses, curricula and new pedagogical approaches. The Committee also takes note of the fact that the three Councils/Commissions i.e UGC, AICTE and NCTE which are to be subsumed by NCHER operate on a very broad classification of fields in higher education and, therefore, can not be seen as responsible for creating or promoting compartmentalization of knowledge or education. The multiple Commissions/Councils, if reformed thereby eliminating their present shortcomings, may easily create a system of checks and balances necessary for maintaining standards of education and for creating educational institutions of great value and repute. The Committee can also not ignore the apprehension that a single body with sweeping and over-riding process may provide an 'easy' entry to private players. Moreover, the Bill does not incorporate the ways and means by which the proposed single body would be in a position to rectify and overcome the shortcomings afflicting the existing Councils/Commission.

3.5 Another contentious issue which was pointed out to the Committee was the attempt to demarcate education and profession and entrust two separate regulatory bodies for a single discipline. The representatives of Council of Architecture submitted that it was illogical as well as unnecessary to have two bodies for education and profession as the polarization of functions and powers between the two bodies would be detrimental to the growth of the discipline leading to disorganization and dilution of standards and governances. The education and practice were two facets of a single coin and were thus inter-connected. It was stressed that without the mandate to regulate the education in a specialized field, a regulatory body could not effectively regulate the practice of the profession. A body dealing with both could fully identify the requirements and demands of the specialized field.

3.6 It was pointed out to the Committee that the apex body's functions should be limited to planning, policy making, monitoring, programme building while the existing institutions like the UGC stripped of these functions and be entrusted with the responsibility of implementing the policies and programmes that come out of the Commission. Time and again, it was impressed upon the Committee that the National Knowledge Commission and Yashpal Committee's recommendation that there should be a single national level regulatory body for all streams of higher education, was not at all a viable proposition. Given the rapid growth of many distinctive disciplines of knowledge and education and the large and complex requirement of the economy and society, it would be impossible for a single body to centrally manage the monumental and dynamic functions. Different streams of higher education needed different regulatory bodies. It was a half baked and ill-conceived proposal to have a single apex regulatory body for areas as diverse as Engineering and Economics, Biotechnology and History, Medicine and Commerce etc. It was pointed out to the Committee that the laudable objectives of breaking the academic silos in higher education system could be best achieved by re-mandating NCHER as the apex level body for strategic planning, coordination, guidance and reforms for all streams of higher education while retaining separate regulatory bodies for specific streams. NCHER could play a higher strategic leadership role. NCHER could work as a facilitator and as the catalyst in enabling universities to pursue teaching and research within a framework of self governance and autonomy.

3.7 The Committee finds the objective of the legislation very laudable specially in the context of present times as there is a dire need for comprehensive and integrated growth of higher education and research. At the same time, the Committee cannot ignore the concerns of stakeholders which seem to be valid to a great extent. The Committee takes note of all the apprehensions expressed regarding the creation of an over arching body for the regulation of the higher education system of the entire country. The Committee strongly feels that creation of an over-arching body to ameliorate the fragmentation of knowledge due to different regulatory agencies taking different stands is not the only way to deal with ills prevalent in higher education system.

3.8 The Committee observes that upto now, the specialized fields were being regulated by various statutory bodies under the respective Central Statutes. These bodies are being managed and run by specialists and experts from their respective fields. These bodies have had laid down various regulations, norms and guidelines to facilitate regularization, growth and uniformity in both education and profession of their respective fields. The Committee is surprised to note that the composition of the Commission as provided in the Bill does not have

such experts and mere representation given in the General Council to the heads of statutory bodies will not serve the purpose. Considering the vast geographical area of India which has a very large number of institutions at different levels and in different States, it is virtually not possible for a single body like NCHER to undertake the function of regulating all the specialized fields and the sub-fields thereof. Reason being that the time and attention to be devoted to each aspect of the higher education sector are too demanding and can not be effectively handled by a single body. The creation of an over-arching body is also not considered a wise move as it is against the principles of management. Instead of plugging the holes in the domain specific independent bodies like UGC, AICTE etc, an attempt is being made to create an over-arching body with many roles which may become unmanageable. Therefore, such a proposal can not be considered a viable mechanism to deal with the ever increasing categories of higher education as well as massive expansion of higher education in the country.

3.9 The Committee strongly believes that before bringing forth this legislation, a study of the problem areas/weaknesses in the existing regulatory bodies needs to be made. The higher education system of our country is a very wide arena fraught with many problems like faculty shortage, inadequate infrastructure, no uniformity in standards of higher education, lack of co-ordination between regulatory agencies, poor quality of research work etc. Identifying the areas which need to be strengthened by plugging the holes in the functioning of the existing regulatory bodies should have been the first and foremost step in the right direction. The Committee is aware of the important mandate assigned to UGC, AICTE and NCTE which have been there for the past so many decades. Subsuming the three bodies and creating an over-arching body in their place is not the answer to the problem. Reform in the higher education system of the country is a complex process. With the massive expansion of higher education sector and emergence of newer and highly specialized areas of professional courses keeping pace with the ever changing global scenario, it would be highly impractical and unworkable if a single body is designated as the nodal authority. Diverse nature and requirements of different States of our vast country make this gigantic task all the more difficult. In Committee's view, one workable formula could be to have an over-arching Commission working as a coordinator with the specialized bodies working under the overall supervision of the Commission, continuing to have their distinct identity. The Committee is of the view that taking an extreme position, like the one envisaged through the proposed legislation would ultimately lead to undesired results.

3.10 The Committee is constrained to observe that despite wide criticism by the stakeholders, specially the State Governments regarding a single over arching body with huge concentration of roles and functions, the Department has still gone ahead with reposing NCHER with many such functions. The Expert Advisory Committees/Groups as envisaged in the Bill may help the Commission but their role is simply advisory. The Committee feels that concentration of the executive and advisory functions in a single body is not a healthy move as NCHER would be planning, implementing as well as monitoring. Moreover, given the wide spectrum of the higher education system of the country, it does not seem possible for a single body to centrally manage and regulate alone all the disciplines in the higher education. Secondly, the Committee agrees with the view of the stakeholders that administering the higher education system by a single over-arching body would not be able to take into consideration local specificities as well as sensibilities of the vast and diverse country like ours. According to the Committee, the objective of comprehensive and integrated growth of higher education could be possible to achieve if the role of NCHER is envisaged more on lines of a facilitator and co-ordinator giving directions in which the higher education system is to be steered. The Committee feels that the Department could have a re-look on the multiple functions of NCHER as given in the Bill so as to arrive at a more logical and practical one. The Committee firmly believes that any haste in dismantling the functional structures/bodies with a complicated and huge single structure could prove to be counter-productive.

Rationale for subsuming UGC, AICTE & NCTE

3.11 The Committee has been given to understand that the Yashpal Committee in its Report in 2009 had recommended the creation of an all-encompassing National Commission for Higher Education and Research to replace the existing bodies. UGC, AICTE and NCTE were recommended to be subsumed in this over-arching body. It is the view of the Department of Higher Education that while the creation of these bodies did help in focusing attention on specialized areas of education, it has fragmented various fields of knowledge in the higher educational sector from a policy perspective. The regulatory provisions of different Councils very often vary substantially from each other, since they were created at different periods by different legislations. The overall responsibility of entire higher education system assigned to UGC was inadequately recognized in the regulatory provisions of these Councils and there was very little co-ordination among the statutory bodies in respect of degree durations, approval mechanisms, accreditation processes, etc. It sometimes led to situations in which two regulatory agencies were at loggerheads and fighting

legal cases against each other. This was illustrated by examples like the DEC giving recognition to Ph.D courses in the distance mode which as per UGC regulations were not eligible for recognition, or the case of Medical Council of India permitting an institution to go beyond 15 per cent foreign students in the supernumerary quota. In a recent case, the Council of Architecture gave recognition to a course and the college did not find place in the schedule of the particular Act nor was the course recognized by AICTE. Similarly, certain Regulations on teacher education issued by NCTE were at variance with regulations issued by UGC for maintenance of standards in higher educational institutions. With different regulators setting different norms and standards, it would lead to confusion and litigation with the whole system suffering in the process. Fragmentation of higher education created boundaries in the higher educational sector where none should exist. It thus became imperative that a holistic view of higher education was taken because of the increasingly converging nature of disciplines and the opportunities of knowledge creation that lie at the intersections of existing disciplines and an over-arching regulator of higher education is created to achieve this end.

3.12 The Committee was informed that views of UGC, AICTE and NCTE were sought on the Bill. UGC endorsed the overall rationale of the Bill as there was a need to reform apex bodies of higher education including UGC, AICTE, DEC and NCTE in order to create a better enabling environment to meet the goals of higher education, to have a focused regulatory framework at all levels in the higher educational structure, including the apex bodies and the need to change the process of selection of persons through a collegium, to be entrusted with the responsibility of the leadership of these institutions. According to UGC, there was a need to overcome the fragmented nature of regulations governing the higher education system by having a national perspective on higher education with a reasonable amount of uniformity in regulations across the sectors.

3.13 NCTE in its comments to the Department submitted that instead of completely dissolving the existing bodies viz UGC, AICTE and NCTE, these may be considered as ancillary bodies to the NCHER and may be assigned the responsibility to monitor the working of respective recognized institutions of professional education as for NCHER to conduct this activity alone would be too cumbersome. In their oral evidence before the Committee, the representatives of NCTE had expressed their concern that the teacher education was not adequately reflected in the Bill. There was no definition for teacher education, professional education or technical education. They suggested that an expert group for teacher education should also be there for laying down policies for teacher education similar to expert group for humanities, science education etc.

3.14 AICTE Chairman in his presentation to the Committee submitted that the proposed Bill was a conscious effort to bring in different education groups together and the different disciplines together, to build on the best practices of each of the bodies which were created over a period of time, to bring them together, to create a synergy between the different bodies and thereby set better standards for higher learning and to see to it that the implementation was better. Presently, there were several regulators with their own perceptions and requirements of the area and have certain regulatory framework. There were possibilities of over-lapping conflict between the regulators. A single body would be better organized to regulate different disciplines of education.

3.15 In a specific query put up by the Committee regarding team of experts for various disciplines, the Department submitted that while it was imperative that a single over-arching regulator for higher education was in place, it was as important that the valuable inputs of experts from the fields of medical, legal, technical education etc. were obtained when the determination, co-ordination and maintenance of standards of higher education and research standard in these field was under consideration.

3.16 The Committee is of the considered view that subsuming three important existing bodies viz UGC, AICTE and NCTE is a big step fraught with unforeseen situations. These three statutory bodies perform vital roles for specialized fields of education and have been performing more or less satisfactorily inspite of their own constraints and limitations. Subsuming the three bodies and creating an over-arching body like NCHER which would again appoint expert groups for specialized disciplines makes no sense. Given the wide arena of disciplines within the higher education sector, ranging from sciences, arts, technical education to music, fine arts, philosophy etc. NCHER may have to appoint a number of expert groups even if it would be for a specified period. The Committee thinks that instead of appointing expert groups and disbanding that group after the purpose is served, the three existing bodies should not be subsumed but be allowed to function under the overall supervision and co-ordination of NCHER. In this way, all the functions of NCHER would be carried out by these three bodies with a proper monitoring and performance appraisal by NCHER. Not just this, the seven member NCHER body would not be over-burdened with numerous functions of all the three bodies and that too for all the disciplines within the higher education system. The Committee believes that NCHER should act as a super-regulator, as an advisor and guide to the three bodies facilitating their functions and coordinating with them effectively. This would help the higher education system of the country to have a holistic view of things and also lead to its comprehensive and integrated growth.

3.17 The Committee would like to emphasize on the principles of management where-in efficiency of an organization is increased due to decentralization and delegation of work. A body like NCHER definitely would need to delegate and decentralize its powers and functions. Since the expert group would not be permanent, the seven member body would have too many things to handle. Rather than dismantling the existing structures, the Committee feels that the existing structure of bodies should be retained after carrying out reforms for their better functioning. A body like NCHER would find it extremely difficult to regulate higher education system across the country on its own. The Committee, therefore, recommends to the Department that it should review its legislative initiative to dissolve bodies like UGC, AICTE and NCTE and explore alternative and viable mechanism where the three statutory bodies function under the supervision and monitoring of the over-arching body NCHER.

Status of Distance education

3.18 Definition of terms 'higher education' and 'higher educational institution' include education imparted through distance education systems and institutions imparting education through distance education systems. The Committee observes that Distance Education Council declared an authority of IGNOU under section 16 of the IGNOU Act has the mandate to take necessary steps for the promotion of the distance education systems and for the co-ordination and determination of standards of teaching, evaluation and research in such systems. DEC has been assigned manifold functions which inter alia include:-

- to develop a network of open universities/distance education institutions in the country in consultation with the State Governments Universities and other concerned agencies;
- to promote an innovative system of University level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and organize various courses and programmes;
- to advise State Governments, universities and other concerned agencies on their proposals to set up open universities, or to introduce programmes of distance education;
- to prescribe a broad framework for courses and programmes including their pattern and structure;
- to evolve norms, procedures and practices, in respect of admission, evaluation, completion of course requirements, transfer of credits etc. of students admitted to the programmes of the open university/distance education network and for the award of certificates, diplomas and degrees to them.

3.19 The Committee observes that while UGC, AICTE and NCTE are proposed to be subsumed under the over-arching Commission, there is no mention about the fate of Distance

Education Council. As a result, Distance Education Council will continue to enjoy the status of an authority of IGNOU and thus will also have the mandate about the overall promotion and co-ordination about distance education systems. The Committee finds this to be a very unviable proposition, keeping in view the fact that two statutory bodies, i.e. the National Commission for Higher Education and Research and the Distance Education Council would be having the same mandate so far as distance education is concerned. This is bound to result in over-lapping and conflicting stands being taken by the two bodies in future.

3.20 After going through the IGNOU Act, the Committee can only say that this Act was enacted in 1985 to establish and incorporate an Open University at the national level for the introduction and promotion of open university and distance education systems in the educational pattern of the country and for the co-ordination and determination of standards in such systems. It has been more than 25 years since IGNOU was established and apparently no adverse reports about the functioning of the university are there. Rather the University has been doing pioneering work, enabling the students not having the time and means to attend regular classes to reap the benefits of modern day education. In such a scenario, the Committee finds no reason to create a situation when two bodies encroach upon the territory of each other. In Committee's opinion, it would be appropriate if IGNOU and its authority, Distance Education Council continue to carry out their mandate without any hindrance from any quarter. However, as presently proposed, like other Universities, IGNOU along with Distance Education Council would be under the purview of the proposed Commission. In such a scenario, complications would definitely arise. The Committee, accordingly, recommends that relevant provisions of the Bill vis-à-vis IGNOU Act may be appropriately reviewed so that Distance Education Council continues to maintain its distinct identity.

Issue of Autonomy of Higher Educational Institutions/Universities

3.21 The Higher Education and Research Bill, 2011 seeks to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation and to provide for a comprehensive and integrated growth of higher education and research, keeping in view the global standards of educational and research practices.

3.22 Explaining how the proposed legislation promoted autonomy of institutions and universities, the Department of Higher Education submitted that NCHER would take all the measures necessary to spearhead the transformative changes in higher education. It would have power to frame regulations for the said purposes and to promote autonomy of higher educational institutions among

other things through development of a framework for institutional accountability; to promote joint and cross-disciplinary programmes between and amongst institutions of higher education with specific reference to new or emerging or inter disciplinary fields of knowledge and to promote synergy of research in universities and higher educational institutions and with other research agencies.

3.23 The Committee, in its interaction with many stakeholders, was informed that the Bill completely undermined the autonomy of universities and research institutions. This was especially true in the case of public funded institutions, where the Commission also regulated the grants. Likewise, in the context of Central and State Universities, it was essential that the Academic Councils which were well represented by subject specialists be given the freedom and the task of identifying areas of research and courses of study and to determine standards and develop checks and balances, necessary to maintain accountability.

3.24 The Committee has been informed that the Bill seeks to promote autonomy of educational institutions through Clause 16(2)(k) and Clause 24(2)(d). Clause 16(2)(k) empowers NCHER to encourage universities for enabling colleges to innovate in higher education and research, to evolve into Universities or institutions with an authorization to award degrees by itself. Clause 24(2)(d) relates to review of performance of NCHER by the President through a Committee to promote effective institutional academic linkages, inter-institutional linkages and public-private partnerships in higher education. The Committee was, however, given to understand that the attempt to encourage colleges to issue degrees would create chaos and undermine standard and quality. Creating new universities by fragmentation of the existing universities is only a way to create an illusion of expansion. The encouragement of financial autonomy would also negatively impact the content choice of these institutions which would be driven by the immediate market possibilities, while deciding which courses would be financially beneficial.

3.25 Attention of the Committee was also drawn to the fact that there was more emphasis on efficient governance than democratization of decision-making processes. It was deemed unfortunate that democratization of processes and inclusion of stake-holders in decision-making was seen as an impediment. Representation of teachers was completely missing from the Bill. It was emphasized that reforms could not be brought in without the involvement of local community engaged with the system continuously and familiar with the constraints and shortcomings of the system as well as the possibilities and requirements of the system.

3.26 The Committee observes that UGC is mandated to take, in consultation with the universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities. However, the Bill when enacted will also give powers to the Commission to lay down:

- the requirements for the award of any degree or diploma in any field of knowledge in higher education;
- the norms and processes for establishment and winding up of a higher educational institution;
- the norms of academic quality for a university to affiliate colleges; and
- the norms and mechanisms to measure the productivity of research programmes funded by the Commission.

Besides that, every university/higher educational institution intending to enroll students for the first time to any course or programme of study can do so only after getting approval from the Commission. The Commission will also have the power to revoke permission to enroll students. Lastly, all research-related activities of higher educational institutions will be under the control of a Board for Research Promotion and Innovation. By doing so, universities would no more be autonomous and/or self-regulatory bodies. Moreover, there would be then no difference between a university and an institution other than right to confer degrees that too with the prior approval of the Commission to be set up under this Bill. Universities would act just as affiliated colleges attached to the Commission. It was impressed upon the Committee that universities should be continued to be allowed as independent self-regulatory bodies and should be made accountable for their performance.

3.27 The Committee understands that uptill now, Universities have been the sole authority to review and decide about all aspects of university education which inter-alia include:

- to provide for instructions in various branches of learning
- to grant diplomas/certificates and confer degrees and honorary, degrees
- to recognize, withdraw recognition of an institution
- to co-operate or collaborate or associate with any other University
- to establish and maintain colleges
- to confer autonomous status on a college
- to determine standards of admission.

The Universities exercise their powers in accordance with the statutes and ordinances made by them.

3.28 The Committee is of the view that the teaching faculty is an important component of the higher education system. Adequate representation and due importance should be given to

them in formulation, implementation and review of any policy of higher education. Representation of teacher's associations should be there so as to include teachers in holistic development and growth of the higher education system. The faculty of higher educational institutions have first hand knowledge of the problems being faced, incentives which could be given to the students and also offer solutions for problem-areas. Giving them space for voicing their concerns and giving suggestions about the higher education system would go a long way in fostering the spirit of democratic decision making as well as furthering autonomy of institutions and universities.

3.29 As mentioned in the Statement of Objects and Reasons to the Bill, the main objective of the proposed legislation is to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation. It is also true that a holistic view of the higher education system needs to be taken for its growth and also for maintaining and coordinating standards in higher education in the country. On going through the various provisions of the Bill, the Committee is afraid that the apprehensions raised by stake-holders that the proposed legislation does not promote but in actuality hinders the autonomy of higher educational institutions seems to be more than valid.

3.30 The Committee strongly feels that universities should continue to have full autonomy as enshrined in the powers and functions assigned to them under their relevant Acts. The Committee would like to point out that the Academic Council, the principal academic body of a University has the power to co-ordinate and exercise general supervision over the academic policies of its University. As per the Statement of Objects and Reasons to the Bill also, the proposed legislation seeks to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation. The Committee is, therefore, of the view that provisions affecting the autonomy of higher educational institutions and universities should not find place in the Bill.

Concerns of the State Governments about their role and autonomy.

3.31 Apprehensions have been raised by many State Governments and stakeholders that the proposed legislation would go against the coalition interest of the States in governing higher education. It was alleged that the authority and autonomy of State Governments was being undermined. The Bill was said to be against the federal structure of the country.

3.32 Majority of the State Governments like Bihar, Kerala, Maharashtra, Haryana, Punjab, Tamil Nadu, Chhattisgarh, Uttar Pradesh, Manipur, Karnataka, Chandigarh, Madhya Pradesh and West Bengal had given their views to the Ministry raising voices against many aspects of the Bill which they deemed to be against the interests of the State Governments. Some of the important points highlighted are as follows:-

- Seven member body should not be allowed to preside over the entire affairs of the higher education of the country. These are best decided at the State Government level because local sensibilities and local problems are best understood and resolved at the level of State Government.
- Tendency of the Bill is towards centralization of powers which militates against the principles of federal polity. The responsibility for policy formulation, regulation and development is entrusted with a small group which function practically with out any control. The power thus devolved on the group is likely to affect autonomy of institutions the Bill seeks to ensure. There is danger of the new body becoming an authoritarian one in nature and functioning.
- State Governments have neither been empowered nor been given a chance to represent or to play any role while formulating the policy on higher education and research.
- By bringing together all the regulatory bodies under a single overarching authority, situation of monopoly might develop. There is a need to include measures to avoid centralization.
- In NCHER, there is no representation of the State. The representation of the State is there only in the General Council and no substantial powers are given to the representatives of the States as the member has no say on the important issues.
- The powers and functions of NCHER are vast and overriding which will impede higher education. Permission for opening of the colleges may rest with the affiliating universities and powers for opening of University should be vested in the State Government only. Affiliated colleges should be left to the concerned University to ensure minimum standards and quality. Even the powers for commencement of the academic operations of the institution are vested with the NCHER.
- Aspirations of State Universities are ignored and they will not be able to promote regional, cultural and linguistic policies which are their moral responsibility. The Bill in its present form eroded the autonomy of State Universities.
- Authority of State legislatures to establish Universities is undermined by the provisions in the Bill. The Universities which are set up by State Acts will have to get authorization to start academic operation.
- Size of the General Council is very large. Decision making would be difficult in such a large body.
- NCHER and HES Finance Corporation would amount to duplicity in functions and may lead to complications in financing of the institutions.
- Practical functional difficulties in co-ordination may be kept in mind. It is suggested that NCHER should not function in isolation and should not ignore State's call for information, meetings etc. A mechanism should be put in place to ensure harmonious functioning.
- The issues of regional balance and social equity may be kept in mind while appointing Chairperson and members of the Committee.

- It is appropriate to delegate some functions of the NCHER to the State Higher Education Councils or other appropriate bodies in the States. This will strengthen the partnership between States and Centre.
- Apprehension is that the Universities would be subjected to the dictates of 'seven wise men'. The Bill provides for excessive concentration of powers. The NCHER would reduce all academic and administrative bodies of the Universities to functional non-entities.
- Accountability and control of NCHER must be fixed. The existence of one monolithic body doing regulation, financing and accreditation etc will hamper the growth of higher education.
- The Bill should have an advisory spirit rather than regulatory. In a vast and multicultural country like ours, attempting to administer the higher education for the entire country is neither desirable nor feasible.

3.33 Apart from the apprehensions of the State Governments, many other stakeholders also expressed their concern about the autonomy of State Governments. It was pointed out that Parliament did not have legislative competence for matters of Universities in view of express provisions of the Constitution of India as the proposed legislation was an effort to interfere with the regulation and management of matters concerned with the Universities. The State legislatures could only make enactments in this regard. It was an attempt to take control of and regulate the establishment and winding up of Universities and all other Universities 'matters which was an encroachment on the States' rights enshrined in the Constitution. Not just this, entire operations of the Universities and their constituent and affiliated institutions *inter alia* including enrollment of students, quality of teaching, learning and research, physical infrastructure, faculty and other human resources, course curricula, admission and evaluation procedures, management practices, affiliation norms and processes, governance structure and leadership of the Universities were proposed to be brought under the control of the Central Government. The States would have no role in deciding the establishment, entry or exit of University or institution in their respective jurisdiction. In this way, States constitutional rights on University education/Universities were thus being taken away and the Universities across the country including State Universities would be under the control of the Central Government. This encroachment upon the States 'constitutional rights might affect the centre-state relations.

3.34 Committee's attention was drawn to a provision whereunder for appointing a Vice-Chancellor, the Commission would suggest a panel of five candidates from the collegium. It was felt that this process would centralize the process of appointment of Vice-Chancellors whereas for better efficiency and transparency, it was desirable that the selection process of Vice-Chancellors should be decentralized. As regards appointment of Vice-Chancellors, Central Law would be applicable in case of conflict with the State Law. Appointment of Vice-Chancellors in the State

Universities should not be through collegium but through a transparent mode, otherwise the whole power would be concentrated in the seven member Commission. Appointment in the State Universities should not be considered only from the directory of academics. It was also observed that there was no representation from amongst the Vice Chancellors of the State Universities and teachers. It was suggested that representation from the State Universities and senior teachers/faculty should be included.

3.35 The Department of higher Education submitted that Education was a subject in the Concurrent list of the Seventh Schedule of the Constitution. However, the competence to legislate on matters concerning coordination and determination of standards in institutions of higher education on research and scientific and technical institutions lies with Parliament by virtue of Entry 66 of the Union List of the Seventh Schedule of the Constitution. The provisions of Entry 25 in Concurrent List were subject to the provisions of Entry 63, 64, 65, 66 of List I. Therefore, the exercise of powers in respect of any matter concerning education was subject to the provisions of any law made under Entry 66. This Bill was in the domain of Entry 66 of List I. Thus, while the State Legislatures were competent to establish, regulate and wind up Universities under Entry 32 of the State List, such Universities could be regulated presently by the UGC which had been created to sub-serve the purposes of Entry 66. The Department clarified that NCHER would be exercising the same functions as UGC. Similar such powers were also being exercised by other statutory regulatory bodies. Hence, there was no overt or covert intention to disturb the federal structure of the country through this Bill.

3.36 The Committee is disturbed by the emerging aspects of the Bill which can adversely affect the autonomy and interest of State Governments even though it agrees with the justification of the Department that since Education is a Concurrent subject, the Centre has the right to legislate on matters of higher educational institutions and universities. The intention of the Department may not be to disturb the federal structure of the country in any way but still a wide array of apprehensions have been expressed by various State Governments and stakeholders. They were of the firm view that the autonomy of State Governments and their jurisdiction with respect to higher education was being encroached upon. Various areas of concern supported by relevant provisions in the Bill have been highlighted to substantiate their claim. The Committee would like to reiterate upon the fact that any attempt to infringe upon the autonomy of State Governments would not be a wise move which would eventually lead to failure of the legislation itself. The Committee is of the view that the Department should have pursued with the State Governments to allay their

apprehensions and arrive at a consensus on areas of concern in the Bill followed by an attempt to have a model of the proposed legislation which was acceptable to State Governments, the most important stakeholders.

3.37 Coming to specific provisions which have raised doubts/apprehensions regarding curbing the autonomy of State Governments, the Committee is of the view that the Department should have a re-look at the following points and arrive at a consensus in fresh consultation with the State Governments:-

- Proper representation of States in the NCHER.
- Power and functions like opening of Universities, commencement of academic operations of institution etc should be vested in the State Governments.
- Decentralization of powers, assignment of roles and functions to the State Governments instead of centralization of these in the over-arching Commission
- Local sensibilities and problems need to be looked into before formulating any policy for higher education.
- Role of State Governments in appointment of Vice-Chancellors especially of State Universities.

3.38 The Committee agrees with the stakeholders that NCHER should be a more of a facilitator body with an advisory mandate. Practical difficulties in actual implementation of standards of higher education and proper regulation and monitoring is not possible by an over-arching body like NCHER. Co-ordination, co-operation and active involvement of the State Governments is an essential pre-requisite to realize the objectives of the legislation. The Committee feels that a balance has to be struck for a harmonious and smooth functioning and regulation of the higher education system. Aspirations of the States as well as their regional and cultural sensibilities have to be taken into account before formulating any policy for higher education system. In no way, the proposed legislation should reduce the role of State Governments or curb their autonomy. The Committee, therefore, recommends that a review of some of the problematic provisions curtailing autonomy of State Governments must be undertaken by the Department.

Important functions UGC, AICTE & NCTE not reflected in the Bill.

3.39 In the eventuality of dissolving the three existing bodies of UGC, AICTE and NCTE, all the powers and functions of the three bodies would be carried out by NCHER. NCHER would regulate university education, technical education and also teacher education. The Committee observes that important functions of UGC, AICTE and NCTE are not properly reflected in the Bill. In fact, general and vague functions of promoting higher education, determining, coordinating, maintaining and specifying standards of higher education and research, advising and monitoring are mentioned

in the proposed Bill. There is no mention of specific functions of UGC, AICTE and NCTE in the proposed Bill.

3.40 A perusal of the UGC Act, AICTE Act and NCTE Act highlight the following important functions of UGC, AICTE and NCTE which are of prime importance and should be appropriately mentioned in the proposed Bill:

Important functions of UGC

- allocation and disbursal out of the fund of UGC, grants to universities for maintenance and development.
- Collecting information on all such matters relating to University education in India and other countries as it thinks fit and make the same available to any University.
- Regulation of fees and prohibition of donation in certain cases.
- Prohibition regarding giving grant to University not declared by UGC as fit to receive such grants.
- Inspection by UGC of any Department for ascertaining the financial needs of the University or its standard of teaching, examination and research.

Important function of AICTE

- undertaking survey in various fields of technical education, collection of data and forecast of needed growth and development in technical education.
- Co-ordinate the development of technical education in the country at all levels.
- Allocation and disbursal out of the fund of the Council.
- Laying down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examination.
- granting approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned.
- Laying down norms for granting autonomy to technical institutions.
- Causing inspections of any technical institution or University for ascertaining the financial needs of technical institution or University or its standards of teaching, examination and research.
- Formulating schemes for the initial and in-service training and identification of institutions for offering staff development programmes.
- Evolving suitable performance appraisal systems for technical institutions and Universities imparting technical education, incorporating norms and mechanisms for enforcing accountability.

Important functions of the NCTE

- undertaking surveys and studies relating to various aspect of teacher education.
- Coordinating and monitoring teacher education and its development in the country.
- Laying down guidelines for minimum qualifications for employment of teachers, training in teacher education, starting new courses or training etc.
- Laying down guidelines for compliance by recognized institutions for starting new courses or training and for providing physical and instructional facilities, staffing pattern and staff qualifications,

- Evolving suitable performance appraisal systems for technical institutions and Universities imparting technical education, incorporating norms and mechanisms for enforcing accountability or recognized institutions.
- Causing inspections of any institution for ascertaining its functioning in accordance with the act.
- Recognizing institutions offering course or training in teacher education.
- Giving permission for a new course or training by a recognized institution.

3.41 To a query about non-inclusion of important functions in the Bill of the above mentioned bodies, the Department submitted that no specific example of such powers and functions of UGC, AICTE and NCTE was mentioned. The powers accorded to the NCHER covered all facets of higher education in a wide sweep. Also, any power not expressly mentioned in the Bill would be covered under the powers of NCHER to make regulations under clause 63. Clause 83 and 84 also provided for continuance in force of the regulations of these bodies till they were superseded by fresh regulations framed by NCHER.

3.42 The Committee would like to point out that powers and functions of the three statutory bodies as listed above are self-explanatory. There should be no element of ambiguity.

3.43 The Committee would also like to point out that private sector is a major stakeholder so far as higher education is concerned. At present, especially in the field of professional education, their governance of technical institutions, both in the private and Government Sector is under the overall supervision of the three regulatory bodies. They are the nodal authorities for giving recognition to a new institution, addition of a new course and increase in the intake capacity. These powers are exercised in close co-ordination with State Governments and universities. Along with this, a well-structured mechanism of monitoring through inspection is also in-built in the system. In spite of this, there continue to exist quite a few institutions which are not adhering to the prescribed norms or are not duly recognized by the concerned body. In such a scenario, any element of ambiguity is only going to make things very difficult both for the institutions as well as for the young students. The Committee is not inclined to agree with the contention of the Department that the new reform structure would be based on self-disclosure and independent quality control mechanisms. The Committee also does not find merit in the argument of the Department that the primary role of inspection of infrastructure and academic quality would be performed by accreditation agencies. Similarly, the clarification that any non-compliance of regulations made by NCHER would result in attracting penal provisions under the proposed Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions

and Universities Bill, 2010 is not factually correct. The Committee would like to point out that recognition of a new institution and accreditation of an established institution are two different things altogether. Likewise the Prohibition of Unfair Practices Bill mainly takes care of unfair practices against students that too by institutions duly recognized by the statutory authority.

3.44 The Committee also observes that the proposed legislation as formulated clearly indicates that universities will be responsible both for academic courses of study as well as professional courses. That means that they will be playing the role of approval granting and monitoring agencies in both the areas. If that be so, the Committee is constrained to observe that majority of universities are already over-burdened, particularly those having a large number of affiliating colleges. It is an uphill task for them to monitor their constituent departments and affiliated colleges due to lack of required manpower, expertise and infrastructure. Ironically, their domain covering all aspects relating to their functions is proposed to be as per the regulations and directions of the Commissions, virtually being under its overall supervision. In such a scenario, it will be an ill-conceived mechanism fraught with apparent impediments for young students

Strong objection of Bar Council of India over inclusion of legal education within the ambit of the Bill

3.45 The Bar council of India which represents 1.7 million lawyers of India was highly concerned and disturbed that the proposed Bill directly affected the vital and basic structures of the Advocates Act, 1961 under which total autonomy and independence was given to the elected bodies, namely, Bar Council of India and State Bar Councils to regulate the legal profession and legal education. It was further resolved that the HER Bill, 2011 proposed to divest the duties and functions entrusted to the Bar Council of India and State Bar Councils under the Advocates Act, 1961 and it is proposed to vest all these powers with a National Commission consisting of a few academicians. The Council strongly condemned the attempt of the Department to encroach upon the provisions of the Advocates Act, 1961 with a view to usurp the functions and duties of elected bodies comprising of more than seventeen lakh advocates of the country. This Bill sought to deprive the representation of advocates to have their say in the formulation and implementation of policies involving legal education at the professional and educational level, which had been recommended by the All India Bar Committee after taking into account the recommendations of the Law Commission on the subject “Reform of Judicial Administration”, consequently the Advocates Act, 1961 was enacted.

3.46 The Department submitted that legal education and institutions imparting it have been regulated by the Bar council of India which derives its authority from the Advocates Act, 1961. Section 9(1) (h) of the Act *ibid*, *inter alia*, described the functions of the Bar Council to promote legal education and to lay down standards of such education in consultation with universities imparting such education and the State Bar Councils. Section 7(1) (g) granted power to recognize universities whose degree in law shall be a qualification for enrolment as an advocate. BCI advocated that legal education should be taken completely out of the purview of the HE&R Bill. It wanted to have complete control on the legal education and complete regulatory powers over higher educational institutions imparting legal education. The Act defined a law graduate differently from a legal practitioner or an advocate meaning thereby that the Act recognized that every law graduate need not be a legal practitioner whereas in actual practice, every law graduate was allowed to be enrolled as advocate. Legal education was to serve purposes other than the requirements of the Bar and also meet the new needs of academia, research, trade and industry in the context of growing globalization of the economy and the need of create new knowledge. Besides academic legal education, practice of the legal profession in the present age did not necessarily entail practice in courts.

3.47 The main reservations of the Bar Council of India are as follows:-

- the Bill proposed to entrust the entire educational system (including legal education) to a handful of persons, the nominees of Central Government. The fundamental rights of the citizens were likely to be infringed because of several unreasonable restrictions in running the Institution imposed under the Bill.
- legal education was a specialized field but the Bill proposed to appoint members from the field or academics and research to the NCHER who may or may not have any knowledge of legal education.
- If the Bill was passed, it would lead to fall in standard of legal education as requisite expertise in the field and experience both would be missing.
- Autonomy of legal education and profession would be undermined by the proposed Bill.
- the proposed Bill sought to generalize legal education along with medical, accountancy, engineering etc in one umbrella organization which would lack expertise and was not to be a representative body. Legal education was already well demarcated which was proposed to be done away by this Bill.
- the present Bill was an attack on the federal structure and would thus lack legislative competence if enacted by the Parliament and would in that event be ultra-vives of the Constitution.
- Serious objections by the State Bar councils also raised.

It was emphasized that the Bar Council of India is statutorily entrusted with the duties and functions to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils and to recognize

universities whose degree in law shall be a qualification for enrollment as an advocate and for that purpose to visit and inspect universities or cause the State Bar Councils to visit and inspect universities in accordance with such direction as it may give in this behalf.

3.48 In a letter received from the Bar Council of India, the Committee has been informed that the Department had made it clear that the powers of Bar Council of India in relation to legal education leading to grant of degree would not be affected. The Hon'ble Minister orally assured the BCI to make official amendments in the Bill at the appropriate time. On the 30th July, 2012, the Department agreed for the following amendments in the Bill:-

- (i) the words 'legal education leading to degree in Law' is to be inserted in Section 2 before the word agricultural education.
- (ii) In section 3(t) and (u), it has to be made clear that the word 'higher educational institutions' does not include the educational institutions imparting legal education leading to degree in law.

3.49 The Committee is glad to know that a consensus has been reached between the Department and the Bar Council of India over the inclusion of legal education within the ambit of the Higher Education and Research Bill, 2011. The Committee, however, would like to express its concern that a similar stance could be taken up by other bodies controlling other disciplines of education which may lead to lobbying and protests. Every discipline can claim to be specialized one and demand to be excluded from the proposed legislation to be regulated only by their own specialized body instead of a handful of academicians who may or may not have specialized knowledge of the discipline/subject. In such an eventuality, the very purpose of regulation of all disciplines by an over-arching body for holistic growth of the higher education system would be defeated.

Inclusion of medical research in the Bill

3.50 Committee's attention has also been drawn to the inclusion of medical research within the ambit of the proposed legislation. Representatives of ICMR and the Department of Health Research were of the view that medical research was a very specialized field and it would be desirable to keep it separate. It was pointed out that out of the twelve Research Councils in the Board for Research and Innovation representing different disciplines, three would be by rotation. This was considered to be unfair as medical research could not be represented by a person belonging to a different specialty. Secondly, the funding mechanism in the proposed legislation was not found acceptable. It was thought that it would have been much better if the current funding mechanism was strengthened instead of creating a new one. It was suggested that medical research should be together with medical education and under the NCHRH Bill, 2011 as infrastructure

support and human resource development support would be more in the medical colleges. Also, one of the objectives of the NCHRH Bill was to further medical research which was a part and parcel of the other goals of service, education and research. These three aspects needed to be together as better research led to better education and better service.

3.51 The Committee is convinced by the arguments put forth by the representatives of ICMR and the Department of Health Research for bringing medical research within the ambit of NCHRH. The Committee believes that medical education and research are a very specialized field. Their interests would be better served if medical education and research remain together. There are several premier institutions involved in medical research in the country and the Ministry of Health and Family Welfare is the nodal Ministry for them. There is a separate Department of Health Research under that Ministry. It would be appropriate if the National Commission for Higher Education and Research is entrusted with academic research only. The Committee also observes that the NCHRH Bill had 'promotion of research' as one of its goals. The Committee is aware that the Standing Committee on Health and Family Welfare in its Report on the NCHRH Bill, 2011 has strongly advocated for bringing medical research under that Commission. It would, therefore, be in the fitness of things if the subject of medical research is allocated its rightful place under the NCHRH Bill, 2012.

Fate of Staff/employees of UGC, NCTE and AICTE

3.52 As per the provisions of the Bill, the three bodies i.e. UGC, AICTE and NCTE would be dissolved. In such an eventuality the fate of the staff/employees of the three bodies would have to be decided which is uncertain as of now. The Ministry of Home Affairs also raised this issue and concurred the proposed subject on the condition that a detailed scheme should be drawn up for incorporation of the staff of the UGC/AICTE etc which were being subsumed in the new Commission as problems regarding inter-se seniority, etc became serious issues leading to litigation in such cases.

3.53 The Department submitted before the Committee that UGC, AICTE and NCTE would be subsumed in NCHER once it was set up. Attention was drawn to clause 63(7) (c) which states that all property, movable and immovable, of or belonging to UGC, AICTE and NCTE shall vest in the Commission, also all the right and liabilities. The Department further added that Clause 63(8) provided that on the dissolution of UGC, AICTE and NCTE on repeal of the said enactments, the Central Government, by notification, would take consequential action in regard to officers and staff

in the regular service of the UGC, AICTE and NCTE. Most of the senior level staff working in AICTE and NCTE were on deputation and would revert to their parent organizations once the NCHER would be created and became functional. The regular staff working in the UGC and NCTE would mostly get absorbed at requisite levels in the NCHER. As per clause 22, the NCHER would have the powers to appoint officers and employees.

3.54 The Department further informed that a Committee under the Chairpersonship of Prof. Anandkrishnan (Chairman BOG, IIT Kanpur) and consisting of other experts had been set up to suggest the organizational structure of NCHER and mechanisms to manage the transition to NCHER, with specific reference to officers and employees of the bodies proposed to be subsumed in NCHER. The staff of these bodies presently comprised of the following three categories:

- (a) Permanent employees
- (b) Permanent employees of other organization on deputation.
- (c) Temporary/hired staff

While all the permanent employees of these bodies would be accommodated at appropriate levels in the proposed office, the deputationists could be given an option to either continue or go back to their respective parent offices. The temporary/hired employees were in any case on ad-hoc basis and their contracts can be reviewed after assessment of their performance.

3.55 The Committee shares the apprehension about the fate of staff/employees of the three organizations. The Committee strongly feels that in no eventuality should the staff/employees of the three organizations UGC, AICTE and NCTE suffer due to the move of the Government to dissolve the three bodies. The Committee, therefore, recommends that interest of all the staff of the three bodies is safeguarded. The proposed Bill does not give a clear picture of the organizational structure of NCHER and it is also not given how the employees with the requisite expertise would be accommodated in the respective departments of their fields. The Committee also suggests that the pecuniary benefits and service conditions of their previous organizations should be extended to them in the new organization also.

IV. The Committee makes the following observations/recommendations on the basic structure as well as some of the provisions of the Bill:

Coverage of higher education, technical education, teacher education and distance education under the Bill.

4.1 During its interaction with all the stakeholders, one area of concern which was raised again and again was the viability of doing away with well-established regulatory bodies like UGC, AICTE, NCTE and DEC. The Committee is well aware of the fact all these bodies were set up at different points of time. It is also equally true that these bodies were conceptualized by our policy

makers with the objective of growth of higher education sector in the right direction. When these specialized bodies came into being, the number of higher educational institutions and universities was very less and diversification of this sector was also quite limited. Over the years, there has been massive expansion with there being now as many as 600 universities, 33000 colleges, 3800 technical institutions etc. with newer areas being added very rapidly. The Committee understands that these regulatory bodies have not been able to keep pace with the fast-changing scenario. Ideal position would have been that with the passage of time, functioning of these bodies have been reviewed and strengthened and restructured as and when required. Nobody can deny the fact that the need of these specialized bodies is all the more required with such a heavy density of higher educational institutions and universities is there in a vast country like ours with a very diverse background. At the same time, it can also not be denied that there is an urgent need for co-ordination and inter-linking amongst these bodies so as to avoid over-lapping and uncalled for situations. The spirit behind having an over-arching Commission is well-intentioned. But such an edifice can only be successful if it is supported by well-structured bodies having a specific domain.

V. CLAUSE 3: DEFINITIONS

5.1 Clause 3 relates to definitions. The Committee takes note of the definition of the term 'higher education' as indicated below:

"higher education" means such education, imparted by means of conducting regular classis or through distance education systems, beyond twelve years of schooling leading to the award of a degree or diplomas and includes research associated with such education;

The above definition includes all categories of higher education, i.e. engineering, management, architecture, teacher education along with university education. The Committee observes that definition of two-three terms needs to be included so as to or eliminate any sense of ambiguity. The Committee, accordingly, recommends that the following definitions may be added under this clause:

- "technical education" means programmes of education, research and training in engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts and such other programme or areas as the Central Government may, in consultation with the Council, by notification in the official Gazette, declare,
- "teacher education" means programmes of education, research or training of persons for equipping them to teach at pre-primary, primary, secondary and senior secondary stages in schools and includes non-formal education, part-time education, adult education and correspondence education.

5.2 The Committee also recommends that the definitions of three terms, i.e. ‘diploma’ and ‘distance education systems’ and ‘university’ may be modified as follows:

- **“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;**
- **“distance education systems” means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence course, seminars, contact programmes or the combination of any two or more of such means.**
- **“university means a university established or incorporated by or under a Central Act and includes an institution deemed to be university.**

Committee's intention behind the above modifications is to eliminate any sense of confusion or over-lapping which may give rise to complications in future. Necessary modification wherever required in the Bill may also be carried out.

VI. CLAUSE 5: COMPOSITION OF COMMISSION

6.1 Clause 5 lays down that the Commission would be a seven-member body, having a Chairperson, three whole-time members and three part-time members. It is not clear as to what is the rationale for having part-time members. **Keeping in view the enormity of functions assigned to the Commission, it would have been appropriate if all the members of the Commission were full time members. The Committee, therefore, recommends that clause 5 may be modified accordingly.**

VII. CLAUSE 17: COMMISSION TO DETERMINE, CO-ORDINATE, MAINTAIN AND SPECIFY STANDARDS OF HIGHER EDUCATION AND RESEARCH.

7.1 As per Clause 17, the Commission shall have the power to make regulations on a number of matters which inter alia include:

- specify the requirements for the award of any degree or diploma in any field of knowledge of higher education and research and specify parameters for equivalence between academia qualifications;
- specify norms and standards of academic quality for accreditation and benchmarking of higher educational institutions and universities;
- specify norms and processes for permitting a university on a higher educational institution empowered, by or under any law, to award any degree, to enroll students in any course or programme of study for the first time;
- specify norms of academic quality for a university to affiliate colleges;
- regulate the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force;

7.2 The Committee observes that the regulation-making power assigned to the Commission as indicated above would result in impacting the autonomy of universities. Another fall-out would be over-lapping between the powers of the over-arching Commission and the proposed laws relating to foreign universities and accrediting authority. The Committee, therefore, recommends that clause 17 may be reviewed and modified accordingly.

VIII. CLAUSE 26: ESTABLISHMENT OF GENERAL COUNCIL

8.1 Clause 26 specifies the composition of the General Council. The Committee observes that the General Council is a large body having members from different professions and councils/bodies and experts, representing different areas of higher education. However, during its interaction with different stakeholders, it was impressed upon the Committee that certain very vital areas still remained unrepresented in the General Council. The Committee is also of the view that there were indeed certain gap areas and, accordingly, recommends that following members may be added in the General Council:

- **representative from a private university by rotation region-wise**
- **representative from teachers by rotation from universities region-wise**
- **representative from distance education**
- **woman member**
- **representatives from SC, ST and minorities**
- **two members, one from Lok Sabha and one from Rajya Sabha**

The Committee also feels that inclusion of two members representing NGOs in the General Council may perhaps not serve the purpose. A view may, therefore, be taken for deletion of this category of membership from the Council.

8.2 As per clause 26(2), the meetings of the General Council shall be convened at least once in every six months and at such other times as the Chairperson may consider necessary. The Committee is of the view that with the kind of functions envisaged to be performed by the General Council, it should meet at frequent intervals. The Council should, accordingly, be mandated to meet at least once in a month.

IX. CLAUSE 27: POWERS AND FUNCTIONS OF THE GENERAL COUNCIL

9.1 As per sub-clause(3) of clause 27, the General Council, for the discharge of its functions or reporting or advising upon any matter, constitute Expert Advisory Groups for legal education, health and medical education, education related to general sciences, humanities, social sciences, engineering or technology, vocational education, distance education systems. The Committee is of the view that with all the regulatory bodies continuing, there would be no need for

constituting Expert Advisory Groups. The Committee, accordingly, recommends that sub-clauses (3) and (4) of clause 27 may be deleted.

X. CLAUSE 30: FUNCTIONS OF COLLEGIUM

10.1 Clause 30 lays down the functions of Collegium. A plain reading of these functions gives the impression that the Collegium will have more powers than the Commission. This is clearly borne out by the following functions entrusted to the Commission:

- recommend, in respect of appointment of Chairperson or Member of the Commission, a panel of three persons for each post to the Selection Committee.
- make an assessment of the performance of the Commission.
- make observations and suggestions (including an assessment of the performance of the Commission and recommendations on measures to enhance such performance).

10.2 The Committee strongly feels that a review of powers and functions assigned to Collegium vis-à-vis mandate of the Commission has to be made so as to avoid any uncalled for issues arising once this law comes into effect.

XI. CLAUSE 52: JOINT MECHANISM

11.1 This clause proposes to have a Joint Committee i.e. National Commission for Higher Education and Research and the National Commission for Human Resources for Health to deal with any issues arising out of difference of opinion. **The Committee is, however, of the opinion that with the National Commission for Human Resources for Health having the domain of health education as well as health research, the envisaged joint mechanism would not be required.**

XII. CLAUSE 63: POWER OF COMMISSION TO MAKE REGULATIONS

12.1 Clause 63 deals with power of Commission to make regulations. Comparative analysis of clause 17 relating to Commission's power to determine, co-ordinate, maintain and specify standards of higher education and research and clause 63 clearly indicates that all the regulation making powers incorporated under clause 17 have simply been repeated under clause 63. **The Committee is of the view that with a specific clause (clause 63) relating to regulation making power, clause 17 does not seem to be required. The Committee, accordingly, recommends that clause 17 may be deleted.**

XIII. CHAPTER VI: ENROLMENT OF STUDENTS

13.1 This chapter deals with a very crucial area pertaining to enrolment of students by a university or an institution for the first time in any course or programme of study based on an assessment report prepared in accordance with section 4 of the National Accreditation Regulatory

Authority for Higher Educational Institutions Act, 2010. Provision for revocation of permission to enroll students also finds place in this chapter.

13.2 The Committee understands that the National Accreditation Regulatory Authority for Higher Educational Institutions is yet to be set up as the concerned legislation has not been passed by the Parliament. The Committee would also like to point out that accreditation exercise can be undertaken only in respect of institutions existing for some time so they can be rated/graded as per the parameter, of academic quality determined by the appropriate authority.

13.3 The Committee also views with serious concern the move to take away the power of a university to enroll students for a new course or programme. Such a provision will directly impinge upon the well-established authority of Universities.

13.4 The Committee also reiterates that the processing of enrolment of students for a new course along with recognition of a new technical institution and increase in its intake capacity should rest with AICTE and NCTE and universities. The Committee, accordingly, recommends that Chapter VI may be deleted.

XIV. CHAPTER VII: BOARD FOR RESEARCH PROMOTION AND INNOVATION

14.1 This chapter envisages the setting up of a Board for Research Promotion and Innovation. The Board shall recommend measures to the Commission to promote and facilitate research in the fields of knowledge in higher educational institutions including research in recognized health educational institutions.

14.2 Broadly speaking, the spirit behind having such a Board is a welcome step. It is a well-known fact that inspite of best efforts put up by our universities and research institutions and commendable potential of our young students, the country has failed to mark its presence in the global scenario. The Committee would, however, has a word of caution. Every effort has to be made so as to avoid any situation whereby independence of Universities and institutions doing pioneering research work is compromised. Secondly, medical research is an altogether different and very specialized area when compared with academic research. The Committee is also aware of the fact that the Standing Committee on Health and Family Welfare in its Report on the National Commission for Human Resources for Health Bill, 2011 has strongly recommended for bringing medical research under the domain of their Bill. The Committee

is in agreement with the stand taken by the Committee on Health and Family Welfare as the Ministry has a separate Department of Health Research.

XV. CLAUSE 65: POWER OF CENTRAL GOVERNMENT TO SUPERSEDE COMMISSION, GENERAL COUNCIL ETC.

15.1 This clause confers power on the Central Government to supersede the Commission, General Council etc. in the event of these bodies failing to discharge their functions or perform their duties or defaulting in complying with any direction given by the Central Government. The Committee views with serious concern this provision which gives sweeping powers to the Central Government to supersede the Commission envisaged to set up by a high-level Selection Committee. Not only this, the Chairperson and members of the Commission shall be 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. The Committee also draws attention to the fact that the Chairperson and members of the Commissions can be removed from their office only by the President. Besides that, in case of abuse of his position or being guilty of proved misconduct, they can be removed by the President only after an inquiry by the Chairperson of the National Education Tribunal. Similarly, General Council will be a representative body having experts and functionaries from every field. The Board for Research Promotion and Innovation will also be having persons of eminence and standing as its members. The Committee also notes that collegium of scholars has been exempted from this clause which is the right decision.

15.2 The Committee is of the firm view that clause 65 giving very sweeping powers to the Central Government is not justified from any angle. It is pertinent to mention that the proposed legislation seeks to promote autonomy of higher educational institutions and universities. Same principle needs to be made applicable on the proposed bodies. The over-arching Commission and its ancillary bodies envisaged to work under the guiding principle of autonomy also needs to be autonomous body itself. The Committee does not find any merit in the argument of the Department that it is a general clause which is to be exercised only in rare and extreme cases. Inclusion of such a provision in other Acts like NCTE Act also does not hold any ground. The Committee, accordingly, recommends that clause 65 may be deleted.

XVI. FINAL DELIBERATIONS WITH THE DEPARTMENT OF HIGHER EDUCATION

16.1 During the course of examination of the Bill, the Committee had come across quite a few areas of concern which had created deep sense of apprehension with regard to viability of the proposed over-arching Commission of Higher Education and Research. These areas of concern

have been reflected in the Report. While considering the first draft of the Report, the Committee, feeling too constrained about the pertinent issues remaining unaddressed, decided to make another attempt to put the things in the right perspective, especially in view of the proposed legislation being a major policy initiative for the higher education sector. The Committee, accordingly, sent a detailed note incorporating the various areas of concern to the Department. The Committee had a final interaction with the Secretary, Department of Higher Education on 29 November, 2012. Intention of the Committee was to sensitize the Department about the concerns and apprehensions about the proposed legislation and find a viable mechanism. The Committee is, however, constrained to observe that areas of concern, more or less have remained unaddressed.

16.2 This is borne out by the analysis made by the Committee about the unresolved issues in the light of the latest feedback received from the Department. The Committee would like to point out that a perusal of the facts furnished by the Department clearly indicates that with a few exceptions, earlier clarifications/justifications, somewhat elaborately on few issues along with some new inputs have been reiterated by the Department. The only redeeming feature is acceptance of the Department, although in principle only, of the alternative mechanism replacing the proposed Commission suggested by it. Broadly speaking, the Committee observed that proper reflection of powers and functions of regulatory bodies like UGC, NCTE, AICTE and DEC, protection of autonomy of higher educational institutions, no encroachment on the status of State Governments are the three major areas which have to be taken into account in the context of the proposed legislation.

Role of UGC, NCTE, AICTE and DEC vis-à-vis National Commission for Higher Education and Research

16.3 All the four statutory bodies functioning at present have a specific domain dealing with different aspects of higher education. All these bodies were established at different points of time. With a massive expansion seen in the higher education sector in the country over the years, with increasing number of institutions and also emerging new categories of higher education, role of the four specialized bodies has become more and more relevant. Quality control of higher education and protection of interests of students can be considered the main edifice on which these bodies have been structured. Lack of co-ordination among the statutory bodies in respect of degree durations, approval mechanisms, accreditation processes resulting in two bodies fighting legal cases against each other have been cited as the main factors for subsuming these bodies under the overarching Commission. Even if this contention is found acceptable, it has to be ensured that mandate of these bodies is fully reflected in the proposed legislation.

16.4 On Department's attention being drawn to specific powers and functions of the regulatory bodies not finding a place in the Bill, the Committee has been given to understand that the powers given to the over-arching Commission cover all facets of higher education in a wide sweep. Any power not expressly mentioned in the Bill would be covered under the powers of the Commission to make regulations under clause 63. Further, clauses 83 and 84 also provide for continuance in force of the regulations of these bodies till they are superseded by fresh regulations framed under the proposed legislation.

16.5 The Committee finds the above clarification given by the Department quite unconvincing. The Committee fails to understand as to how a regulation-making power can take the place of specific provisions incorporating well-defined powers and functions of a body. Secondly, educational standards, requirements and other provisions reflected under the UGC Act, AICTE Act and NCTE Act can be made applicable, even if for some period after the enactment of the proposed legislation is beyond the comprehension of the Committee.

16.6 The Committee has been given to understand that the Bill is actually an attempt to simultaneously de-regulate the higher education sector. The power for the respective regulatory body to give recognition/approval to every institution imparting professional, technical or teacher education would now be performed by the affiliating universities, subject to the norms and processes laid down by the Commission. In place of well-structured mechanism for grant of approval, technical institutions/B.Ed Colleges will simply have to satisfy the university regarding their competence and quality for affiliation, which will be free to affiliate such institutions, subject to assessment and accreditation. Accreditation would be mandatory only after six years of existence of an institution.

16.7 The Committee strongly feels that alternative mechanism of an over-arching body having the responsibility of the entire higher education sector in place of the existing specialized regulatory bodies suggested by the Department can never be a viable proposition. One has to see the issue of regulation of higher educational institutions, keeping in view the interests of students, future of our country and quality control of higher education. It is an undisputed fact that with a very large number of different categories of higher educational institutions spread across the vast expanses of our country, specialized regulatory bodies with a well-defined mandate and well-established structure at the Centre and also in States is the

only viable and workable mechanism. Their functioning could be further improved by strengthening them and having checks and balances at the right places. Universities, both Central and State, lack required infrastructure and expertise expected from a regulatory body. Suggested alternative of assessment and accreditation would be mandatory only after six years of existence of an institution. The very critical area of grant of approval/recognition has not been addressed in the right perspective in the proposed legislation. One time approval to a higher educational institution for enrolment of students for the first time in any course/programme cannot be equated with approval/recognition to be given for setting up a higher educational institution. Not only this, monitoring of higher educational institutions through a well-established system of inspection is also not visible in the proposed legislation. The Committee cannot ignore the ground realities as quite a few institutions continue to operate without any approval inspite of the existence of regulatory bodies.

16.8 The Committee has been given to understand that clause 35 relating to ‘Enrolment of Students’ has been included in view of growing commercialization of education and entry of private players. It has been also pointed out that many private institutions start enrolling students without providing basic amenities, infrastructure and qualified faculty. This justification confirms Committee’s view that there is an essential requirement for having a well-structured mechanism both for initial approval and also for monitoring the functioning of existing institutions. This mechanism has been there in the form of AICTE and NCTE for the last two-three decades. Any aberrations noticed in the functioning of these regulatory bodies with the passage of time and ever-changing scenario have to be tackled in the right perspective. Simply doing away with these bodies and having a mammoth structure as an alternative would not serve the purpose.

16.9 The Committee notes that mandate of UGC is coordination and determination of standards in Universities. UGC has also the power to allocate and disburse, out of the Fund of the Commission, grants to Universities for their maintenance and development or for any other general or specified purpose. UGC can also advise the Central/State Government on the allocation of any grants to Universities out of the Consolidated Fund of India/State. UGC can also seek information relating to the financial position of Universities along with all the rules/regulation relating to the standards of teaching and examination. There is also a specific provision in the UGC Act whereby UGC can cause an inspection of the University. Lastly, on contravention of any specific provision, UGC can withhold from the University grants proposed to be made.

16.10 Power of UGC to allocate funds to Universities has been assigned to the Higher Education Financial Services Corporation. The Committee is surprised to note that there is only one clause in the Bill as per which duties and functions of the Corporation shall be disbursement of financial assistance by way of grants to universities and higher educational institutions. This power will be governed by regulations specifying norms and principles for allocation of grants for the maintenance and development or research or for any other general or specific purpose. There is no mention about inspection or withholding of grants.

16.11 The Committee has been given to understand that the powers conferred on the proposed Commission under clause 17 are nothing but an elaboration over powers and functions of UGC. There is no power conferred on the proposed Commission which is not within the purview of Entry 66 of List I of Schedule VII. However, a comparative analysis of powers and functions enumerated in the UGC Act and the proposed legislation reveals a somewhat different picture. Committee's attention has been drawn to the following regulation making powers entrusted to UGC:

- defining the qualification for the teaching staff of the University;
- defining the minimum standards of instruction for the grant of any degree by any University;
- regulating the maintenance of standards and the co-ordination of work or facilities in Universities;
- specifying the matters in respect of fees.

In addition, no University in the country can award any degree not notified by UGC. Similarly, affiliation of colleges to Universities can be done only if they are abiding by prescribed rules and regulations. Powers to confer autonomous status on an institution is also exercised by UGC only.

16.12 The Committee would like to point out that the regulation making power given to the proposed Commission under clause 17 clearly indicates additional powers, when compared with UGC as given below:

- **specify norms and processes for establishment and winding up of a higher educational institution and university;**
- **specify norms and mechanism for transparent, efficient and accountable governance in universities and higher educational institutions;**
- **specify and coordinate standards for leadership positions for appointment as Vice-Chancellor of a university or the head of a Central Educational Institution not being a college.**

In addition, the proposed Commission will also have the power to maintain a directory of academics for leadership positions, enrolment of students for the first time, revocation of permission to enroll students.

16.13 The Committee observes that all the above-mentioned powers and functions assigned to the proposed Commission are not there with UGC. The Committee is not in agreement with the contention of the Department that powers and functions proposed to be assigned to the over-arching Commission are the same as those entrusted to UGC. There are significant additions which are likely to encroach upon the domain of both State Governments as well as individual universities. Not only this, regulation-making power of specifying norms and standards of academic quality for accreditation and benchmarking of higher educational institutions and universities are bound to lead to complications in future. The Committee finds that there is a separate legislation for setting up a National Accreditation Regulatory Authority for Higher Education and Research which is proposed to be enacted. The Committee fails to understand the rationale for having two authorities being assigned the same power. When there is a separate designated authority for a specific domain, it should have total autonomy with no interference from any other authority.

16.14 The Committee also observes that the Commission shall also have the power to make regulations for regulating the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force. Committee's attention has been drawn by a separate legislation, i.e. the Foreign Educational Institutions (Regulation of Entry and Operation) Bill, 2010. This proposed legislation when enacted will have the mandate to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education (including technical education and medical education and award of degree, diploma and equivalent qualifications by such institutions). The Committee is of the view that power to make regulations for entry and operation of foreign educational institutions should remain exclusively under this Bill.

16.15 The Committee also has reservations about regulation-making power of the Commission whereby norms and processes for establishment and winding up of higher educational institutions and universities. As per the definition of the term 'university' given in the Bill, a university has to be established or incorporated under a Central or State Act. The Acts governing the establishment of universities include all the relevant provisions and enjoy full autonomy. The Committee fails to comprehend the justification for having such a regulation-making power.

16.16 A major area of concern for the Committee is status of Distance Education Council in view of the proposed legislation for an over-arching Commission. On a specific query being raised in

this regard, the Committee has been informed that a decision has already been taken for repealing statute No. 28 under the IGNOU Act, 1985 creating DEC and handing over the powers and functions of DEC to UGC now its successor body i.e. NCHER.

16.17 The Committee notes that this decision has been taken on the recommendations of an Expert Committee. The Committee is not aware about the basis of such recommendations made by the Expert Committee. The Committee can only say that the Indira Gandhi National Open University was established in 1985 for the introduction and promotion of open university and distance education systems and for coordination and determination of standards in such systems. This crucial mandate is being carried forward by IGNOU with the support of Distance Education Council for more than two decades. Nobody can deny the fact that pioneering work is being done by these bodies, especially for the under-privileged and marginalized sections of our society. The Committee strongly feels that the kind of dedicated, focused and specialized work being done by IGNOU and DEC could not have been accomplished by UGC. The position is likely to worsen further with the over-arching Commission which will be the only nodal authority having a very big and complicated mandate of managing all categories of higher education including professional and technical education, that too in a vast country like ours with a very diverse background. The Committee would also like to point out that one Expert Advisory Group to be created under the General Council to advise it in matters pertaining to distance education cannot be equated with the kind of work done by a Central University and its Authority. The Committee is also of the view that complications and contradictions are bound to arise between the mandate of IGNOU and that of the proposed Commission.

Autonomy of Higher Educational Institutions

16.18 The Committee takes note of the latest clarification given by the Department with regard to autonomy of higher educational institutions. It has been pointed out that universities and other higher educational institutions will continue to have complete autonomy in academic matters and nothing prevents them from designing their programmes/courses, subject to fulfillment of minimum standard by UGC at present and the proposed Commission. The Committee would, however, like to point out that power for enrolment of students for the first time by a University/higher educational institution and revocation of the same by the proposed Commission directly affect the independent functioning of both universities and higher educational institutions functioning in the Central

and state sector. Secondly, the mandatory provision of every Central Educational Institution appointing a Vice-Chancellor or Head of an institution from the directory of academics for leadership positions to be maintained by the proposed Commission is a direct encroachment on the autonomy of a university. Not only this, State universities would also be in a position to appoint a Vice-Chancellor, in accordance with the standards for leadership specified by the proposed Commission. The present system of Vice-Chancellors being appointed by the Visitor based on the recommendations made by a Selection Committee appointed by the University will no longer be there. The Committee apprehends that this would also be in direct conflict with the provisions incorporated in the various Acts governing Central as well as State Universities.

Role of State Governments and their Autonomy

16.19 Autonomy of State Governments in our federal polity is a very crucial area which has to be preserved without any hindrance. The Committee is well aware of the fact that competence to legislate on matters concerning co-ordination and determination of standards in institutions of higher education or research and scientific and technical institutions lies with the Parliament, by virtue of Entry 66 of the Union List of the Seventh Schedule of the Constitution. The Committee has been informed that State Universities will be regulated by the proposed Commission in the same manner as being done by UGC at present. As being done earlier, States will be free to set up new colleges, technical institutions or universities. Only degree-granting institutions will have to obtain a one-time approval from the proposed Commission before commencing academic operations, so as to ensure minimum availability of infrastructure and faculty before an institution starts giving degrees.

16.20 The Committee is not convinced by the contention of the Department that States, through their Higher Education Councils, would be represented in the General Council and will thus have a role in decision-making. States would also be indirectly represented in the Board for Research Promotion and Innovation. All the powers and functions assigned to the General Council are advisory in nature. The Committee is well aware of the fact that there is no representation of states in UGC. The Committee would, however, like to point out that both AICTE and NCTE, not only have representation from State Governments but also have their Regional Boards/Committees. Not only this, the main apprehensions of State Governments regarding centralization of powers in one monolithic body and their inability to

promote regional, cultural and linguistic policies of their respective States and also due attention to local sensibilities and problems remain unaddressed.

Comparison between the NCHER Bill, 2011 and NCHRH Bill, 2011

16.21 The Ministry of Health and Family Welfare through their legislation viz the National Commission for Human Resources for Health Bill, 2011 propose to consolidate the law in certain disciplines of health sector and promote human resources in health sector and provide for mechanism for the determination, maintenance, co-ordination and regulation of standards of health education throughout the country to ensure adequate availability of human resources in all States and for the said purpose to establish the National Commission for Human Resources for Health and to supervise and regulate professional Councils in various disciplines of health sector and for matters connected therewith or incidental thereto. The purpose of this legislation pertaining to the health sector is similar to that of the NCHER Bill, 2011 which seeks to promote autonomy of higher educational institutions and universities for comprehensive and integrated growth of higher education and research and to establish a National Commission to facilitate determination, co-ordination, maintenance and continued enhancement of standards of higher education and research. Both the Bills envisage an over-arching body for regulating the different sectors of health and higher education.

16.22 In spite of there being a great disparity between the number of medical colleges and higher educational institutions, the Committee notes that under the NCHRH Bill, 2011, the existing Councils like MCI, INC, DCI, Pharmacy Council and the proposed Para-Medical Council continue to exist. The only difference is that their role has been somewhat diluted. The power of these Councils to give permission for setting up of new institutions is proposed to be under the Commission with Councils having the power to register medical professionals and ensure adherence to code of conduct. Specific provisions for grant of approval for new colleges and a separate agency to regulate these powers are envisaged under the Bill. In the NCHER Bill, 2011, the existing regulatory bodies like UGC, AICTE, NCTE and DEC are proposed to be dissolved.

16.23 The Committee finds that a number of bodies like Collegium of Scholars, Board for Research Promotion and Innovation, Higher Education Financial Services Corporation and Quality Advisory Councils in Vocational Education are envisaged under the over-arching Commission. Role and functions to be performed by these bodies are different but at the same time are inter-linked within the overall objects of the Bill. Each of these bodies would perform their specialized

functions, with the representation of members of the General Council and Commission along with continuity of ideas and cohesion in actions. The architecture is proposed to be created in order to ensure that various functions are performed by specialized sub-entities within the over-all superintendence and direction of the over-arching Commission and General Council.

16.24 The Committee would like to point out that new bodies dealing with specialized areas like funding research and vocational education are proposed to be set up under the proposed Commission. In contrast, well established bodies, handling very specialized areas of higher education like technical education, professional education, teacher education and distance education are proposed to be done away at one go. In spite of the mandate of these Universities being very vast and diverse, their independent identity and existence is going to be subsumed. The Committee fails to understand as to why no problem and complications are anticipated in allowing the bodies like MCI, INC, DCI and Pharmacy Council being allowed to operate, although with a diluted role under the overall supervision of the National Commission for Human Resources for Health.

16.25 The Committee finds that dilution in the mandate of regulatory bodies of medical education and their being brought under the purview of the Commission for Human Resources for Health has not been found acceptable by the Department-related Standing Committee on Health and Family Welfare. It has strongly advocated restoration of the present powers and functions of MCI, INC and DCI.

Financial Implication

16.26 The Committee has been given a vague idea by the Department about the financial expenditure in setting up of different bodies under the National Commission for Higher Education and Research Bill, 2011. The Committee was informed by the Department that the financial expenditure in setting up of the new bodies under NCHER is the same as was currently being spent on the three existing bodies i.e UGC, AICTE and NCTE. Committee's attention was drawn to the fact that staff requirement as well as fund requirement for NCHER would be met by combining the staff of these bodies and pooling in the establishment costs. In order to have a clear idea about the overall funds being utilized by UGC, AICTE and NCTE vis-à-vis the estimated funds required for the proposed Commission, the Committee made an attempt to have the full details in this regard. In response, the Committee was informed earlier that the total establishment cost of running the proposed Commission would be less than `100 crore per annum. The four agencies, i.e AICTE, DEC, NCTE and UGC put together spend about `100 crore per annum on their establishment costs.

The Committee was also given to understand that the economies of scale can also be better achieved by combining the expenditure on these bodies.

16.27 The Committee is not convinced by the arguments of the Department that the expenditure on the establishment and maintenance of NCHER and various sub-entities under it would be the same as being incurred presently in running UGC, AICTE and NCTE. This is clearly borne out by the Financial Memorandum to the Bill which clearly states while the administrative expenditure for supporting the Commission shall be approximately the same as involved in supporting the three existing bodies, expenditure on account of salaries and other recurring expenses shall not be substantially higher. The Committee would like to point out that creating infrastructure for an over-arching entity like NCHER would be requiring substantial funds. The Committee also would like to stress on the fact that establishment of Commission (7-member body –salary and allowances payable to them) and creation of quite a few entities under it, General Council (sitting fees/allowances payable to its members), 30-member Collegium, 13-member Board for Research Promotion and Innovation (salary and remuneration payable to members of the board), Higher Education Financial Services Corporation (salary and allowances payable to officers of the Corporation), Qualifications Advisory Councils in Vocational Education (8 member Advisory Councils/salary and allowances payable to the members of the Council), would certainly mean requirement of substantive funds.

As per the latest information made available to the Committee, the expenditure incurred by UGC, AICTE and NCTE on establishment and administrative costs was `113.98 crore in 2009-10, `135.67 crore in 2010-11 and `133.48 crore in 2011-12. The Committee is not aware about the expenditure being incurred by DEC. The Committee would like to point out that as compared to the four existing regulatory bodies, the over-arching Commission along with the various entities proposed to be set up to assist its functioning will entail expenditure on a higher scale. In other words, it would not be wrong to conclude that from financial point of view also, the proposed structure would not be a viable proposition.

XVII. CONCLUSION

17.1 In conclusion, the Committee would like to observe that broadly speaking, nobody can have any disagreement with the following objectives of the Higher Education and Research Bill, 2011.

- to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation;

- to provide for a comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices; and
- to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination maintenance and continued enhancement of standards of higher education and research.

At the same time, the Committee is of the view that the mechanism for achieving these objectives has to be well-conceived and a properly structured one against the backdrop of a vast country like ours having States with diverse background, cultures, regional disparities and imbalances. A totally centralized body that too in the realm of higher education, handling a very wide range of programmes, both academic and professional, will find its task very difficult, impractical and almost impossible. It can only function if it has the proper support from specialized bodies having their presence in different regions of the country. There has to be a proper balance of autonomy and supervision. The Committee does not find any merit in doing away with well-established regulatory bodies with one stroke. Proper course would be to identify their inherent short-comings and restructure and reshape them. In the preceding paragraphs, the Committee has made an attempt to give suggestions and recommendations so as to evolve a workable edifice, well-equipped with all the required powers and supported by specialized bodies, as and where required. On drawing the attention of the Department to the alternative structure, the Committee was informed that an attempt was made in 2009 to bring together three bodies, i.e. UGC, AICTE and DEC and a consortium was constituted to reconcile different approaches of these bodies in regulatory functioning. The Committee has been given to understand that this attempt did not lead to any significant change since these bodies continued to function independently.

17.2 The Committee is not aware about the modalities on which the consortium for bringing together UGC, AICTE and DEC was constituted. The Committee is, however, not inclined to agree with the contention of the Department that creation of such a co-ordinating super-structure would need to be given a detailed thought in view of the complication likely to arise. Also, whether it can be achieved through a legislative route or through mere executive orders has yet to be examined. The Committee strongly feels that with the kind of over-arching Commission with no clarity about the mechanism for handling technical education, teacher education and distance education, three most crucial aspects of higher education, there would be no dearth of complications. These likely complications would be further

aggravated by encroachment on autonomy of States and independent functioning of higher educational institutions.

17.3 The Committee is quite surprised to take note of Department's apprehension that creation of an over-arching co-ordinating body may eventually lead to clash of egos and questions as to who is the supreme authority to take decisions. If such a body is created in order to avoid turf battles, powers of existing councils and commissions may have to be curtailed which again is a complicated exercise. The Committee finds the justification given by the Department totally unconvincing. It seems that turf battles and ego clash between the existing regulatory bodies have led to a situation where perhaps the Department does not find it easy to chalk out a middle path. The Committee finds that a joint mechanism has been envisaged to resolve any difference or dispute between the National Commission for Higher Education and Research and the National Commission for Human Resources for Health. Same analogy can be made applicable to with regard to the proposed Commission and existing regulatory bodies. The only difference would be that the Commission will have the power to mediate between two regulatory authorities and will be the final authority to resolve all differences and disputes. The Commission will also have the power to give directions on matters of policy.

17.4 The Committee takes note of the fact that the proposed legislation envisages coming up of new bodies like Board for Research Promotion and Innovation, Higher Education Financial Services Corporation and Qualification Advisory Councils in Vocational Education assisted by as many as required number of Expert Advisory Groups. That clearly indicates that the proposed Commission for successfully carrying out its mandate can do so only when assisted by supporting bodies. That is why the above bodies have been envisaged. Nobody can deny the fact that domain of UGC, AICTE and NCTE is very vast and diversified. Therefore, their presence is all the more required.

17.5 The Committee is of the strong view that the three existing regulatory bodies can very well continue to exist. However, with regard to Higher Education Financial Services Corporation which has been assigned the functions hitherto vested with UGC, it would be appropriate if its powers are reverted back to UGC with its powers and functions remaining unchanged.

17.6 The Committee takes note of the following observation made by the Yashpal Committee:

“In order to build strong epistemic bridges between different fields of professional education and the different disciplines of science, social sciences and humanities, it is necessary that professional institutions are returned to universities in a complete administrative and academic sense by the abolition of intermediary bodies set up to issue licenses to professional colleges alone, and to inspect them. Such a measure will open the possibility of new kinds of course-designing for professional learning in all fields from management and architecture to medicine and engineering.”

17.7 The Yashpal Committee had, accordingly, recommended that the regulatory bodies may conduct regular qualifying tests for professionals in their respective fields. The professional councils may prescribe syllabi for such exams and leave it to the Universities to design their curriculum including such syllabi. Yashpal Committee was also of the view that the over-arching Commission would not take recourse to inspection based approval method. From the current inspection, approval method, it would move to a verification and authentication system.

17.8 While broadly agreeing with the above assessment of Yashpal Committee, the Committee cannot ignore the ground realities in our country against the backdrop of almost unmanageable number of technical institutions with more than 300 of them functioning without any authorization. A well-structured regulatory mechanism has undoubtedly to be there. The Committee would appreciate if the present system is reviewed and further strengthened. The Committee is of the view that the over-arching Commission may be assigned the role of a policy-making body, co-ordinator and guide for all the implementing agencies and nodal bodies. Formulation of policy and guidelines may remain the domain of the Commission having representation from all conceivable areas. Implementation, regulation and monitoring of higher educational Institutions and universities may continue to be the responsibility of existing statutory bodies. Areas of conflict which hitherto have remained unchecked resulting in uncalled for situations can be referred to the proposed Commission. Commission can very well become co-ordinators as well as mediator. Last but not least, it can have over-all supervision and monitoring of these bodies, without compromising their independent functioning. The Committee would also like to point out that all these bodies work in close co-ordination with State Governments and universities, through their regional councils, boards and Committees. Thus, federal structure of our polity and autonomy of universities also remains fully protected. The Committee finds no justifiable reason for changing the age-old systems.

17.9 In this context, the Committee would like to draw attention to provisions regarding Annual Report incorporated in the three Acts governing the functioning of UGC, AICTE and NCTE. As per these provisions, these bodies are mandated to prepare an Annual Report every year and forward the same to the Central Government which has been assigned the responsibility of laying the same before both the Houses of Parliament. The Committee is of the view that these three bodies may be directed to send their Annual Reports to the Commission. The Commission will have the authority to make an assessment about their functioning through the Annual Report and suggest corrective measures. Thereafter, these Annual Reports may be laid before both the Houses of Parliament. The Committee, accordingly, recommends that a suitable provision in this regard may be included in the Bill. Same provision be made applicable for the Distance Education Council also.

17.10 The Committee is of the firm view that an objective assessment of the proposed legislation has to be taken in consultation with all the stakeholders, particularly State Governments and higher educational institutions represented by Vice-Chancellors as well as teaching community. The Committee reiterates that separate entity of the existing regulatory bodies has to be continued with the over-arching Commission mainly performing the role of policy maker.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

II. CONSULTATION PROCESS

The Committee has been viewing with serious concern the element of sheer lack of consultation process with the most crucial stakeholders, i.e. State Governments persisting in the various draft legislations relating to higher education brought before it in the last two-three years. The Committee feels disturbed to note that the present piece of legislation is also no exception. The Committee would like to emphasize that undisputedly it is the State Governments alone which have to ultimately work as implementing agencies at the ground level as and when this Bill becomes an Act. One must not forget that ours is a very diverse country, with different States representing their own specific and unique features and ground-realities. While the Central Government has its well-defined role of a co-ordinator, it is the State Governments which are the active participants and beneficiaries. The Committee is, therefore, of the firm view that the proposed Bill in no way should adversely affect the federal structure of the country. The State Governments should have proper representation and say in the formulation of any policy relating to higher education. Further, it is a fact that an over-arching body like NCHER would not be able to regulate the higher education system of the entire country without the active participation of the State Governments. The Committee also feels that due importance should be given to regional/local specificities and sensibilities, while formulating any policy. From the feedback made available to the Committee, it is quite evident that very pertinent apprehensions of State Governments have remained unaddressed. Rightful course would have been if the Department had allayed the apprehensions of the State Governments by finding a middle path where there would have been harmonious decision-making and functioning between the Centre and States. However, as in the earlier cases, the Department has failed to take the right initiative in this direction.

(Para 2.7)

The Committee observes that the proposed legislation would affect all facets of the higher education system and is envisaged to revamp it totally with the creation of new dispensations proposed under it. The Committee takes cognizance of the various shortcomings and gap areas highlighted by the stakeholders. The Committee finds that the objective of the proposed legislation is laudable but there is an air of suspicion and confusion regarding the creation of an overarching body having all the functions of planning, advising, implementing and monitoring by subsuming the tried and tested well-established regulatory bodies like

UGC, AICTE and NCTE. The Committee is of the view that the arena of the higher education system in the country is too large and wide and is highly sensitive to area-specific social, economical and cultural specialties. Effective implementation of manifold aspects of higher education initiatives initiated in the recent past by a single and centralized body does not seem to be a very viable proposition. The Committee would like to point out that promotion of autonomy of higher educational institutions and universities is the corner-stone of the proposed legislation. Unfortunately, this remains the weakest area in the eyes of all the stakeholders consulted by the Department. The Committee, therefore, observes that the need of the hour is to allay completely the apprehensions of the stakeholders by specifying with utmost clarity as to how the proposed legislation would go about revamping the higher education system in the country through its over-arching body without over-stepping on the functions and powers of the State Governments and Universities. (Para 2.9)

The Committee takes note of the fact that well-established statutory regulatory bodies like UGC, AICTE and NCTE are proposed to be subsumed under the over-arching Commission. All these bodies have been established at different points of time, with UGC being set up way back in 1956. All these years, these bodies have been carrying out their assigned task effectively. However, with the passage of time, there has been a massive expansion of higher education sector in the country. Fast-changing global scenario and emergence of newer areas of specialization, particularly so far as professional education is concerned have complicated the situation further. If one looks back at the past six decades in the higher education sector, initially when there were fewer number of institutions, the policy-makers set up separate regulatory bodies governing their own specific domain. The present situation is that there has been tremendous increase in the number of higher educational institutions, reaching to as many as 600 universities, 33,000 colleges, 3800 technical institutions, 500 architecture institutions, 3800 management institutions. In such a scenario, apparently these institutions would stand greatly benefitted by specialized bodies. Overlapping and over-stepping in their functioning should not be cited as the factor responsible for getting them subsumed under one Umbrella Commission. Appropriate course would perhaps have been their re-structuring and strengthening, taking the long awaited corrective measures. The Committee would like to point out that from time to time, it has been giving specific observations and recommendations on different aspects of higher education. Somehow the same have not been given due importance by the Department. (Para 2.10)

The Committee observes that the proposed legislation as formulated not only leaves very critical gap-areas unattended but also regulatory functions of the statutory bodies are not reflected therein. It seems that with the proposed legislation being enacted, there would be no monitoring mechanism available for technical institutions deviating from their assigned role. The other worrisome aspect disturbing the Committee is that the main objective of the Bill, protecting the autonomy of higher educational institutions, is likely to remain unachieved. Many provisions of the Bill clearly indicate that when enacted, they will directly interfere in the functioning of all categories of higher educational institutions, including State universities. Finally, all the existing regulatory bodies are having their presence in States through Regional Councils/Boards/Committees. But the same are missing in the proposed legislation.

(Para 2.11)

The idea of having one over-arching Commission encompassing the entire higher education sector germinated from the recommendations made by the National Knowledge Commission (NKC) and the Yashpal Committee. The Committee observes that NKC had recommended the setting up of four Standing Committees for Legal Education, Medical Education, Management Education and Open and Distance Education under the Commission. These Standing Committees have been assigned all the regulatory powers enshrined in the existing regulatory bodies. Recommendation of the Yashpal Committee was to divest all professional bodies of their academic functions which would be restored to the Universities. The professional bodies may conduct regular qualifying tests for professionals, may prescribe syllabi for such exams and leave it to the universities to design their curriculum.

(Para 2.12)

The Committee observes that Reports of the National Knowledge Commission, Yashpal Committee and the Task Force on Higher Education are the corner-stone on which the proposed National Commission for Higher Education and Research and various ancillary bodies thereunder is envisaged. The Task Force had also undertaken a very extensive consultation exercise with the State Governments and other stakeholders. The draft Bill was unanimously endorsed by CAGE. The Committee finds that as decided by CAGE all the State Governments were asked once again to furnish their comments on the Bill. The draft was further revised based on the suggestions received from the State Governments. The Committee has been given to understand that the revised draft Bill ensures that the federal polity of the country is in no way compromised while at the same time ensuring uniformity in standards of higher education and research across the country encompassing all institutions

of higher learning. The Committee had the opportunity to make a comparative analysis of two earlier draft Bills of 2010 and the present Bill before it. The Committee is, however, surprised to note that so far as apprehensions of State Governments are concerned they have virtually remained unaddressed. (Para 2.13)

During its interactions with various stakeholders and from the feedback from different quarters made available to it, the Committee was given to understand that there were certain very crucial areas of concern which needed to be addressed first. While examining the various provisions of the Bill against the backdrop of the present system of specialized regulatory bodies having the mandate of different areas of higher education in the country, the Committee also strongly felt that there were indeed very evident gaps in the Bill as envisaged. The situation had become more complicated due to the undercurrent of ambiguity running behind the proposed over-arching Commission and its associated bodies. The Committee made an attempt to introspect on these very evident areas of concern and find a way out by having a final round of deliberations sharing the same with the Secretary, Department of Higher Education. However, the areas of concern continued to persist. The Committee was of the view that it would be failing in its duty, if an attempt was not made to give a comprehensive report on the Bill by taking a holistic view of existing status of higher education in the country and viability of edifice of National Commission for Higher Education and Research. Following paragraphs give a detailed over-view of various areas of concern.

(Para 2.37)

III. AREAS OF CONCERN

Viability of having an over arching and centralised body like NCHER vis-à-vis separate specialized bodies

Lack of co-ordination between different regulatory bodies leading to fragmentation of knowledge has been cited as the main factor responsible for creating an over-arching body. The Committee is aware that having multiple regulatory bodies may require an educational institution to interact with separate agencies for different courses but this does not necessarily create obstacles for flow of ideas across disciplines or creation of institutional provisions for cross-disciplinary and trans-disciplinary pursuit. The Committee strongly feels that it is high time to make a study if the present structures can be geared to enhance flexibility. Even the existing bodies can promote integration of education and knowledge by appropriately increasing the funding of educational institutions for establishing exchange programmes both

for students and faculty, developing new and emerging areas and developing quality infrastructure. Also, the boom in Information and Communication Technology (ICT) has revolutionized the education sector in a big way. It has helped in expanding the possibilities of collaborative work of research and has increased access to courses, curricula and new pedagogical approaches. The Committee also takes note of the fact that the three Councils/Commissions i.e UGC, AICTE and NCTE which are to be subsumed by NCHER operate on a very broad classification of fields in higher education and, therefore, can not be seen as responsible for creating or promoting compartmentalization of knowledge or education. The multiple Commissions/Councils, if reformed thereby eliminating their present shortcomings, may easily create a system of checks and balances necessary for maintaining standards of education and for creating educational institutions of great value and repute. The Committee can also not ignore the apprehension that a single body with sweeping and over-riding process may provide an 'easy' entry to private players. Moreover, the Bill does not incorporate the ways and means by which the proposed single body would be in a position to rectify and overcome the shortcomings afflicting the existing Councils/Commission.

(Para 3.4)

The Committee finds the objective of the legislation very laudable specially in the context of present times as there is a dire need for comprehensive and integrated growth of higher education and research. At the same time, the Committee cannot ignore the concerns of stakeholders which seem to be valid to a great extent. The Committee takes note of all the apprehensions expressed regarding the creation of an over arching body for the regulation of the higher education system of the entire country. The Committee strongly feels that creation of an over-arching body to ameliorate the fragmentation of knowledge due to different regulatory agencies taking different stands is not the only way to deal with ills prevalent in higher education system.

(Para 3.7)

The Committee observes that upto now, the specialized fields were being regulated by various statutory bodies under the respective Central Statutes. These bodies are being managed and run by specialists and experts from their respective fields. These bodies have had laid down various regulations, norms and guidelines to facilitate regularization, growth and uniformity in both education and profession of their respective fields. The Committee is surprised to note that the composition of the Commission as provided in the Bill does not have such experts and mere representation given in the General Council to the heads of statutory

bodies will not serve the purpose. Considering the vast geographical area of India which has a very large number of institutions at different levels and in different States, it is virtually not possible for a single body like NCHER to undertake the function of regulating all the specialized fields and the sub-fields thereof. Reason being that the time and attention to be devoted to each aspect of the higher education sector are too demanding and can not be effectively handled by a single body. The creation of an over-arching body is also not considered a wise move as it is against the principles of management. Instead of plugging the holes in the domain specific independent bodies like UGC, AICTE etc, an attempt is being made to create an over-arching body with many roles which may become unmanageable. Therefore, such a proposal can not be considered a viable mechanism to deal with the ever increasing categories of higher education as well as massive expansion of higher education in the country. (Para 3.8)

The Committee strongly believes that before bringing forth this legislation, a study of the problem areas/weaknesses in the existing regulatory bodies needs to be made. The higher education system of our country is a very wide arena fraught with many problems like faculty shortage, inadequate infrastructure, no uniformity in standards of higher education, lack of co-ordination between regulatory agencies, poor quality of research work etc. Identifying the areas which need to be strengthened by plugging the holes in the functioning of the existing regulatory bodies should have been the first and foremost step in the right direction. The Committee is aware of the important mandate assigned to UGC, AICTE and NCTE which have been there for the past so many decades. Subsuming the three bodies and creating an over-arching body in their place is not the answer to the problem. Reform in the higher education system of the country is a complex process. With the massive expansion of higher education sector and emergence of newer and highly specialized areas of professional courses keeping pace with the ever changing global scenario, it would be highly impractical and unworkable if a single body is designated as the nodal authority. Diverse nature and requirements of different States of our vast country make this gigantic task all the more difficult. In Committee's view, one workable formula could be to have an over-arching Commission working as a coordinator with the specialized bodies working under the overall supervision of the Commission, continuing to have their distinct identity. The Committee is of the view that taking an extreme position, like the one envisaged through the proposed legislation would ultimately lead to undesired results. (Para 3.9)

The Committee is constrained to observe that despite wide criticism by the stakeholders, specially the State Governments regarding a single over arching body with huge concentration of roles and functions, the Department has still gone ahead with reposing NCHER with many such functions. The Expert Advisory Committees/Groups as envisaged in the Bill may help the Commission but their role is simply advisory. The Committee feels that concentration of the executive and advisory functions in a single body is not a healthy move as NCHER would be planning, implementing as well as monitoring. Moreover, given the wide spectrum of the higher education system of the country, it does not seem possible for a single body to centrally manage and regulate alone all the disciplines in the higher education. Secondly, the Committee agrees with the view of the stakeholders that administering the higher education system by a single over-arching body would not be able to take into consideration local specificities as well as sensibilities of the vast and diverse country like ours. According to the Committee, the objective of comprehensive and integrated growth of higher education could be possible to achieve if the role of NCHER is envisaged more on lines of a facilitator and co-ordinator giving directions in which the higher education system is to be steered. The Committee feels that the Department could have a re-look on the multiple functions of NCHER as given in the Bill so as to arrive at a more logical and practical one. The Committee firmly believes that any haste in dismantling the functional structures/bodies with a complicated and huge single structure could prove to be counter-productive.

(Para 3.10)

Rationale for subsuming UGC, AICTE & NCTE

The Committee is of the considered view that subsuming three important existing bodies viz UGC, AICTE and NCTE is a big step fraught with unforeseen situations. These three statutory bodies perform vital roles for specialized fields of education and have been performing more or less satisfactorily inspite of their own constraints and limitations. Subsuming the three bodies and creating an over-arching body like NCHER which would again appoint expert groups for specialized disciplines makes no sense. Given the wide arena of disciplines within the higher education sector, ranging from sciences, arts, technical education to music, fine arts, philosophy etc. NCHER may have to appoint a number of expert groups even if it would be for a specified period. The Committee thinks that instead of appointing expert groups and disbanding that group after the purpose is served, the three existing bodies should not be subsumed but be allowed to function under the overall supervision and co-ordination of NCHER. In this way, all the functions of NCHER would be

carried out by these three bodies with a proper monitoring and performance appraisal by NCHER. Not just this, the seven member NCHER body would not be over-burdened with numerous functions of all the three bodies and that too for all the disciplines within the higher education system. The Committee believes that NCHER should act as a super-regulator, as an advisor and guide to the three bodies facilitating their functions and coordinating with them effectively. This would help the higher education system of the country to have a holistic view of things and also lead to its comprehensive and integrated growth. (Para 3.16)

The Committee would like to emphasize on the principles of management where-in efficiency of an organization is increased due to decentralization and delegation of work. A body like NCHER definitely would need to delegate and decentralize its powers and functions. Since the expert group would not be permanent, the seven member body would have too many things to handle. Rather than dismantling the existing structures, the Committee feels that the existing structure of bodies should be retained after carrying out reforms for their better functioning. A body like NCHER would find it extremely difficult to regulate higher education system across the country on its own. The Committee, therefore, recommends to the Department that it should review its legislative initiative to dissolve bodies like UGC, AICTE and NCTE and explore alternative and viable mechanism where the three statutory bodies function under the supervision and monitoring of the over-arching body NCHER.

(Para 3.17)

Status of Distance education

The Committee observes that while UGC, AICTE and NCTE are proposed to be subsumed under the over-arching Commission, there is no mention about the fate of Distance Education Council. As a result, Distance Education Council will continue to enjoy the status of an authority of IGNOU and thus will also have the mandate about the overall promotion and co-ordination about distance education systems. The Committee finds this to be a very unviable proposition, keeping in view the fact that two statutory bodies, i.e. the National Commission for Higher Education and Research and the Distance Education Council would be having the same mandate so far as distance education is concerned. This is bound to result in over-lapping and conflicting stands being taken by the two bodies in future. (Para 3.19)

After going through the IGNOU Act, the Committee can only say that this Act was enacted in 1985 to establish and incorporate an Open University at the national level for the

introduction and promotion of open university and distance education systems in the educational pattern of the country and for the co-ordination and determination of standards in such systems. It has been more than 25 years since IGNOU was established and apparently no adverse reports about the functioning of the university are there. Rather the University has been doing pioneering work, enabling the students not having the time and means to attend regular classes to reap the benefits of modern day education. In such a scenario, the Committee finds no reason to create a situation when two bodies encroach upon the territory of each other. In Committee's opinion, it would be appropriate if IGNOU and its authority, Distance Education Council continue to carry out their mandate without any hindrance from any quarter. However, as presently proposed, like other Universities, IGNOU along with Distance Education Council would be under the purview of the proposed Commission. In such a scenario, complications would definitely arise. The Committee, accordingly, recommends that relevant provisions of the Bill vis-à-vis IGNOU Act may be appropriately reviewed so that Distance Education Council continues to maintain its distinct identity.

(Para 3.20)

Issue of Autonomy of Higher Educational Institutions/Universities

The Committee observes that UGC is mandated to take, in consultation with the universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities. However, the Bill when enacted will also give powers to the Commission to lay down:

- the requirements for the award of any degree or diploma in any field of knowledge in higher education;
- the norms and processes for establishment and winding up of a higher educational institution;
- the norms of academic quality for a university to affiliate colleges; and
- the norms and mechanisms to measure the productivity of research programmes funded by the Commission.

Besides that, every university/higher educational institution intending to enroll students for the first time to any course or programme of study can do so only after getting approval from the Commission. The Commission will also have the power to revoke permission to enroll students. Lastly, all research-related activities of higher educational institutions will be under the control of a Board for Research Promotion and Innovation. By doing so, universities would no more be autonomous and/or self-regulatory bodies. Moreover, there would be then

no difference between a university and an institution other than right to confer degrees that too with the prior approval of the Commission to be set up under this Bill. Universities would act just as affiliated colleges attached to the Commission. It was impressed upon the Committee that universities should be continued to be allowed as independent self-regulatory bodies and should be made accountable for their performance. (Para 3.26)

The Committee understands that uptill now, Universities have been the sole authority to review and decide about all aspects of university education which inter-alia include:

- to provide for instructions in various branches of learning
- to grant diplomas/certificates and confer degrees and honorary, degrees
- to recognize, withdraw recognition of an institution
- to co-operate or collaborate or associate with any other University
- to establish and maintain colleges
- to confer autonomous status on a college
- to determine standards of admission.

The Universities exercise their powers in accordance with the statutes and ordinances made by them. (Para 3.27)

The Committee is of the view that the teaching faculty is an important component of the higher education system. Adequate representation and due importance should be given to them in formulation, implementation and review of any policy of higher education. Representation of teacher's associations should be there so as to include teachers in holistic development and growth of the higher education system. The faculty of higher educational institutions have first hand knowledge of the problems being faced, incentives which could be given to the students and also offer solutions for problem-areas. Giving them space for voicing their concerns and giving suggestions about the higher education system would go a long way in fostering the spirit of democratic decision making as well as furthering autonomy of institutions and universities. (Para 3.28)

As mentioned in the Statement of Objects and Reasons to the Bill, the main objective of the proposed legislation is to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation. It is also true that a holistic view of the higher education system needs to be taken for its growth and also for maintaining and coordinating standards in higher education in the country. On going through the various provisions of the Bill, the Committee is afraid that the apprehensions raised by stake-holders that the proposed legislation does not promote but in actuality hinders the autonomy of higher educational institutions seems to be more than valid. (Para 3.29)

The Committee strongly feels that universities should continue to have full autonomy as enshrined in the powers and functions assigned to them under their relevant Acts. The Committee would like to point out that the Academic Council, the principal academic body of a University has the power to co-ordinate and exercise general supervision over the academic policies of its University. As per the Statement of Objects and Reasons to the Bill also, the proposed legislation seeks to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation. The Committee is, therefore, of the view that provisions affecting the autonomy of higher educational institutions and universities should not find place in the Bill. (Para 3.30)

Concerns of the State Governments about their role and autonomy.

The Committee is disturbed by the emerging aspects of the Bill which can adversely affect the autonomy and interest of State Governments even though it agrees with the justification of the Department that since Education is a Concurrent subject, the Centre has the right to legislate on matters of higher educational institutions and universities. The intention of the Department may not be to disturb the federal structure of the country in any way but still a wide array of apprehensions have been expressed by various State Governments and stakeholders. They were of the firm view that the autonomy of State Governments and their jurisdiction with respect to higher education was being encroached upon. Various areas of concern supported by relevant provisions in the Bill have been highlighted to substantiate their claim. The Committee would like to reiterate upon the fact that any attempt to infringe upon the autonomy of State Governments would not be a wise move which would eventually lead to failure of the legislation itself. The Committee is of the view that the Department should have pursued with the State Governments to allay their apprehensions and arrive at a consensus on areas of concern in the Bill followed by an attempt to have a model of the proposed legislation which was acceptable to State Governments, the most important stakeholders. (Para 3.36)

Coming to specific provisions which have raised doubts/apprehensions regarding curbing the autonomy of State Governments, the Committee is of the view that the Department should have a re-look at the following points and arrive at a consensus in fresh consultation with the State Governments:-

- Proper representation of States in the NCHER.
- Power and functions like opening of Universities, commencement of academic operations of institution etc should be vested in the State Governments.

- Decentralization of powers, assignment of roles and functions to the State Governments instead of centralization of these in the over-arching Commission
- Local sensibilities and problems need to be looked into before formulating any policy for higher education.
- Role of State Governments in appointment of Vice-Chancellors especially of State Universities. (Para 3.37)

The Committee agrees with the stakeholders that NCHER should be a more of a facilitator body with an advisory mandate. Practical difficulties in actual implementation of standards of higher education and proper regulation and monitoring is not possible by an over-arching body like NCHER. Co-ordination, co-operation and active involvement of the State Governments is an essential pre-requisite to realize the objectives of the legislation. The Committee feels that a balance has to be struck for a harmonious and smooth functioning and regulation of the higher education system. Aspirations of the States as well as their regional and cultural sensibilities have to be taken into account before formulating any policy for higher education system. In no way, the proposed legislation should reduce the role of State Governments or curb their autonomy. The Committee, therefore, recommends that a review of some of the problematic provisions curtailing autonomy of State Governments must be undertaken by the Department. (Para 3.38)

Important functions UGC, AICTE & NCTE not reflected in the Bill.

The Committee would also like to point out that private sector is a major stakeholder so far as higher education is concerned. At present, especially in the field of professional education, their governance of technical institutions, both in the private and Government Sector is under the overall supervision of the three regulatory bodies. They are the nodal authorities for giving recognition to a new institution, addition of a new course and increase in the intake capacity. These powers are exercised in close co-ordination with State Governments and universities. Along with this, a well-structured mechanism of monitoring through inspection is also in-built in the system. In spite of this, there continue to exist quite a few institutions which are not adhering to the prescribed norms or are not duly recognized by the concerned body. In such a scenario, any element of ambiguity is only going to make things very difficult both for the institutions as well as for the young students. The Committee is not inclined to agree with the contention of the Department that the new reform structure would be based on self-disclosure and independent quality control mechanisms. The Committee also does not find merit in the argument of the Department that the primary

role of inspection of infrastructure and academic quality would be performed by accreditation agencies. Similarly, the clarification that any non-compliance of regulations made by NCHER would result in attracting penal provisions under the proposed Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010 is not factually correct. The Committee would like to point out that recognition of a new institution and accreditation of an established institution are two different things altogether. Likewise the Prohibition of Unfair Practices Bill mainly takes care of unfair practices against students that too by institutions duly recognized by the statutory authority. (Para 3.43)

The Committee also observes that the proposed legislation as formulated clearly indicates that universities will be responsible both for academic courses of study as well as professional courses. That means that they will be playing the role of approval granting and monitoring agencies in both the areas. If that be so, the Committee is constrained to observe that majority of universities are already over-burdened, particularly those having a large number of affiliating colleges. It is an uphill task for them to monitor their constituent departments and affiliated colleges due to lack of required manpower, expertise and infrastructure. Ironically, their domain covering all aspects relating to their functions is proposed to be as per the regulations and directions of the Commissions, virtually being under its overall supervision. In such a scenario, it will be an ill-conceived mechanism fraught with apparent impediments for young students. (Para 3.44)

Strong objection of Bar Council of India over inclusion of legal education within the ambit of the Bill

The Committee is glad to know that a consensus has been reached between the Department and the Bar Council of India over the inclusion of legal education within the ambit of the Higher Education and Research Bill, 2011. The Committee, however, would like to express its concern that a similar stance could be taken up by other bodies controlling other disciplines of education which may lead to lobbying and protests. Every discipline can claim to be specialized one and demand to be excluded from the proposed legislation to be regulated only by their own specialized body instead of a handful of academicians who may or may not have specialized knowledge of the discipline/subject. In such an eventuality, the very purpose of regulation of all disciplines by an over-arching body for holistic growth of the higher education system would be defeated. (Para 3.49)

Inclusion of medical research in the Bill

The Committee is convinced by the arguments put forth by the representatives of ICMR and the Department of Health Research for bringing medical research within the ambit of NCHRH. The Committee believes that medical education and research are a very specialized field. Their interests would be better served if medical education and research remain together. There are several premier institutions involved in medical research in the country and the Ministry of Health and Family Welfare is the nodal Ministry for them. There is a separate Department of Health Research under that Ministry. It would be appropriate if the National Commission for Higher Education and Research is entrusted with academic research only. The Committee also observes that the NCHRH Bill had 'promotion of research' as one of its goals. The Committee is aware that the Standing Committee on Health and Family Welfare in its Report on the NCHRH Bill, 2011 has strongly advocated for bringing medical research under that Commission. It would, therefore, be in the fitness of things if the subject of medical research is allocated its rightful place under the NCHRH Bill, 2012. (Para 3.51)

Fate of Staff/employees of UGC, NCTE and AICTE

The Committee shares the apprehension about the fate of staff/employees of the three organizations. The Committee strongly feels that in no eventuality should the staff/employees of the three organizations UGC, AICTE and NCTE suffer due to the move of the Government to dissolve the three bodies. The Committee, therefore, recommends that interest of all the staff of the three bodies is safeguarded. The proposed Bill does not give a clear picture of the organizational structure of NCHER and it is also not given how the employees with the requisite expertise would be accommodated in the respective departments of their fields. The Committee also suggests that the pecuniary benefits and service conditions of their previous organizations should be extended to them in the new organization also. (Para 3.55)

V. CLAUSE 3: DEFINITIONS

The Committee also recommends that the definitions of three terms, i.e. 'diploma' and 'distance education systems' and 'university' may be modified as follows:

- "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;

- **“distance education systems” means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence course, seminars, contact programmes or the combination of any two or more of such means.**
- **“university means a university established or incorporated by or under a Central Act and includes an institution deemed to be university.**

Committee's intention behind the above modifications is to eliminate any sense of confusion or over-lapping which may give rise to complications in future. Necessary modification wherever required in the Bill may also be carried out. (Para 5.2)

VI. CLAUSE 5: COMPOSITION OF COMMISSION

Keeping in view the enormity of functions assigned to the Commission, it would have been appropriate if all the members of the Commission were full time members. The Committee, therefore, recommends that clause 5 may be modified accordingly.

(Para 6.1)

VII. CLAUSE 17: COMMISSION TO DETERMINE, CO-ORDINATE, MAINTAIN AND SPECIFY STANDARDS OF HIGHER EDUCATION AND RESEARCH.

The Committee observes that the regulation-making power assigned to the Commission as indicated above would result in impacting the autonomy of universities. Another fall-out would be over-lapping between the powers of the over-arching Commission and the proposed laws relating to foreign universities and accrediting authority. The Committee, therefore, recommends that clause 17 may be reviewed and modified accordingly.

(Para 7.2)

VIII. CLAUSE 26: ESTABLISHMENT OF GENERAL COUNCIL

Clause 26 specifies the composition of the General Council. The Committee observes that the General Council is a large body having members from different professions and councils/bodies and experts, representing different areas of higher education. However, during its interaction with different stakeholders, it was impressed upon the Committee that certain very vital areas still remained unrepresented in the General Council. The Committee is also of the view that there were indeed certain gap areas and, accordingly, recommends that following members may be added in the General Council:

- **representative from a private university by rotation region-wise**
- **representative from teachers by rotation from universities region-wise**
- **representative from distance education**
- **woman member**

- **representatives from SC, ST and minorities**
- **two members, one from Lok Sabha and one from Rajya Sabha**

The Committee also feels that inclusion of two members representing NGOs in the General Council may perhaps not serve the purpose. A view may, therefore, be taken for deletion of this category of membership from the Council. (Para 8.1)

As per clause 26(2), the meetings of the General Council shall be convened at least once in every six months and at such other times as the Chairperson may consider necessary. The Committee is of the view that with the kind of functions envisaged to be performed by the General Council, it should meet at frequent intervals. The Council should, accordingly, be mandated to meet at least once in a month. (Para 8.2)

IX. CLAUSE 27: POWERS AND FUNCTIONS OF THE GENERAL COUNCIL

As per sub-clause(3) of clause 27, the General Council, for the discharge of its functions or reporting or advising upon any matter, constitute Expert Advisory Groups for legal education, health and medical education, education related to general sciences, humanities, social sciences, engineering or technology, vocational education, distance education systems. The Committee is of the view that with all the regulatory bodies continuing, there would be no need for constituting Expert Advisory Groups. The Committee, accordingly, recommends that sub-clauses (3) and (4) of clause 27 may be deleted. (Para 9.1)

X. CLAUSE 30: FUNCTIONS OF COLLEGIUM

The Committee strongly feels that a review of powers and functions assigned to Collegium vis-à-vis mandate of the Commission has to be made so as to avoid any uncalled for issues arising once this law comes into effect. (Para 10.2)

XI. CLAUSE 52: JOINT MECHANISM

This clause proposes to have a Joint Committee i.e. National Commission for Higher Education and Research and the National Commission for Human Resources for Health to deal with any issues arising out of difference of opinion. The Committee is, however, of the opinion that with the National Commission for Human Resources for Health having the domain of health education as well as health research, the envisaged joint mechanism would not be required.

(Para 11.1)

XII. CLAUSE 63: POWER OF COMMISSION TO MAKE REGULATIONS

The Committee is of the view that with a specific clause (clause 63) relating to regulation making power, clause 17 does not seem to be required. The Committee, accordingly, recommends that clause 17 may be deleted. (Para 12.1)

XIII. CHAPTER VI: ENROLMENT OF STUDENTS

The Committee understands that the National Accreditation Regulatory Authority for Higher Educational Institutions is yet to be set up as the concerned legislation has not been passed by the Parliament. The Committee would also like to point out that accreditation exercise can be undertaken only in respect of institutions existing for some time so they can be rated/graded as per the parameter, of academic quality determined by the appropriate authority. (Para 13.2)

The Committee also views with serious concern the move to take away the power of a university to enroll students for a new course or programme. Such a provision will directly impinge upon the well-established authority of Universities. (Para 13.3)

The Committee also reiterates that the processing of enrolment of students for a new course along with recognition of a new technical institution and increase in its intake capacity should rest with AICTE and NCTE and universities. The Committee, accordingly, recommends that Chapter VI may be deleted. (Para 13.4)

XIV. CHAPTER VII: BOARD FOR RESEARCH PROMOTION AND INNOVATION

Broadly speaking, the spirit behind having such a Board is a welcome step. It is a well-known fact that inspite of best efforts put up by our universities and research institutions and commendable potential of our young students, the country has failed to mark its presence in the global scenario. The Committee would, however, has a word of caution. Every effort has to be made so as to avoid any situation whereby independence of Universities and institutions doing pioneering research work is compromised. Secondly, medical research is an altogether different and very specialized area when compared with academic research. The Committee is also aware of the fact that the Standing Committee on Health and Family Welfare in its Report on the National Commission for Human Resources for Health Bill, 2011 has strongly recommended for bringing medical research under the domain of their Bill. The Committee is in agreement with the stand taken by the Committee on Health and Family Welfare as the Ministry has a separate Department of Health Research. (Para 14.2)

XV. CLAUSE 65: POWER OF CENTRAL GOVERNMENT TO SUPERSEDE COMMISSION, GENERAL COUNCIL ETC.

The Committee is of the firm view that clause 65 giving very sweeping powers to the Central Government is not justified from any angle. It is pertinent to mention that the proposed legislation seeks to promote autonomy of higher educational institutions and universities. Same principle needs to be made applicable on the proposed bodies. The over-arching Commission and its ancillary bodies envisaged to work under the guiding principle of autonomy also needs to be autonomous body itself. The Committee does not find any merit in the argument of the Department that it is a general clause which is to be exercised only in rare and extreme cases. Inclusion of such a provision in other Acts like NCTE Act also does not hold any ground. The Committee, accordingly, recommends that clause 65 may be deleted.

(Para 15.2)

XVI. FINAL DELIBERATIONS WITH THE DEPARTMENT OF HIGHER EDUCATION

Role of UGC, NCTE, AICTE and DEC vis-à-vis National Commission for Higher Education and Research

The Committee finds the above clarification given by the Department quite unconvincing. The Committee fails to understand as to how a regulation-making power can take the place of specific provisions incorporating well-defined powers and functions of a body. Secondly, educational standards, requirements and other provisions reflected under the UGC Act, AICTE Act and NCTE Act can be made applicable, even if for some period after the enactment of the proposed legislation is beyond the comprehension of the Committee.

(Para 16.5)

The Committee strongly feels that alternative mechanism of an over-arching body having the responsibility of the entire higher education sector in place of the existing specialized regulatory bodies suggested by the Department can never be a viable proposition. One has to see the issue of regulation of higher educational institutions, keeping in view the interests of students, future of our country and quality control of higher education. It is an undisputed fact that with a very large number of different categories of higher educational institutions spread across the vast expanses of our country, specialized regulatory bodies with a well-defined mandate and well-established structure at the Centre and also in States is the only viable and workable mechanism. Their functioning could be further improved by

strengthening them and having checks and balances at the right places. Universities, both Central and State, lack required infrastructure and expertise expected from a regulatory body. Suggested alternative of assessment and accreditation would be mandatory only after six years of existence of an institution. The very critical area of grant of approval/recognition has not been addressed in the right perspective in the proposed legislation. One time approval to a higher educational institution for enrolment of students for the first time in any course/programme cannot be equated with approval/recognition to be given for setting up a higher educational institution. Not only this, monitoring of higher educational institutions through a well-established system of inspection is also not visible in the proposed legislation. The Committee cannot ignore the ground realities as quite a few institutions continue to operate without any approval inspite of the existence of regulatory bodies. (Para 16.7)

The Committee has been given to understand that clause 35 relating to 'Enrolment of Students' has been included in view of growing commercialization of education and entry of private players. It has been also pointed out that many private institutions start enrolling students without providing basic amenities, infrastructure and qualified faculty. This justification confirms Committee's view that there is an essential requirement for having a well-structured mechanism both for initial approval and also for monitoring the functioning of existing institutions. This mechanism has been there in the form of AICTE and NCTE for the last two-three decades. Any aberrations noticed in the functioning of these regulatory bodies with the passage of time and ever-changing scenario have to be tackled in the right perspective. Simply doing away with these bodies and having a mammoth structure as an alternative would not serve the purpose. (Para 16.8)

Power of UGC to allocate funds to Universities has been assigned to the Higher Education Financial Services Corporation. The Committee is surprised to note that there is only one clause in the Bill as per which duties and functions of the Corporation shall be disbursement of financial assistance by way of grants to universities and higher educational institutions. This power will be governed by regulations specifying norms and principles for allocation of grants for the maintenance and development or research or for any other general or specific purpose. There is no mention about inspection or withholding of grants.

(Para 16.10)

The Committee would like to point out that the regulation making power given to the proposed Commission under clause 17 clearly indicates additional powers, when compared with UGC as given below:

- specify norms and processes for establishment and winding up of a higher educational institution and university;**
- specify norms and mechanism for transparent, efficient and accountable governance in universities and higher educational institutions;**
- specify and coordinate standards for leadership positions for appointment as Vice-Chancellor of a university or the head of a Central Educational Institution not being a college.**

In addition, the proposed Commission will also have the power to maintain a directory of academics for leadership positions, enrolment of students for the first time, revocation of permission to enroll students. (Para 16.12)

The Committee observes that all the above-mentioned powers and functions assigned to the proposed Commission are not there with UGC. The Committee is not in agreement with the contention of the Department that powers and functions proposed to be assigned to the over-arching Commission are the same as those entrusted to UGC. There are significant additions which are likely to encroach upon the domain of both State Governments as well as individual universities. Not only this, regulation-making power of specifying norms and standards of academic quality for accreditation and benchmarking of higher educational institutions and universities are bound to lead to complications in future. The Committee finds that there is a separate legislation for setting up a National Accreditation Regulatory Authority for Higher Education and Research which is proposed to be enacted. The Committee fails to understand the rationale for having two authorities being assigned the same power. When there is a separate designated authority for a specific domain, it should have total autonomy with no interference from any other authority. (Para 16.13)

The Committee also observes that the Commission shall also have the power to make regulations for regulating the entry and operation of foreign educational institutions in accordance with any law providing for such regulation for the time being in force. Committee's attention has been drawn by a separate legislation, i.e. the Foreign Educational Institutions (Regulation of Entry and Operation) Bill, 2010. This proposed legislation when enacted will have the mandate to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education (including technical education and medical education and award of degree, diploma and equivalent qualifications by such

institutions). The Committee is of the view that power to make regulations for entry and operation of foreign educational institutions should remain exclusively under this Bill.

(Para 16.14)

The Committee also has reservations about regulation-making power of the Commission whereby norms and processes for establishment and winding up of higher educational institutions and universities. As per the definition of the term 'university' given in the Bill, a university has to be established or incorporated under a Central or State Act. The Acts governing the establishment of universities include all the relevant provisions and enjoy full autonomy. The Committee fails to comprehend the justification for having such a regulation-making power.

(Para 16.15)

The Committee notes that this decision has been taken on the recommendations of an Expert Committee. The Committee is not aware about the basis of such recommendations made by the Expert Committee. The Committee can only say that the Indira Gandhi National Open University was established in 1985 for the introduction and promotion of open university and distance education systems and for coordination and determination of standards in such systems. This crucial mandate is being carried forward by IGNOU with the support of Distance Education Council for more than two decades. Nobody can deny the fact that pioneering work is being done by these bodies, especially for the under-privileged and marginalized sections of our society. The Committee strongly feels that the kind of dedicated, focused and specialized work being done by IGNOU and DEC could not have been accomplished by UGC. The position is likely to worsen further with the over-arching Commission which will be the only nodal authority having a very big and complicated mandate of managing all categories of higher education including professional and technical education, that too in a vast country like ours with a very diverse background. The Committee would also like to point out that one Expert Advisory Group to be created under the General Council to advise it in matters pertaining to distance education cannot be equated with the kind of work done by a Central University and its Authority. The Committee is also of the view that complications and contradictions are bound to arise between the mandate of IGNOU and that of the proposed Commission.

(Para 16.17)

Autonomy of Higher Educational Institutions

The Committee takes note of the latest clarification given by the Department with regard to autonomy of higher educational institutions. It has been pointed out that universities and other higher educational institutions will continue to have complete autonomy in academic matters and nothing prevents them from designing their programmes/courses, subject to fulfillment of minimum standard by UGC at present and the proposed Commission. The Committee would, however, like to point out that power for enrolment of students for the first time by a University/higher educational institution and revocation of the same by the proposed Commission directly affect the independent functioning of both universities and higher educational institutions functioning in the Central and state sector. Secondly, the mandatory provision of every Central Educational Institution appointing a Vice-Chancellor or Head of an institution from the directory of academics for leadership positions to be maintained by the proposed Commission is a direct encroachment on the autonomy of a university. Not only this, State universities would also be in a position to appoint a Vice-Chancellor, in accordance with the standards for leadership specified by the proposed Commission. The present system of Vice-Chancellors being appointed by the Visitor based on the recommendations made by a Selection Committee appointed by the University will no longer be there. The Committee apprehends that this would also be in direct conflict with the provisions incorporated in the various Acts governing Central as well as State Universities. (Para16.18)

Role of State Governments and their Autonomy

The Committee is not convinced by the contention of the Department that States, through their Higher Education Councils, would be represented in the General Council and will thus have a role in decision-making. States would also be indirectly represented in the Board for Research Promotion and Innovation. All the powers and functions assigned to the General Council are advisory in nature. The Committee is well aware of the fact that there is no representation of states in UGC. The Committee would, however, like to point out that both AICTE and NCTE, not only have representation from State Governments but also have their Regional Boards/Committees. Not only this, the main apprehensions of State Governments regarding centralization of powers in one monolithic body and their inability to

promote regional, cultural and linguistic policies of their respective States and also due attention to local sensibilities and problems remain unaddressed. (Para16.20)

Comparison between the NCHER Bill, 2011 and NCHRH Bill, 2011

The Committee would like to point out that new bodies dealing with specialized areas like funding research and vocational education are proposed to be set up under the proposed Commission. In contrast, well established bodies, handling very specialized areas of higher education like technical education, professional education, teacher education and distance education are proposed to be done away at one go. In spite of the mandate of these Universities being very vast and diverse, their independent identity and existence is going to be subsumed. The Committee fails to understand as to why no problem and complications are anticipated in allowing the bodies like MCI, INC, DCI and Pharmacy Council being allowed to operate, although with a diluted role under the overall supervision of the National Commission for Human Resources for Health. (Para16.24)

The Committee finds that dilution in the mandate of regulatory bodies of medical education and their being brought under the purview of the Commission for Human Resources for Health has not been found acceptable by the Department-related Standing Committee on Health and Family Welfare. It has strongly advocated restoration of the present powers and functions of MCI, INC and DCI. (Para16.25)

Financial Implication

The Committee is not convinced by the arguments of the Department that the expenditure on the establishment and maintenance of NCHER and various sub-entities under it would be the same as being incurred presently in running UGC, AICTE and NCTE. This is clearly borne out by the Financial Memorandum to the Bill which clearly states while the administrative expenditure for supporting the Commission shall be approximately the same as involved in supporting the three existing bodies, expenditure on account of salaries and other recurring expenses shall not be substantially higher. The Committee would like to point out that creating infrastructure for an over-arching entity like NCHER would be requiring substantial funds. The Committee also would like to stress on the fact that establishment of Commission (7-member body –salary and allowances payable to them) and creation of quite a few entities under it, General Council (sitting fees/allowances payable to its members), 30-

member Collegium, 13-member Board for Research Promotion and Innovation (salary and remuneration payable to members of the board), Higher Education Financial Services Corporation (salary and allowances payable to officers of the Corporation), Qualifications Advisory Councils in Vocational Education (8 member Advisory Councils/salary and allowances payable to the members of the Council), would certainly mean requirement of substantive funds.

As per the latest information made available to the Committee, the expenditure incurred by UGC, AICTE and NCTE on establishment and administrative costs was `113.98 crore in 2009-10, `135.67 crore in 2010-11 and `133.48 crore in 2011-12. The Committee is not aware about the expenditure being incurred by DEC. The Committee would like to point out that as compared to the four existing regulatory bodies, the over-arching Commission along with the various entities proposed to be set up to assist its functioning will entail expenditure on a higher scale. In other words, it would not be wrong to conclude that from financial point of view also, the proposed structure would not be a viable proposition.

(Para16.27)

XVII. CONCLUSION

In conclusion, the Committee would like to observe that broadly speaking, nobody can have any disagreement with the following objectives of the Higher Education and Research Bill, 2011.

- to promote autonomy of higher educational institutions and universities for free pursuit of knowledge and innovation;**
- to provide for a comprehensive and integrated growth of higher education and research keeping in view the global standards of educational and research practices; and**
- to establish the National Commission for Higher Education and Research to facilitate determination, co-ordination maintenance and continued enhancement of standards of higher education and research.**

At the same time, the Committee is of the view that the mechanism for achieving these objectives has to be well-conceived and a properly structured one against the backdrop of a vast country like ours having States with diverse background, cultures, regional disparities and imbalances. A totally centralized body that too in the realm of higher education, handling a very wide range of programmes, both academic and professional, will find its task very difficult, impractical and almost impossible. It can only function if it has the proper support from specialized bodies having their presence in different regions of the country. There has to be a proper balance of autonomy and supervision. The Committee does not find any merit in doing away with well-established regulatory bodies with one stroke. Proper

course would be to identify their inherent short-comings and restructure and reshape them. In the preceding paragraphs, the Committee has made an attempt to give suggestions and recommendations so as to evolve a workable edifice, well-equipped with all the required powers and supported by specialized bodies, as and where required. On drawing the attention of the Department to the alternative structure, the Committee was informed that an attempt was made in 2009 to bring together three bodies, i.e. UGC, AICTE and DEC and a consortium was constituted to reconcile different approaches of these bodies in regulatory functioning. The Committee has been given to understand that this attempt did not lead to any significant change since these bodies continued to function independently. (Para 17.1)

The Committee is not aware about the modalities on which the consortium for bringing together UGC, AICTE and DEC was constituted. The Committee is, however, not inclined to agree with the contention of the Department that creation of such a co-ordinating super-structure would need to be given a detailed thought in view of the complication likely to arise. Also, whether it can be achieved through a legislative route or through mere executive orders has yet to be examined. The Committee strongly feels that with the kind of over-arching Commission with no clarity about the mechanism for handling technical education, teacher education and distance education, three most crucial aspects of higher education, there would be no dearth of complications. These likely complications would be further aggravated by encroachment on autonomy of States and independent functioning of higher educational institutions. (Para 17.2)

The Committee is quite surprised to take note of Department's apprehension that creation of an over-arching co-ordinating body may eventually lead to clash of egos and questions as to who is the supreme authority to take decisions. If such a body is created in order to avoid turf battles, powers of existing councils and commissions may have to be curtailed which again is a complicated exercise. The Committee finds the justification given by the Department totally unconvincing. It seems that turf battles and ego clash between the existing regulatory bodies have led to a situation where perhaps the Department does not find it easy to chalk out a middle path. The Committee finds that a joint mechanism has been envisaged to resolve any difference or dispute between the National Commission for Higher Education and Research and the National Commission for Human Resources for Health. Same analogy can be made applicable to with regard to the proposed Commission and existing regulatory bodies. The only difference would be that the Commission will have the

power to mediate between two regulatory authorities and will be the final authority to resolve all differences and disputes. The Commission will also have the power to give directions on matters of policy. (Para 17.3)

The Committee is of the strong view that the three existing regulatory bodies can very well continue to exist. However, with regard to Higher Education Financial Services Corporation which has been assigned the functions hitherto vested with UGC, it would be appropriate if its powers are reverted back to UGC with its powers and functions remaining unchanged. (Para 17.5)

The Committee takes note of the following observation made by the Yashpal Committee:

“In order to build strong epistemic bridges between different fields of professional education and the different disciplines of science, social sciences and humanities, it is necessary that professional institutions are returned to universities in a complete administrative and academic sense by the abolition of intermediary bodies set up to issue licenses to professional colleges alone, and to inspect them. Such a measure will open the possibility of new kinds of course-designing for professional learning in all fields from management and architecture to medicine and engineering.” (Para 17.6)

While broadly agreeing with the above assessment of Yashpal Committee, the Committee cannot ignore the ground realities in our country against the backdrop of almost unmanageable number of technical institutions with more than 300 of them functioning without any authorization. A well-structured regulatory mechanism has undoubtedly to be there. The Committee would appreciate if the present system is reviewed and further strengthened. The Committee is of the view that the over-arching Commission may be assigned the role of a policy-making body, co-ordinator and guide for all the implementing agencies and nodal bodies. Formulation of policy and guidelines may remain the domain of the Commission having representation from all conceivable areas. Implementation, regulation and monitoring of higher educational Institutions and universities may continue to be the responsibility of existing statutory bodies. Areas of conflict which hitherto have remained unchecked resulting in uncalled for situations can be referred to the proposed Commission. Commission can very well become co-ordinators as well as mediator. Last but not least, it can have over-all supervision and monitoring of these bodies, without compromising their independent functioning. The Committee would also like to point out that all these bodies work in close co-ordination with State Governments and universities, through their regional councils, boards and Committees. Thus, federal structure of our polity

and autonomy of universities also remains fully protected. The Committee finds no justifiable reason for changing the age-old systems. (Para 17.8)

In this context, the Committee would like to draw attention to provisions regarding Annual Report incorporated in the three Acts governing the functioning of UGC, AICTE and NCTE. As per these provisions, these bodies are mandated to prepare an Annual Report every year and forward the same to the Central Government which has been assigned the responsibility of laying the same before both the Houses of Parliament. The Committee is of the view that these three bodies may be directed to send their Annual Reports to the Commission. The Commission will have the authority to make an assessment about their functioning through the Annual Report and suggest corrective measures. Thereafter, these Annual Reports may be laid before both the Houses of Parliament. The Committee, accordingly, recommends that a suitable provision in this regard may be included in the Bill. Same provision be made applicable for the Distance Education Council also. (Para 17.9)

The Committee is of the firm view that an objective assessment of the proposed legislation has to be taken in consultation with all the stakeholders, particularly State Governments and higher educational institutions represented by Vice-Chancellors as well as teaching community. The Committee reiterates that separate entity of the existing regulatory bodies has to be continued with the over-arching Commission mainly performing the role of policy maker. (Para 17.10)

MINUTES

**XIV
FOURTEENTH - MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Wednesday, the 22nd February, 2012 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar
5. Shri Pramod Kureel
6. Dr. Janardhan Waghmare
7. Shri N. Balaganga

LOK SABHA

8. Shri E.T. Mohammed Basheer
9. Shri Kuvarjibhai Mohanbhai Bavalia
10. Shri P.K.Biju
11. Shri Jeetendra Singh Bundela
12. Shri Suresh Chanbassappa Angadi
13. Shri P.C. Gaddigoudar
14. Shri Kapil Muni Karwariya
15. Capt. Jai Narain Prasad Nishad
16. Shri Prasanna Kumar Patasani
17. Shri Balakrishna Khanderao Shukla
18. Shri Joseph Toppo
19. Dr. Vinay Kumar Pandey 'Vinnu'
- 20.. Shri Ramesh Rathod

LIST OF WITNESSES

THE EXAMINATION OF THE HIGHER EDUCATION AND RESEARCH BILL, 2011

**I. DEPARTMENT OF HIGHER EDUCATION
MINISTRY OF HUMAN RESOURCE DEVELOPMENT**

1. Smt. Vibha Puri Das, Secretary
2. Shri R.P. Sisodia, Joint Secretary, MHRD
3. Dr. S.S. Mantha, Chairman, AICTE
4. Prof. Ved Prakash, Chairman, UGC
5. Dr. G. Narayana Raju, Joint Secretary & LC
6. Shri Diwakar Singh, Deputy Legislative Counsel
7. Shri Harpreet Singh, Director, (HE)

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened *** **** ***** and to hear the Secretary, Department of Higher Education on the Higher Education and Research Bill, 2011. *** ***** *** *** *** *** ***** *** The Committee presently was engaged in deliberating on the Higher Education and Research Bill, 2011 and would soon be busy in the examination of the Demands for Grants 2012-13 during the forthcoming budget session. *** *** *** *** *** The Committee, accordingly, decided to seek extension of time for presentation of the Report on the said Bill upto 31 May, 2012 and authorized the Chairman to approach the Hon'ble Chairman, Rajya Sabha in this regard.

3. *** **** ***** *** **** *****

4. Thereafter, the Committee heard the views of the Secretary, Department of Higher Education on the objectives and vision of the Higher Education and Research Bill, 2011 and the wide implications of this legislation on the higher education sector. The Chairman and members raised queries which were replied to by the Secretary. The Committee decided to forward a questionnaire to the Department for their written comments.

5. Verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.40 p.m.

**XXI
TWENTY-FIRST MEETING**

The Committee on Human Resource Development met at 4.00 p.m. on Thursday, the 17th May, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Dr. Janardhan Waghmare

LOK SABHA

3. Shri Mirza Mehboob Beg
5. Shri P.K.Biju
6. Shri Suresh Chanabasappa Angadi
7. Shri P.C.Gaddigoudar
8. Shri Kapil Muni Karwariya
9. Kumari Saroj Pandey
10. Shri Prasana Kumar Patasani
11. Shri Ashok Tanwar
12. Dr. Vinay Kumar Pandey 'Vinnu'
13. Shri Madhu Goud Yaskhi

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

I. INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

1. Shri Jaypeep Narendra Shah, President
2. CA. Subodh Kumar Agrawal, Vice President
3. Shri T. Karthikeyan, Secretary
4. Shri Vijay Kapur, Director, Board of Studies
5. Shri N.P. Singh, Sr. Jt. Secretary
6. Shri S.S. Sharma, Assistant Secretary
7. Shri B.N. Tiwari, Private Secretary

II. THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

1. Shri Rakesh Singh, Vice President
2. Shri R.N. Pal, Sr. Director
3. Shri J.P. Singh, Director
4. Shri Sudhir Sharma, Jt. Director
5. Shri Chiranjib Das, Dy. Director

III. INSTITUTE OF COMPANY SECRETARIES OF INDIA

1. Shri Nesar Ahmad, President
2. Shri Harish K. Vaid, Council Member
3. Shri Sutanu Sinha, Sr. Director (Academics)
4. Dr. S.K. Dixit, Director, (Academics)

IV. THE INSTITUTION OF ENGINEERS INDIA

1. Dr. S. Nagabhushana Rao, Council Member
2. Dr. G.S. Yadava, Council Member
3. Shri R.N. Rajpoot, Council Member
4. Maj. General R.K. Sanan, VSM (Retd), Secretary and Director General
5. Shri H.R.P. Yadav, Director

V. BAR COUNCIL OF INDIA

1. Shri Manan Kumar Mishra, Chairman
2. Shri Apurba Kumar Sharma, Chairman, EC
3. Shri Vijay Bhatt, Associate Managing Trustee
4. Shri Rajinder Singh Rana, Member
5. Shri Satish Abarao Deshmukh, Member
6. Shri T.S. Ajith, Member, Member
7. Shri S. Prabakaran, Member
8. Shri I.N. Mehta, Member
9. Shri Ramchander Rao N., Member
10. Shri J.R. Sharma, Secretary

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the witnesses/stakeholders on the Higher Education and Research Bill, 2011.
3. The Committee, then, heard the views of the representatives of the Institute of Chartered Accountants of India, Institute of Cost Accountants of India, Institute of Company Secretaries of India and the Institution of Engineers regarding the impact of the Higher Education and Research Bill, 2011, on the professional education and institutions, problem areas and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to each of the these organizations for their written replies. (The witnesses then withdrew)
4. Thereafter, the Committee heard the views of the representatives of the Bar Council of India regarding the impact of the Higher Education and Research Bill, 2011 on the legal education and profession, problem areas and suggestions therefor. The Chairman and members raised queries some of which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Bar Council of India for their written replies.
5. A verbatim record of the proceedings was kept.
6. The Committee then adjourned at 5.55 p.m.

XXII
TWENTY-SECOND MEETING

The Committee on Human Resource Development met at 3.30 p.m. on Monday, the 4th June, 2012 in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Mahendra Singh Mahra
3. Shri N.K. Singh
4. Shrimati Kanimozhi
5. Dr. Janardhan Waghmare

LOK SABHA

6. Shri E.T. Mohammed Basheer
7. Shri Kuvarjibhai Mohanbhai Bavalia
8. Shri P.K.Biju
9. Shri Jeetendra Singh Bundela
10. Shri P.C.Gaddigoudar
11. Shri Kapil Muni Karwariya
12. Capt. Jai Narain Prasad Nishad
13. Shri Sheesh Ram Ola
14. Shri Prasana Kumar Patasani
15. Shri Joseph Toppo
16. Dr. Vinay Kumar Pandey 'Vinnu'
17. Shri P. Viswanathan
18. Shri Madhu Goud Yaskhi

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

I. DELHI UNIVERSITY AND IGNOU

1. Prof. Dinesh Singh, Vice-Chancellor, Delhi University
2. Prof. M. Aslam, Vice Chancellor, IGNOU
3. Prof. Ravindra Kumar, Director, Research Unit, IGNOU

II. DEPARTMENT OF HEALTH & FAMILY WELFARE & MCI

1. Shri P.K. Pradhan, Secretary, (H&FW)
2. Shri Keshav Desiraju, Special Secretary, (H&FW)
3. Dr. K.K. Talwar, Chairman, MCI
4. Dr. Vishwas Mehta, Joint Secretary
5. Shri Sube Singh, Deputy Secretary

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the witnesses/stakeholders on the Higher Education and Research Bill, 2011. ***
3. The Committee, then, heard the views of the Vice-Chancellors of University of Delhi and Indira Gandhi National Open University regarding the impact of the Higher Education and Research Bill, 2011 on the university education, distance education, problem areas and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to both the Universities for their written response. (The witnesses then withdrew)
4. Thereafter, the Committee heard the views of the Secretary, Department of Health and Family Welfare and the Chairman of the Medical Council of India on the impact of the Higher Education and Research Bill, 2011 on medical education and profession, problem areas and suggestions therefor. The Chairman and members raised queries some of which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Department and Medical Council of India for their written response.
5. The Committee, thereafter, reviewed the progress made so far with regard to examination of the Higher Education and Research Bill, 2011. The Committee felt that the proposed legislation was a major policy initiative in the higher education sector. Accordingly, it was very necessary to hear the views of all concerned. Along with other stakeholders, the Committee decided to hold interactions with a few State Governments representing different regions of the country. The Committee, accordingly, authorized the Chairman to approach the Hon'ble Chairman, Rajya Sabha for his approval in the matter.
6. A verbatim record of the proceedings was kept.
7. The Committee then adjourned at 5.55 p.m.

**XXIII
TWENTY-THIRD MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Monday, the 15th June, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT
RAJYA SABHA**

1. Shri Oscar Fernandes - **Chairman**
2. Shrimati Mohsina Kidwai
3. Shri Mahendra Singh Mahra
4. Shri N. Balaganga

LOK SABHA

5. Shri E.T. Mohammed Basheer
6. Shri P.K.Biju
7. Shri Kapil Muni Karwariya
8. Shri Sheesh Ram Ola
9. Shri Prasana Kumar Patasani
10. Shri Joseph Toppo
11. Dr. Vinay Kumar Pandey 'Vinnu'
12. Shri P. Viswanathan

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

I. THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY

- (i) Prof. Rajan Saxena, Co-Chair, FICCI Higher Education Committee & Vice Chancellor, NMIMS, University
- (ii) Smt. Shobha Mishra Ghosh, Director, FICCI
- (iii) Dr. G.K. Prabhu, Registrar, Manipal University
- (iv) Dr. PLNG Rao, Director, Quality and Compliance, Manipal University
- (v) Prof. K.E. Raman, Acting Director, BITS, Goa
- (vi) Shri Rajesh Pankaj, Deputy Director, FICCI

II. THE PHD CHAMBERS OF COMMERCE AND INDUSTRY;

- (i) Shri Prabhat Jain, Co-Chairman, Education Committee
- (ii) Shri Jatinder Singh, Secretary, Education Committee

III. EDUCATION PROMOTION SOCIETY OF INDIA

- (i) Dr. H. Chaturvedi, Alternate President, EPSI, Director, BIMTECH, Greater Noida
- (ii) Prof. G.D. Sharma, President, Society for Education and Economic Development, New Delhi
- (iii) Shri Ashok Mittal, Chancellor, Lovely Professional University, Phagwara

- (i) Dr. Anand A. Samuel, Pro Vice-Chancellor, VIT University, Vellore
- (ii) Shri. P.J.S. Bedi, Director-Regulatory Affairs, Manipal University, Manipal
- (vi) Dr. Umesh Sharma, Director, Sunrise University, Jaipur
- (vii) Shri P. Palanivel, Public Relations Officer, EPSI

IV. SARTHAK ADVOCATES AND SOLICITORS.

- (i) Shri Abhishek Nath Tripathi
- (ii) Ms. Mani Gupta
- (iii) Shri Tushar Tarun

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the views of stakeholders on the Higher Education and Research Bill, 2011. While reviewing the progress made and further work involved in the examination of the said Bill, the Committee felt that since the Bill was a major policy initiative in the higher education sector, it required exhaustive deliberations with a number of experts, institutions, professional bodies, and other organizations. The Committee felt that deliberations on the Bill would not be completed by 30th June, 2012 which was the deadline for presentation of a report on the Bill. The Committee therefore, decided to seek extension of time till 31st August, 2012 for presenting a report on the same. The Committee accordingly, authorised the Chairman to request the Hon'ble Chairman, Rajya Sabha in this regard.

3. The Committee, then, heard the views of the representatives of the Federation of Indian Chambers of Commerce and Industry and PHD Chamber of Commerce and Industry regarding the impact of the Higher Education and Research Bill, 2011 on the university education, problem areas and suggestion therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to both the Chambers for their written response.

(The witnesses then withdrew)

4. Thereafter, the Committee heard the views of representatives of the Education Promotion Society of India (EPSI) and Sarthak Advocates and Solicitors on the impact of Higher Education and Research Bill, 2011 on the higher education and legal profession, problem areas and suggestions therefor. The Chairman and members raised queries some of which were replied to by the witnesses. The Committee decided to forward a questionnaire to the organizations for their written response.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.55 p.m.

**XXIV
TWENTY-FOURTH MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Monday, the 22nd June, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT
RAJYA SABHA**

1. Shri Oscar Fernandes - **Chairman**
2. Shrimati Mohsina Kidwai
3. Shri Mahendra Singh Mahra
4. Shri N. Balaganga

LOK SABHA

5. Shri P.K. Biju
6. Shri Suresh Chanabasappa Angadi
7. Shri Kapil Muni Karwariya
8. Capt. Jai Narain Prasad Nishad
9. Shri Sheesh Ram Ola
10. Shri Prasana Kumar Patasani
11. Shri Ashok Tanwar
12. Dr. Vinay Kumar Pandey 'Vinnu'
13. Shri Ramesh Rathod

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

DELHI UNIVERSITY TEACHERS' ASSOCIATION

- (i) Shri Amar Deo Sharma, President, DUTA
- (ii) Shri S.D. Siddiqui, Secretary, DUTA
- (iii) Shri Raj Kumar Verma, Treasurer, DUTA
- (iv) Shri Shiba C. Panda, Member, Executive Council, DU
- (v) Shri A.K. Bhagi, Member, Academic Council, DU
- (vi) Shri Sanjay K. Bohidar, Former Member, DUTA Executive
- (vii) Shri J. Khuntia, Former Member, DUTA Executive
- (viii) Ms. Abha Dev Habib, Member, DUTA Executive

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the views of the representatives of the Delhi University Teachers' Association on the Higher Education and Research Bill, 2011. The Committee then reviewed the status of

deliberations held on the Bill. Keeping in view the wide ramifications of this major policy initiative of the Government, the Committee felt that it would be desirable to assess its impact in some States which may include those having a high concentration of educational institutions and also those situated in remote regions of the country. *** **

3. *** **

4. The Committee, thereafter, heard the views of the representatives of the Delhi University Teachers' Association regarding the impact of the Higher Education and Research Bill, 2011 on university education, problem areas and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the association for their written response.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.35 p.m.

***Relates to other matter

**XXIV
TWENTY-FOURTH MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Monday, the 29th June, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT
RAJYA SABHA**

1. Shri Oscar Fernandes - **Chairman**
2. Shri Mahendra Singh Mahra
3. Shri N.K.Singh
4. Shri N.Balaganga

LOK SABHA

5. Shri Mirza Mehboob Beg
6. Shri Sameer Bhujbal
7. Shri P.K.Biju
8. Shri Suresh Chanabasappa Angadi
9. Shri P.C.Gaddigoudar
10. Shri Kapil Muni Karwariya
11. Capt. Jai Narain Prasad Nishad
12. Shri Sheesh Ram Ola
13. Shri Ashok Tanwar
14. Shri Ramesh Rathod

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

I UGC

- (i) Prof. Ved Prakash, Chairman

II AICTE

- (i) Prof. S.S Mantha, Chairman

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the Chairmen of UGC and AICTE on the Higher Education and Research Bill, 2011.

3. The Committee, then, heard the views of the Chairman, UGC regarding the impact of the Higher Education and Research Bill on the university education, problem areas if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the

witness. The Committee decided to forward a questionnaire to the Chairman, UGC for his written response.

(The witness then withdrew)

4. A Committee, then, heard the views of the Chairman, AICTE regarding the impact of the Higher Education and Research Bill on the technical education, problem areas, if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witness. The Committee decided to forward a questionnaire to Chairman, AICTE for his written response.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.45 p.m.

**XXV
TWENTY-FIFTH MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Friday, the 20th July, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shrimati Mohsina Kidwai
3. Shri Mahendra Singh Mahra
4. Shri Prakash Javadekar
5. Dr. Janardhan Waghmare
6. Shri N.Balaganga

LOK SABHA

7. Shri Mirza Mehboob Beg
8. Shri P.K.Biju
9. Shri Jeetendra Singh Bundela
10. Shri Rahul Gandhi
11. Shri Kapil Muni Karwariya
12. Capt. Jai Narain Prasad Nishad
13. Shri Sheesh Ram Ola
14. Shri Joseph Toppo
15. Shri P. Viswanathan
16. Shri Madhu Goud Yaskhi
17. Shri Ramesh Rathod

LIST OF WITNESSES

HIGHER EDUCATION AND RESEARCH BILL, 2011

(I) THE RAKSHAK FOUNDATION

- (i) Ms. Preeti Goel
- (ii) Shri Rohit Aggarwal

(II) INDIAN COUNCIL OF MEDICAL RESEARCH, NEW DELHI

- (i) Dr. V.M. Katoch, Secretary, DHR & DG, (ICMR)
- (ii) Shri S.K. Rao, Joint Secretary, Department of Health Research, MOHFW
- (iii) Dr. K. Satyanarayana, Scientist G & Co-ordinator-DHR, ICMR
- (iv) Dr. R.B. Gupta, Scientist 'E', DHR-ICMR
- (v) Dr. Ashoo Grover, Scientist 'C' DHR-ICMR

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the views of the representatives of the Rakshak Foundation and Indian Council of Medical Research on the Higher Education and Research Bill, 2011.

3. *** *** *** *** *** ***

4. *** *** *** *** *** ***

5. The Committee, then, heard the views of the representatives of Rakshak Foundation regarding the impact of the Higher Education and Research Bill, 2011 on the higher education, problem areas if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Rakshak Foundation for their written response.

(The witnesses then withdrew)

6. Thereafter, the Committee heard the views of the Secretary, Indian Council of Medical Research regarding the impact of the Higher Education and Research Bill, 2011 on the medical education and research, problem areas if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Indian Council of Medical Research for their written response.

7. A verbatim record of the proceedings was kept.

8. The Committee then adjourned at 4.45 p.m.

***Relates to other matter

XXVI
TWENTY-SIXTH MEETING

The Committee on Human Resource Development met at 11.00 a.m. on Friday, the 3rd August, 2012 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shrimati Mohsina Kidwai
3. Shri Prakash Javadekar
4. Shri N.K. Singh
5. Shri N.Balaganga

LOK SABHA

6. Shri E.T. Mohammad Basheer
7. Shri Sameer Bhujbal
8. Shri P.K.Biju
9. Shri Jeetendra Singh Bundela
10. Shri Suresh Chanabassappa
11. Shri P.C. Gaddigoudar
12. Shri Kapil Muni Karwariya
13. Capt. Jai Narain Prasad Nishad
14. Shri Sheesh Ram Ola
15. Kumari Saroj Pandey
16. Shri Prasanna Kumar Patasani
17. Dr. Vinay Kumar Pandey 'Vinnu
18. Shri Madhu Goud Yaskhi
19. Shri Ramesh Rathod

LIST OF WITNESSES

HIGHER EDUCATION AND RESEARCH BILL, 2011

I. THE COUNCIL OF ARCHITECTURE

- (i) Prof. U.C. Gadkari, Member, Executive Committee
- (iv) Prof. I.J.S. Bakshi, Member, Executive Committee
- (iii) Shri Prakash Deshmukh, Member, Executive Committee

II. NATIONAL COUNCIL FOR TEACHER EDUCATION

- (i) Shri Vikram Sahay, Convener, NCTE Committee
- (ii) Prof. A.K. Sharma, Member, NCTE Committee
- (iii) Prof. G.L. Arora, Member Appeal Committee

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the views of the representatives of the Council of Architecture and National Council for Teacher Education on the Higher Education and Research Bill, 2011.

3. The Committee, then, heard the views of the representatives of Council of Architecture regarding the impact of the Higher Education and Research Bill, 2011 on professional education, problem areas if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Council of Architecture for their written replies.

(The witnesses then withdrew)

4. Thereafter, the Committee heard the views of the representatives of the National Council for Teacher Education regarding the impact of the Higher Education and Research Bill, 2011 on the Teacher education and research, problem areas if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the National Council for Teacher Education for their written replies.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 12.40 p.m.

XXVII
TWENTY-SEVENTH MEETING

The Committee on Human Resource Development met at 3.30 p.m. on Thursday, the 16th August, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Mahendra Singh Mahra
3. Shri Prakash Javadekar
4. Shri M. Rama Jois
5. Shri N.K. Singh
6. Shri N.Balaganga

LOK SABHA

7. Shri E.T. Mohammad Basheer
8. Shri Mirza Mehboob Beg
9. Shri Suresh Chanabassappa Angadi
10. Shri P.C. Gaddigoudar
11. Shri Kapil Muni Karwariya
12. Capt. Jai Narain Prasad Nishad
13. Shri Balakrishna Khanderao Shukla
14. Shri Ashok Tanwar

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

I. BAR COUNCIL OF INDIA

- (i) Shri Manan Kumar Mishra, Chairman
- (ii) Shri S. Prabhakaran, Member
- (iii) Shri Ramchander Rao N, Member
- (iv) Shri J.R. Sharma, Secretary
- (v) Shri Rajnikant Suryan, Office Superintendent

II. STATE GOVERNMENT OF UTTAR PRADESH

- (i) Shri Sushil Kumar, Secretary, Higher Education, U.P. Government
- (ii) Shri Ramanand, Joint Secretary, Higher Education, U.P. Government
- (iii) Dr. Alok Kumar Srivastava, Reader, M.B. Rajkiya P.G. College, Lucknow.
- (v) Dr. Ashwani Kumar Goyal, Principal, Govt. College, Badalpur, Gautambudh Nagar.
- (v) Dr. Rajeev Kumar Gupta, Reader, Government College, Noida.

III. GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

- (i) Shri Lalmalsawma, Principal Secretary, TTE/HE, Government of NCT of Delhi
- (ii) Shri S.P. Dixit, Director, Higher Education, Govt. of NCT of Delhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the views of the representatives of the Bar Council of India, State Government of Uttar Pradesh and Government of National Capital Territory of Delhi on the Higher Education and Research Bill, 2011.

3. The Chairman then informed the members that the deadline for submitting the Report on the two Bills pending before the Committee i.e. the Higher Education and Research Bill, 2011 and *** was 31st August, 2012. The Committee had heard a number of stakeholders on the Higher Education and Research Bill, 2011. However, deliberations with one or two stakeholders remained to be held. *** *** *** The Committee, therefore, felt that it would be requiring more time to complete examination of both the Bills. The Committee, accordingly, decided to seek extension of time on the Higher Education and Research Bill, 2011 upto 31st October, 2012 and *** upto 30th November, 2012 and authorized the Chairman to approach the Hon'ble Chairman, Rajya Sabha for the same.

4. The Committee, then, heard the views of the representatives of Bar Council of India who informed that a consensus has been reached between the Bar Council of India and the Ministry of Human Resource Development on certain issues in the Higher Education and Research Bill, 2011. The Chairman and members raised queries which were replied to by the witnesses. (The witnesses then withdrew)

5. Thereafter, the Committee heard the views of the representatives of the State Government of Uttar Pradesh regarding the impact of the Higher Education and Research Bill, 2011 on the status of higher education in the State, autonomy of States, problem areas, if any, and suggestion therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the State Government of Uttar Pradesh for their written replies.

6. The Committee, then heard the views of representatives of the Government of National Capital Territory of Delhi regarding the impact of the Higher Education and Research Bill, 2011 on the status of higher education in the State, autonomy of States, problem areas, if any, and suggestions therefor. The Chairman and members raised queries which were replied to by the witnesses. The Committee decided to forward a questionnaire to the Government of National Capital Territory of Delhi for their written replies.

7. A verbatim record of the proceedings was kept.

8. The Committee then adjourned at 4.30 p.m.

***Relates to other matter

**XXVIII
TWENTY-EIGHTH MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Tuesday, the 28th August, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Mahendra Singh Mahra
3. Shri Prakash Javadekar
4. Shri M. Rama Jois
5. Shri N.K. Singh
6. Dr. Janardhan Waghmare

LOK SABHA

7. Shri E.T. Mohammad Basheer
8. Shri Mirza Mehboob Beg
9. Shri P.K. Biju
10. Shri Suresh Chanabassappa Angadi
11. Shri P.C. Gaddigoudar
12. Shri Kapil Muni Karwariya
13. Shri Balakrishna Khanderao Shukla
14. Shri Ashok Tanwar

LIST OF WITNESSES

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION**

- (i) Shri Ashok Thakur, Secretary
- (ii) Shri R.P. Sisodia, Joint Secretary
- (iii) Prof. Ved Prakash, Chairman, UGC

MINISTRY OF LAW AND JUSTICE

- (i) Dr. G. Narayana Raju, Joint Secretary & LC, M/o Law & Justice
- (ii) Shri R. Sreenivas, Deputy Legislative Counsel, M/o Law & Justice
- (iii) Shri Diwakar Singh, Deputy Legislative Counsel, M/o of Law and Justice

SECRETARIAT

Smt. Vandana Garg, Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to hear the Secretary, Department of Higher Education on the Higher Education and Research Bill, 2011. *** **

3. Thereafter, the Committee heard the views of the Secretary, Department of Higher Education on the Higher Education and Research Bill, 2011. The members raised certain queries, issues/areas of concerns in the Bill arising out of deliberations held with stakeholders which were replied to by the witnesses.

4. A verbatim record of the proceedings was kept.

5. The Committee then adjourned at 4.55 p.m.

***Relates to other matter

II SECOND MEETING

The Committee on Human Resource Development met at 3.30 a. m. on Thursday, the 29th October, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Dr. Bhalchandra Mungekar
3. Shri Avinash Rai Khanna
4. Shri Tarun Vijay
5. Chaudhary Munabbar Saleem
6. Shri Baishnab Parida

LOK SABHA

7. Shri P.K. Biju
8. Shri Jeetendra Singh Bundela
9. Shri Sivasami C.
10. Shrimati Helen Davidson
11. Dr. Charles Dias
12. Shri Kapil Muni Karwaria
13. Shri Prasanta Kumar Majumdar
14. Shri Raghuvir Singh Meena
15. Shri Sheesh Ram Ola
16. Shri M.K. Raghavan
17. Shri M.I. Shanavas

LIST OF WITNESSES

I. KANNUR UNIVERSITY, KERALA

- (i) Shri P.K. Michael Tharakan, Vice Chancellor

II. REPRESENTATIVES OF DELHI UNIVERSITY TEACHER ASSOCIATION (DUTA

- (i) Shri Vijendra Sharma
- (ii) Ms. Nandita Narain
- (iii) Dr. Vijaya Venkataraman
- (iv) Dr. Rajeev Kunwar
- (v) Shri Saikat Ghosh

(III) NATIONAL UNIVERSITY FOR JURIDICAL SCIENCES, WEST BENGAL

- (i) Shri Rudra Pratap

SECRETARIAT

Smt. Vandana Garg, Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed all the members to the meeting of the Committee. He informed the members that the meeting was convened to hear the views of the Vice-Chancellor, Kannur University, Kerala, representatives of Delhi University Teacher Association and the National University of Juridicial Science, West Bengal on the Higher Education and Research Bill, 2011. He further added that with this meeting, deliberations on the Bill would be complete and a draft report on the Bill would be prepared by the Secretariat which would be considered and adopted by the Committee for its presentation in the Parliament on or before 30th November, 2012.
3. The Chairman then heard the views of the Vice-Chancellor, Kannur University and representatives of Delhi University Teacher Association and the National University of Juridicial Sciences on the various provisions of the Higher Education and Research Bill, 2011. The members raised queries, which were replied to by the witnesses.
4. A verbatim record of proceeding was kept
5. The Committee then adjourned at 5.20 p.m.

III
THIRD MEETING

The Committee on Human Resource Development met at 11.30 a.m on Tuesday, the 6th November, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Rama Chandra Khuntia
3. Dr. Bhalchandra Mungekar
4. Shri Avinash Rai Khanna
5. Shri Tarun Vijay
6. Chaudhary Munabbar Saleem
7. Shri Baishnab Parida

LOK SABHA

8. Shri P.K. Biju
9. Shri Sivasami C.
10. Shrimati Helen Davidson
11. Dr. Charles Dias
12. Shri Kapil Muni Karwariya
13. Shri Virender Kashyap
14. Shri N. Peethambara Kurup
15. Shri Prasanta Kumar Majumdar
16. Shri Raghuvir Singh Meena
17. Capt. Jai Narain Prasad Nishad
18. Shri M.K. Raghavan
19. Shri M.I. Shanavas

LIST OF WITNESSES

THE EXAMINATION OF THE UNIVERSITIES FOR RESEARCH AND INNOVATION BILL, 2012

(I) DEPARTMENT OF HIGHER EDUCATION

- (i) Shri Ashok Thakur, Secretary
- (ii) Shri Anant Kumar Singh, Joint Secretary
- (iii) Shri S.S. Mantha, Chairman, AICTE
- (iv) Prof. Ved Praksh, Chairman, UGC
- (v) Shri Harpreet Singh, Director

(II) MINISTRY OF LAW AND JUSTICE

- (i) Dr. G. Narayana Raju, Joint Secretary & LC
- (ii) Shri Diwakar Singh, Deputy Legislative Counsel

SECRETARIAT

Smt. Vandana Garg, Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to have a clause-by-clause consideration on the Higher Education and Research Bill, 2011

*** **

3. The Committee, then, had a clause-by-clause discussion on the Higher Education and Research Bill, 2011. The Chairman and Members discussed some areas of concerns and various other aspects of the Bill and also gave their views/suggestions. The Committee directed the Secretariat to prepare a draft report on the Bill to be considered and adopted in its next meeting.

4. *** **

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 1.40 p.m.

***Relates to other matter

IV
FOURTH MEETING

The Committee on Human Resource Development met at 3.30 p. m on Monday, the 19th November, 2012 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Rama Chandra Khuntia
3. Dr. Bhalchandra Mungekar
4. Shri Avinash Rai Khanna
5. Shri Tarun Vijay
6. Chaudhary Munabbar Saleem
7. Shri Baishnab Parida

LOK SABHA

8. Shri P.K. Biju
9. Shri Jeetendra Singh Bundela
10. Shri Sivasami C.
11. Shrimati Helen Davidson
12. Dr. Charles Dias
13. Shri N. Peethambara Kurup
14. Shri Prasanta Kumar Majumdar
15. Capt. Jai Narain Prasad Nishad
16. Shri M.K. Raghavan
17. Shri Manicka Tagore

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman, welcomed the Members to the meeting of the Committee convened to consider and adopt the draft 247th Report on the Higher Education and Research Bill, 2011. While considering the draft 247th Report, the Committee felt that certain areas of concern relating to the impact of the proposed legislation still remained unresolved in spite of its interaction with the Secretary, Higher Education. Since the Bill was a major policy initiative, the Committee was of the view that an attempt may again be made to draw the attention of the Department to the areas of concern so as to arrive at a viable mechanism. The Committee, accordingly, decided to forward a list of such areas of concern in the Bill for the written comments of the Department and also to interact with the Secretary, Department of Higher Education once again to resolve the same.

3. The time-limit for presenting the report on the Bill was 30th November, 2012. The Committee, taking into account the further work involved in the Bill, decided to seek extension of the time from Hon'ble Chairman, Rajya Sabha upto 15th December, 2012 for presenting its Report on the Bill.

4. *** *** *** *** *** ***

5. The Committee then adjourned at 4.45 p.m.

***Relates to other matter

V
FIFTH MEETING

The Committee on Human Resource Development met at 10.00 a.m. on Thursday, the 29th November, 2012 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes - **Chairman**
2. Shri Avinash Rai Khanna
3. Shri Derek O' Brien
4. Chaudhary Munabbar Saleem
5. Shri Baishnab Parida

LOK SABHA

6. Shri P.K. Biju
7. Shri Sivasami C.
8. Dr. Charles Dias
9. Shri Virender Kashyap
10. Shri N. Peethambara Kurup
11. Shri Prasanta Kumar Majumdar

THE HIGHER EDUCATION AND RESEARCH BILL, 2011

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION**

- (i) Shri Ashok Thakur, Secretary
- (ii) Shri Ved Prakash, Chairman, UGC
- (iii) Shri R.P. Sisodia, Joint Secretary
- (iv) Shri Amit Shukla, Deputy Secretary

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman, welcomed the Members to the meeting of the Committee convened to have a final discussion with Secretary, Department of Higher Education on the areas of concern on the Higher Education and Research Bill, 2011.
3. The Committee, thereafter, heard the views of the Secretary, Department of Higher Education on the Higher Education and Research Bill, 2011 on the areas of concern which the Committee had listed out and sent to the Department for clarifications. The Chairman and members raised queries the replies to which the Department was directed to submit in writing.
4. A verbatim record of the proceedings was kept.
5. The Committee then adjourned at 11.05. a.m.

**VI
SIXTH MEETING**

The Committee on Human Resource Development met at 10.15 a.m. on Tuesday, the 11th December, 2012 in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT
RAJYA SABHA**

1. Shri Oscar Fernandes - **Chairman**
2. Shri Tarun Vijay
3. Shri Derek O' Brien
4. Chaudhary Munabbar Saleem
5. Shri Baishnab Parida

LOK SABHA

6. Shri P.K. Biju
7. Dr. Charles Dias
8. Shri Kapil Muni Karwariya
9. Shri Virender Kashyap
10. Shri N. Peethambara Kurup
11. Shri Prasanta Kumar Majumdar
12. Shri Sheesh Ram Ola
13. Shri M.K. Raghavan
14. Shri M.I. Shanavas
15. Shri Bhoopendra Singh
16. Shri Manicka Tagore

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S. Walia, Director
Shri Arun Sharma, Joint Director
Smt. Himanshi Arya, Assistant Director
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee convened to consider and adopt the draft 247th Report on the Higher Education and Research Bill, 2011
3. The Committee then considered and adopted the draft 247th Report and decided to present/lay the Report in both the Houses of Parliament on 13th December, 2012. The Committee authorized the Chairman and in his absence Shri Rama Chandra Khuntia and in the absence of both, Shri Avinash Rai Khanna to present the Report in the Rajya Sabha and Shri Virender Kashyap and in his absence Shri Manicka Tagore to lay the Report in the Lok Sabha.
4. The Committee then adjourned at 10.40. a.m.