

The University Grants Commission Act, 1956

UNION OF INDIA

India

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Act 3 of 1956

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Statement of Objects and Reasons.-The Constitution of India vests Parliaments with exclusive authority in regard to 'co-ordination and determination of standards in institution for higher education or research and scientific and technical institutions'. It is obvious that neither co-ordination nor determination of standards is possible unless the Central Government has some voice in the determination of standards of teaching and examination in Universities, both old and new. It is also necessary to ensure that the available resources are utilised to the best possible effect. The problem has become more acute recently on account of the tendency to multiply universities. The need for a properly constituted Commission for determining and allocating to Universities funds made available by the Central Government has also become more urgent on this account.² It is therefore proposed to establish a University Grants Commission as a corporate body which will inquire into the financial needs of Universities and allocate and disburse grants to Universities for any general or specified purpose. The Commission will also have the power to recommend to any University the measures necessary for the reform and improvement of University education and to advise the University concerned upon the action to be taken for the purpose of implementing such recommendation. The Commission will act as an expert body to advise the Central Government on problems connected with the co-ordination of facilities and maintenance of standards in Universities. The Commission in consultation with the University concerned, will also have the power to cause an inspection or inquiry to be made of any University established by law in India and to advise the University on any matter which has been the subject of an inquiry or inspection. The Commission shall also advise, whenever such advice is sought, on the establishment of new Universities.³ The Bill also seeks to restrict the use of the words 'University' or the power to confer degrees, etc., to institutions established as such by law in India or to institutions established as such by law in India or to institutions empowered to do so by an Act of Parliament and provides a penalty for contravention of these provisions by an individual or a corporate body.⁴ While the provisions of

the Bill do not apply to institutions of higher education which are not University, power is vested in the Central Government to declare any institution for higher education to be a University for the purposes of this Bill by issuing a notification in the Official Gazette.[3rd March, 1956]An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission.Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

Came into force on 5.11.1956 vide S.R.O. 2608, dated 1.11.1956.

Chapter I

Preliminary

1. Short title and commencement .-(1) This Act may be called the University Gnts Commission Act, 1956.

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

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

(a)"Commission" means the University Grants Commission established under section 4;(b)"executive authority", in relation to a University, means the chief executive authority of the University (by whatever name called) in which the general administration of the University is vested;(c)"Fund" means the Fund of the University Grants Commission constituted under section 16;(d)"member" means a member of the University Grants Commission and includes the Chairman [and Vice-Chairman];(e)"prescribed" means prescribed by rules made under this Act;(f)"University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognized by the Commission in accordance with the regulations made in this behalf under this Act.

3. Application of Act to institutions for higher studies other than Universities .-The Central Government may, on the advice of the Commission, declare, by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2.

Chapter II

Establishment Of The Commission

4. Establishment of the Commission .-(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Commission by the name of the University Grants Commission.

(2)The said Commission shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

5. [Composition of the Commission

.- (1) The Commission shall consist of-(i)a Chairman,(ii)a Vice-Chairman, and(iii)ten other members, to be appointed by the Central Government.(2)The Chairman shall be chosen from among persons who are not officers of the Central Government or of any State Government.(3)Of the other members referred to in clause (iii) of sub-section (1)-(a)two shall be chosen from among the officers of the Central Government, to represent that Government;(b)not less than four shall be chosen from among persons who are, at the time when they are so chosen, teachers of Universities; and(c)the remainder shall be chosen from among persons--(i)who have knowledge of, or experience in, agriculture, commerce, forestry or industry;(ii)who are members of the engineering, legal, medical or any other learned profession; or(iii)who are Vice-Chancellors of Universities or who, not being teachers of Universities, are, in the opinion of the Central Government, educationists of repute or have obtained high academic distinctions:Provided that not less than one-half of the number chosen under this clause shall be from among persons who are not officers of the Central Government or of any State Government.(4)The Vice-Chairman shall exercise such of the powers, and discharge such of the duties, of the Chairman as may be prescribed.(5)Every appointment under this section shall take effect from the date on which it is notified by the Central Government in the Official Gazette.]

6. Terms and conditions of service of members .- [(1) A person appointed as Chairman, Vice-Chairman or other member after the commencement of the University Grants Commission (Amendment) Act, 1985 (70 of 1985) shall, unless he sooner becomes disqualified for continuing as such under the rules that may be made under this Act,-

(a)in the case of Chairman, hold office for a term of five years or until he attains the age of sixty-five years, whichever is earlier;(b)in the case of Vice-Chairman, hold office for a term of three years or until he attains the age of sixty-five years, whichever is earlier;(c)in the case of any other member, hold office for a term of three years:Provided that-(i)a person who has held office as Chairman or Vice-Chairman shall be eligible for further appointment as Chairman, Vice-Chairman or other member, and(ii)a person who has held office as any other member shall be eligible for further

appointment as Chairman, Vice-Chairman or other member: Provided further that a person who has held office for two terms, in any capacity, whether as Chairman, Vice-Chairman or other member excluding a member referred to in clause (a) of sub-section (3) of section 5, shall not be eligible for any further appointment as Chairman, Vice-Chairman or other member.](2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until his resignation is accepted by the Central Government.(3)[If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time being shall, notwithstanding anything contained in sub-section (2) of section 5, act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold the office of the Chairman for the remainder of the term of office of the person in whose place he is to so act: Provided that where no Vice-Chairman is holding office at the time when the vacancy in the office of the Chairman occurs, the Central Government shall, notwithstanding anything contained in sub-section (2) of section 5, appoint any other member to act as the Chairman and the person so appointed shall not hold the office of the Chairman for a period exceeding six months.(4) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Central Government by making a fresh appointment and the member so appointed shall hold office for a term of three years.(5) The office of the Chairman and the Vice-Chairman shall be whole-time and salaried and subject thereto, the terms and conditions of service of the Chairman, Vice-Chairman and other members shall be such as may be prescribed.] [Substituted by Act 33 of 1972, Section 4, for sub-Sections (3) and (4)(w.e.f. 17.6.1972).]

7. Meetings of the Commission .-The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

8. Vacancies amongst members or defect in constitution not to invalidate acts or proceedings of the Commission .-No act or proceedings of the Commission shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Commission.

9. Temporary association of persons with the Commission for particular purposes .-(1) The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the Commission under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a member for any other purpose.

10. Staff of the Commission .-Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act and the terms and conditions of service of the employees shall be such as may be determined by the Commission.

11. Authentication of orders and other instruments of the Commission .--All orders and decisions of the Commission shall be authenticated by the signature of the Chairman or any other member authorized by the Commission in this behalf, and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorized in like manner in this behalf.

Chapter III

Powers And Functions Of The Commission

12. Functions of the Commission .-It shall be the general duty of the Commission 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, and for the purpose of performing its functions under this Act, the Commission may--

(a)inquire into the financial needs of Universities;(b)allocate and disburse, out of the Fund of the Commission, grants to Universities established or incorporated by or under a Central Act for the maintenance and development of such Universities or for any other general or specified purpose;(c)allocate and disburse, out of the Fund of the Commission, such grants to other Universities as it may deem [necessary or appropriate for the development of such Universities or for the maintenance, or development, or both, of any specified activities of such Universities] or for any other general or specified purpose:Provided that in making any grant to any such University, the Commission shall give due consideration to the development of the University concerned, its financial needs, the standard attained by it and the national purposes which it may serve;(cc)[allocate and disburse out of the Fund of the Commission, such grants to institutions deemed to be Universities in pursuance of a declaration made by the Central Government under section 3, as it may deem necessary, for one or more of the following purposes, namely:-- [Inserted by Act 33 of 1972, Section 5 (w.e.f. 17.6.1972).](i)for maintenance in special cases,(ii)for development,(iii)for any other general or specified purpose;](ccc)[establish, in accordance with the regulations made under

this Act, institutions for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and disbursing out of the Fund of the Commission such grants as the Commission may deem necessary;] [Inserted by Act 59 of 1984, Section 2 (w.e.f. 1.10.1984).](d)recommend to any University the measures necessary for the improvement of University education and advise the University upon the action to be taken for the purpose of implementing such recommendation;(e)advise the Central Government or any State Government on the allocation of any grants to Universities for any general or specified purpose out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be;(f)advise any authority, if such advice is asked for, on the establishment of a new University or on proposals connected with the expansion of the activities of any University;(g)advise the Central Government or any State Government or University on any question which may be referred to the Commission by the Central Government or the State Government or the University, as the case may be; .(h)collect 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;(i)require a University to furnish it with such information as may be needed relating to the financial position of the University or the studies in the various branches of learning undertaken in that University, together with all the rules and regulations relating to the standards of teaching and examination in that University respecting each of such branches of learning;(j)perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions.[12-A. Regulation of fees and prohibition of donations in certain cases.--(1) In this section,--(a)"affiliation", together with its grammatical variations, includes, in relation to a college, recognition of such college by, association of such college with, and admission of such college to the privileges of, a university;(b)"college" means any institution, whether known as such or by any other name which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;(c)"prosecution", in relation to a course of study, includes promotion from one part or stage of the course of study to another part or stage of the course of study;(d)"qualification" means a degree or any other qualification awarded by a university;(e)"regulations" means regulations made under this Act;(f)"specified course of study" means a course of study in respect of which regulations of the nature mentioned in sub-section (2) have been made;(g)"student" includes a person seeking admission as a student;(h)"university" means a university or institution referred to in sub-- section (1) of section 22.(2)Without prejudice to the generality of the provisions of section 12, if, having regard to--(a)the nature of any course of study for obtaining any qualification from any university;(b)the types of activities in which persons obtaining such qualification are likely to be engaged on the basis of such qualification;(c)the minimum standards which a person possessing such qualification should be able to maintain in his work relating to such activities and the consequent need for ensuring, so far as may be, that no candidate secures admission to such course of study by reason of economic power and thereby prevents a more meritorious candidate from securing admission to such course of study; and(d)all other relevant factors, the commission is satisfied that it is necessary so to do in the public interest, it may, after consultation with the university or universities concerned, specify by regulations the matters in respect of which fees may

be charged and the scale of fees in accordance with which fees shall be charged in respect of those matters on and from such date as may be specified in the regulations in this behalf, by any college providing for such course of study from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study: Provided that different matters and different scales of fees may be so specified in relation to different universities or different classes of colleges or different areas. (3) Where regulations of the nature referred to in sub-section (2) have been made in relation to any course of study, no college providing for such course of study shall--(a) levy or charge fees in respect of any matter other than a matter specified in such regulations; (b) levy or charge any fees in excess of the scale of fees specified in such regulations, or (c) accept, either directly or indirectly, any payment (otherwise than by way of fees) or any donation or gift (whether in cash or kind). from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study. (4) If, after making, in relation to a college providing for a specified course of study, an inquiry in the manner provided by regulations and after giving such college a reasonable opportunity of being heard, the Commission is satisfied that such college has contravened the provisions of sub-section (3), the Commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any students then undergoing such course of study therein to any university for the award of the qualification concerned. (5) The Commission shall forward a copy of the order made by it under sub-section (4) to the university concerned, and on and from the date of receipt by the university of a copy of such order, the affiliation of such college to such university shall, in so far as it relates to the course of study specified in such order, stand terminated and on and from the date of termination of such affiliation and for a period of three years thereafter affiliation shall not be granted to such college in relation to such or similar course of study by that or any other university. (6) On the termination of the affiliation of any college under sub-section (5), the Commission shall take all such steps as it may consider appropriate for safeguarding the interests of the students concerned. (7) The provisions of this section and the regulations made for the purposes of this section shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.] [12-B.] Prohibition regarding giving of any grant to a University not declared by the Commission fit to receive such grant. - No grant shall be given by the Central Government, the Commission, or any other organisation receiving any funds from the Central Government, to a University which is established after the commencement of the University Grants Commission (Amendment) Act, 1972 (33 of 1972), unless the Commission has, after satisfying itself as to such matters as may be prescribed, declared such University to be fit for receiving such grant.

13. Inspection .-(1) For the purpose of ascertaining the financial needs of a University or its standards of teaching, examination and research, the Commission may, after consultation with the University, cause an inspection of any department or departments thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.

(2) The Commission shall communicate to the University the date on which any inspection under sub-section (1) is to be made and the University shall be entitled to be associated with the inspection in such manner as may be prescribed. (3) The Commission shall communicate to the University its

views in regard to the results of any such inspection and may, after ascertaining the opinion of the University, recommend to the University the action to be taken as a result of such inspection.(4)All communications to a University under this section shall be made to the executive authority thereof and the executive authority of the University shall report to the Commission the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3).

14. Consequences of failure of Universities to comply with recommendations of the Commission .-If any University [grants affiliation in respect of any course of study to any college referred to in sub-section (5) of section 12-A in contravention of the provisions of that sub-section or] fails within a reasonable time to comply with any recommendation made by the Commission under section 12 or section 13, [or contravenes the provisions of any rule made under clause (f) or clause (g) of sub-section (2) of section 25, or of any regulation made under clause (e) or clause (f) or clause (g) of section 26,] [Inserted by Act 33 of 1972, Section 7 (w.e.f. 17.6.1972).] the Commission, after taking into consideration the cause, if any, shown by the University [or such failure or contravention] [Substituted by Act 33 of 1972, Section 7, for " its failure to comply with such recommendation " (w.e.f. 17.6.1972).], may withhold from the University the grants proposed to be made out of the Fund of the Commission.

15. Payment to the Commission .-The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Commission in each financial year such sums as may be considered necessary for the performance of the functions of the Commission under this Act.

16. Fund of the Commission .-(1) The Commission shall have its own Fund; and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Commission (including any sum which any State Government or any other authority or person may hand over to the Commission) shall be carried to the Fund and all payments by the Commission shall be made therefrom.

(2)All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Commission.(3)The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Commission.

17. Budget .-The Commission shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

18. Annual report .-The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

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

(2)The Commission shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General, determine.(3)The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such times and in such manner as he thinks fit.(4)The annual accounts of the Commission together with the audit report thereon shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament and shall also forward a copy of the audit report to the Commission for taking suitable action on the matters arising out of the audit report.

Chapter IV

Miscellaneous

20. Directions by the Central Government .-(1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government.

(2)If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government shall be final.

21. Returns and information .-The Commission shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

22. Right to confer degrees .-(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2)Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.(3)For the purposes of this section, 'degree' means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.

23. Prohibition of the use of the word "University" in certain cases .-No institution, whether a corporate body or not, other than a University established or incorporated by or under a Central Act, a Provincial Act or a State Act shall be entitled to have the word "University" associated with its name in any manner whatsoever:

Provided that nothing in this section shall, for a period of two years from the commencement of this Act, apply to an institution which, immediately before such commencement, had the word "University" associated with its name.

24. Penalties .-Whoever contravenes the provisions of section 22 or section 23 shall be punishable with fine which may extend to one thousand rupees, and if the person contravening is an association or other body of individuals, every member of such association or other body who knowingly or wilfully authorises or permits the contravention shall be punishable with fine which may extend to one thousand rupees.

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

(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the procedure for the retirement of members under section 6;(b)the disqualifications for continuing as a member of the Commission;(c)the terms and conditions of service of members of the Commission;(d)the terms and conditions of service of employees appointed by the Commission;(e)the additional functions which

may be performed by the Commission under clause (j) of section 12;(f)the returns and information which are to be furnished by Universities in respect of their financial position or standards of, teaching and examination maintained therein;(g)the inspection of Universities;(h)the form and manner in which the budget and reports are to be prepared by the Commission;(i)the manner in which the accounts of the Commission are to be maintained;(j)the form and manner in which returns or other information are to be furnished by the Commission to the Central Government;(k)any other matter which has to be, or may be, prescribed.(3)[The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.]

26. Power to make regulations .-(1) The Commission may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder,-

(a)regulating the meetings of the Commission and the procedure for conducting business thereat;(b)regulating the manner in which and the purposes for which persons may be associated with the Commission under section 9;(c)specifying the terms and conditions of service of the employees appointed by the Commission;(d)specifying the institutions or class of institutions which may be recognised by the Commission under clause (f) of section 2;(e)defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of the University having regard to the branch of education in which he is expected to give instruction;(f)defining the minimum standards of instruction for the grant of any degree by any University;(g)regulating the maintenance of standards and the co-ordination of work or facilities in Universities.(h)regulating the establishment of institutions referred to in clause (ccc) of section 12 and other matters relating to such institutions;(i)specifying the matters in respect of which fees may be charged, and scales of fees in accordance with which fees may be charged, by a college under sub-section (2) of section 12-A;(j)specifying the manner in which an inquiry may be conducted under sub-section (4) of section 12-A;(2)No regulation shall be made under clause (a) or clause (b) or clause (c) or clause (d) or clause (h) or clause (i) or clause (j) of sub-section (1) except with the previous approval of the Central Government.(3)The power to make regulations conferred by this section except clause (i) and clause (j) of sub-section (1) shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.

27. [Power to delegate

.- (1) The Commission may,][by regulations made, by notification in the Official Gazette,][
[Substituted by Act 59 of 1984, Section 7, for " by regulations made " (w.e.f. 1.10.1984).][under this Act, delegate to its Chairman, Vice-Chairman or any of its officers, its power of general superintendence and direction over the business transacted by, or in, the Commission, including the

powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.(2)No regulation shall be made under this section except with the previous approval of the Central Government.] [Inserted by Act 33 of 1972, Section 8 (w.e.f. 17.6.1972).]

28. [Laying of rules and regulations before Parliament

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