

THE *VIKSIT BHARAT SHIKSHA ADHISHTHAN*
BILL, 2025

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Bill No. 194 of 2025

THE VIKSIT BHARAT SHIKSHA ADHISHTHAN BILL, 2025

A

BILL

to enable and empower the Universities and other higher educational institutions to achieve excellence in teaching, learning, research and innovation, through co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions, and for that purpose to constitute a Viksit Bharat Shiksha Adhishthan, to facilitate the Universities and other higher educational institutions to become independent self-governing institutions and to promote excellence through a robust and transparent system of accreditation and autonomy, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the *Viksit Bharat Shiksha Adhishthan Act, 2025*.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

Application of Act.

2. (1) This Act shall apply to—

(a) all Institutions of national importance established by an Act of Parliament, under the administrative purview of the Ministry of Education in the Government of India;

(b) such other Institutions of national importance, established by an Act of Parliament, as may be notified by the Central Government in the Official Gazette;

(c) Universities in India, established or incorporated by or under a Central Act or a State Act or any other institution declared as a deemed to be University by any notification by the Department of Higher Education, Ministry of Education in the Government of India under the provisions of section 3 of the University Grants Commission Act, 1956, before this Act came into force;

(d) colleges and such other higher educational institutions affiliated with the Universities or higher educational institutions falling under the purview of this Act;

(e) institutions regulated under the Architects Act, 1972;

(f) institutions regulated under the All India Council for Technical Education Act, 1987;

(g) institutions regulated under the National Council for Teacher Education Act, 1993;

(h) institutions of open and distance learning, online education and digital education recognised by the University Grants Commission;

(i) institutions of eminence;

(j) institutions regulated by such other Professional Councils as may be notified by the Central Government; and

(k) other programmes and institutions as may be notified by the Central Government.

(2) Notwithstanding anything contained in the Architects Act, 1972, or any other Act governing the regulation of higher education and open and distance learning, or online education and digital education, the provisions of this Act shall apply to any matter concerning the co-ordination and determination of standards in higher educational institutions:

Provided that nothing contained in this Act shall be construed as restricting the powers of Council of Architecture constituted under the Architects Act, 1972 to regulate their professional practice.

Explanation.—For the purposes of this Act, the expression professional practice refers to a practice whereby a person is registered to practice the said profession under the provisions of the Architects Act, 1972.

(3) The provisions of this Act shall not apply to such professional programmes of institutions regulated by—

(a) the Pharmacy Council of India constituted under the Pharmacy Council of India Act, 1948;

(b) the Bar Council of India constituted under the Advocates Act, 1961;

(c) the Veterinary Council of India established under the Indian Veterinary Council Act, 1984;

34 of 1992. (d) the Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992;

30 of 2019. (e) the National Medical Commission constituted under the National Medical Commission Act, 2019;

14 of 2020. 5 (f) the National Commission for Indian System of Medicine constituted under the National Commission for Indian System of Medicine Act, 2020;

15 of 2020. (g) the National Commission for Homoeopathy constituted under the National Commission for Homoeopathy Act, 2020;

14 of 2021. 10 (h) the National Commission for Allied and Healthcare Professions constituted under the National Commission for Allied and Healthcare Professions Act, 2021;

26 of 2023. (i) the National Nursing and Midwifery Commission constituted under the National Nursing and Midwifery Commission Act, 2023;

21 of 2023. 15 (j) the National Dental Commission constituted under the National Dental Commission Act, 2023;

(k) such other programmes, institutions, commissions or councils, as may be notified by the Central Government:

20 Provided that such professional programmes may be offered by any higher educational institution falling under the provisions of this Act, subject to fulfilment of such statutory requirements as laid down in this regard by the concerned statutory body.

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

Definitions.

25 (a) “accreditation” with its grammatical variations, means the process of quality control in higher education, whereby, as a result of evaluation or assessment or by any other scientific method defined by the Accreditation Council, a higher educational institution or any programme conducted therein is recognised as achieving set and graded levels of quality, self-governance and autonomy;

30 (b) “Accreditation Council” means the *Viksit Bharat Shiksha Gunvatta Parishad* established by the Central Government under sub-section (1) of section 13;

35 (c) “accrediting institutions” means all such institutions recognised or empanelled or authorised by the *Viksit Bharat Shiksha Gunvatta Parishad* for assessment and accreditation of the higher educational institutions and programs, courses conducted by University or higher educational institutions;

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

40 (i) recognition of such college or higher educational institution by a University;

(ii) association of such college or higher educational institution with a University; or

(iii) admission of such college or higher educational institution to the privileges of a University;

45 (e) “Central Government” means the Ministry or Department in the Government of India dealing with higher education;

(f) “certificate” means such award, not being a degree or diploma granted by a University or higher educational institution or any other institution, certifying that the recipient has successfully completed a programme or course of study;

(g) “Chairperson” means the Chairperson of the Commission appointed under section 18; 5

(h) “college” means any institution, whether known as such or by any other name, which provides a course of study for obtaining any qualification such as a certificate, diploma or degree from a University and which, in accordance with the rules and regulations or statutes and ordinances of such University, is recognised as competent to provide for such programmes or courses of study and to present students undergoing such courses of study for the award of such qualification, and includes a college maintained or admitted to its privilege by the University, an affiliated college and a constituent college and such college which may be authorised to grant degrees under sub-section (4) of section 11. 10 15

Explanation.—For the purposes of this clause, the expression “constituent college” means an institution recognised as such by the University;

(i) “Commission” means the *Viksit Bharat Shiksha Adhishthan* constituted under section 5; 20

(j) “Council” means any of the three independent verticals of the Commission, namely, the *Viksit Bharat Shiksha Vinayaman Parishad* or the *Viksit Bharat Shiksha Gunvatta Parishad* or the *Viksit Bharat Shiksha Manak Parishad* established under this Act; 25

(k) “degree” means such award, not being a diploma or certificate, granted by a University or higher educational institution or any other institution, certifying that the recipient has successfully completed a programme or course of study;

(l) “diploma” means such award, not being a certificate or degree granted by a University or higher educational institution or any other institution, certifying that the recipient has successfully completed a programme or course of study; 30

(m) “eminent experts” shall mean persons of ability, integrity and standing who have knowledge of or experience in such areas including teaching, agriculture, commerce, industry, forestry, skill sector or members of the engineering or legal or medical or any other profession, or in the opinion of the Central Government educationalists of repute or have obtained high academic distinction; 35

(n) “Fund” means the *Viksit Bharat Shiksha Adhishthan Fund* constituted under section 39; 40

(o) “higher educational institution” means an institution of learning including a University, a college, a technical institution, an Institution of national importance, an institution of eminence or a constituent unit of such institution, which is imparting higher education or conducting research therein; 45

(p) “institution of eminence” means a higher educational institution declared as such by the Department of Higher Education Ministry of Education in the Government of India;

(q) “Institution of national importance” means an institution declared as such by an Act of Parliament; 50

(r) "Member" means a Member of the Commission or the Councils and includes its Chairperson or President;

(s) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

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

(u) "President" means the President of the respective Councils established under the provisions of this Act;

10 (v) "regulations" means the regulations made by the Commission or the Councils, as the case may be, under this Act;

(w) "Regulatory Council" means the *Viksit Bharat Shiksha Vinayaman Parishad* established by the Central Government under sub-section (1) of section 10;

15 (x) "Standards Council" means the *Viksit Bharat Shiksha Manak Parishad* established by the Central Government under sub-section (1) of section 15;

3 of 1956.

20 (y) "University" means a University established or incorporated by or under a Central Act, a State Act or any institution declared a deemed to be University under the provisions of section 3 of the University Grants Commission Act, 1956.

4. The aims and purposes of this Act is to provide an effective, enabling and responsive system of regulation to encourage integrity, excellence and public-spiritedness in higher education that is enabled through the following guiding principles, namely:—

Aims and purposes of Act.

25 (a) functions to be performed independently by the Regulatory Council, the Accreditation Council and the Standards Council;

(b) responsive and minimalistic regulation to ensure public-spiritedness, good governance, financial stability and probity, and transparent public disclosure of all academic, operational and financial matters; and

30 (c) focus on system outcomes and not solely on inputs, through a transparent system that provides intellectual and moral leadership.

CHAPTER II

VIKSIT BHARAT SHIKSHA ADHISHTHAN

35 5. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted a Commission to be known as the *Viksit Bharat Shiksha Adhishthan* to exercise the powers conferred upon, and perform the functions assigned to it, under this Act.

Constitution of *Viksit Bharat Shiksha Adhishthan*.

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

6. (1) The Commission shall consist of a Chairperson and other Members, not exceeding twelve in number.

Composition of Commission.

(2) Of the twelve Members referred to in sub-section (1), there shall be—

45 (a) President of the Regulatory Council—*ex officio* Member;

(b) President of the Accreditation Council—*ex officio* Member;

(c) President of the Standards Council—*ex officio* Member;

(d) Secretary to the Government of India in the Ministry of Education, Department of Higher Education—*ex officio* Member;

(e) two eminent and distinguished academicians not below the rank of Professor from the State Higher Educational Institutions—Members; 5

(f) five eminent experts—Members;

(g) Member Secretary.

(3) The Members referred to in clauses (e) and (f) of sub-section (2), shall act as part-time Members. 10

Responsibility of Chairperson and Member-Secretary of Commission.

7. (1) The Chairperson shall preside over the meetings of the Commission, decide the agenda, and approve the proceedings of the meetings of the Commission.

(2) The Member-Secretary shall act as full-time Member of the Commission and shall function as the Chief Executive Officer and ensure general superintendence and co-ordination with respect to all administrative matters of the Commission. 15

Meetings of Commission.

8. (1) The Commission shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings), in such manner as may be specified by the regulations, in consultation with the Central Government. 20

(2) All questions which come up before any meeting of the Commission shall be decided by a majority of the votes of the Members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the Member chosen by other Members to preside over the meeting, shall have a second or casting vote. 25

(3) The Commission may invite, as special invitees, the Heads of such other bodies as the Commission deems fit: 25

Provided that when the Commission is deciding upon a matter pertaining to the exclusive domain of any specific Professional Body, the Commission may invite nominees of the said Body. 30

Functions of Commission.

9. Subject to the provisions of this Act, the Commission shall discharge and perform the following functions, namely:— 30

(a) to provide high level strategic direction for comprehensive and holistic growth of higher education and research in a competitive global environment;

(b) to develop a roadmap for transforming higher educational institutions into large multi-disciplinary education and research institutions; 35

(c) to develop a roadmap for promoting India as an education destination;

(d) to develop a roadmap for integration and promotion of *Bharatiya* knowledge, languages and arts across the multi-disciplinary higher education system; 40

(e) to provide strategic direction for synergistic functioning of the Councils established under this Act and ensure co-ordination between them;

(f) to give directions to the Councils for the purposes of co-ordination;

(g) to provide financial support for proper functioning of the Councils; 45

(h) to formulate and suggest such schemes to the Central Government for improvement of quality of education;

(i) to recommend to the Central Government to create one or more Bodies for furtherance of the objectives of this Act;

5 (j) to advise the Central Government or any State Government on any question which may be referred to the Commission by the Central Government or the State Government, as the case may be;

(k) to advise the Central Government or any State Government, as the case may be, on any question which is considered as important by the Commission for
10 the holistic development of higher education in the country; and

(l) to perform such other functions, as may be prescribed.

CHAPTER III

VIKSIT BHARAT SHIKSHA VINIYAMAN PARISHAD

15 **10.** (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established a Regulatory Council to be known as the *Viksit Bharat Shiksha Viniyaman Parishad*, which shall function as the common regulator of higher education in India.

Establishment of
Regulatory
Council.

(2) The Regulatory Council referred to in sub-section (1), shall be a body
20 corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The Regulatory Council shall be headed by a President and shall consist of other Members, not exceeding fourteen in number.

25 (4) Of the fourteen Members referred to in sub-section (3), there shall be—

(a) two eminent and distinguished academicians not below the rank of Professor—Members;

(b) one eminent and distinguished academician not below the rank of Professor from a State Higher Educational Institution—Member;

30 (c) one person representing the Council of Architecture—Member;

(d) three eminent and distinguished academicians not below the rank of Professor from the Institutions of national importance—Members;

(e) one nominee of States and Union territories, on a rotation basis—Member;

35 (f) two eminent experts—Members;

(g) one nominee of the Department of Higher Education in the Ministry of Education, who shall not be below the rank of Joint Secretary to the Government of India—*ex officio* Member;

40 (h) one Member to be nominated by the Accreditation Council from amongst its Members—*ex officio* Member;

(i) one Member to be nominated by the Standards Council from amongst its Members—*ex officio* Member;

(j) Member Secretary:

45 Provided that the Members referred to in clauses (a) and (j) of this sub-section, shall act as full-time Members and the Members referred to in clauses (b), (c), (d), (e) and (f) shall act as part-time Members.

(5) The Regulatory Council may invite such experts as may be determined by it as special invitees for its meetings in such manner as may be specified by regulations made by it, in consultation with the Central Government:

Provided that when the Regulatory Council is deciding upon a matter pertaining to the exclusive domain of any specific professional body, it may invite nominee of the said body. 5

Functions of
Regulatory
Council.

11. (1) The Regulatory Council shall take all such steps as it may deem fit for the co-ordination and maintenance of standards and compliance of regulatory provisions in higher educational institutions.

(2) Without prejudice to the generality of the foregoing provisions, the steps referred to in sub-section (1), may provide for all or any of the following matters, namely:— 10

(a) to require that all higher educational institutions attain full accreditation and thereby autonomy in a graded manner, to transform the current higher education sector into one comprising autonomous, vibrant and empowered multidisciplinary higher educational institutions with high quality education, research and service including integrated vocational education, training and skilling programs; 15

(b) to require full online and offline public self-disclosure of all finances, audits, procedures, infrastructure, faculty, courses, educational outcomes and accreditation related information by higher educational institutions on a public website maintained by the Regulatory Council and on the websites of institutions; 20

(c) to require that all academic, administrative and financial affairs of higher educational institutions are conducted lawfully and reported truthfully and transparently on the public website maintained by Regulatory Council and on the websites of institutions; 25

(d) to develop a coherent policy to prevent commercialisation of higher education;

(e) to develop and implement a systematic plan for disclosure of key financial matters by higher educational institutions and require that the auditing and financial disclosure standards of higher educational institutions are adhered to; 30

(f) to take swift corrective action in not later than sixty days in cases of dishonest public self-disclosure or any other academic, administrative or financial impropriety; 35

(g) to require that students have free access to a fair, transparent and robust grievance redressal mechanism;

(h) to dispose of complaints or grievances received against the higher educational institutions from the stakeholders; 40

(i) to provide that the minimum standards for setting up and operation of higher educational institutions as determined by the Standards Council are complied with;

(j) to develop a model and roadmap for setting up and operation of higher educational institutions; 45

(k) to facilitate autonomy of higher educational institutions in a graded and time bound manner;

(l) to specify standards for select foreign universities to operate in India, with the prior approval of the Central Government:

5 Provided that for the foreign university campuses which were already set up in India and governed by the existing regulations of the University Grants Commission, notified before the commencement of this Act, the powers vested with the "University Grants Commission" therein, shall vest with the Regulatory Council;

(m) facilitate high performing Indian Universities to set up campuses in other countries, with the prior approval of the Central Government;

(n) require that only suitably accredited higher educational institutions offer open and distance learning, online education and digital education;

10 (o) decide on the continuance of functioning and maintenance of inter-University centres established under clause (ccc) of section 12 of the University Grants Commission Act, 1956, which were in existence before the commencement of the Act, in consultation with the Central Government;

3 of 1956.

15 (p) recommend to any higher educational institution the measures necessary for the improvement of higher education and advise the higher educational institution upon the action to be taken for the purpose of implementing such recommendation;

20 (q) furnish such information to the Commission, as the Commission may require, in connection with the performance of its functions under this Act; and

(r) perform such other functions, as may be prescribed.

25 (3) The functions to be discharged by the Regulatory Council under clauses referred to in sub-section (2), other than clauses (c), (e), (j), (o), (p), (q) and (r), shall be such as may be specified by the regulations made by the Regulatory Council in this regard.

30 (4) The Regulatory Council may authorise any accredited higher educational institution, other than a University, to grant degrees in such manner as may be specified by the regulations by the Regulatory Council, with the prior approval of the Central Government:

Provided that the Regulatory Council may, with the prior approval of the Central Government, revoke such authorisation accorded to a higher educational institution, if such institution violates the provisions of this Act or the rules and regulations made thereunder:

35 Provided further that no such authorisation shall be revoked without providing an opportunity of being heard.

(5) The Regulatory Council shall take measures to facilitate colleges to attain, required accreditation benchmarks, and eventually become autonomous degree-granting colleges.

40 (6) The Regulatory Council shall meet at such places and times, and follow such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings), as may be specified by the regulations made by the Regulatory Council in consultation with the Central Government.

45 **12.** (1) Notwithstanding anything contained in this Act, any existing or newly accredited University shall establish constituent colleges, off-campus and multiple campuses, only with prior approval of the Regulatory Council.

(2) The manner of establishing constituent colleges, off-campus and multiple campuses, shall be such as may be prescribed.

Establishment of constituent colleges, etc.

CHAPTER IV

VIKSIT BHARAT SHIKSHA GUNVATTA PARISHAD

Establishment of
Accreditation
Council.

13. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established an Accreditation Council to be known as the *Viksit Bharat Shiksha Gunvatta Parishad*. 5

(2) The Accreditation Council referred to in sub-section (1) shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued. 10

(3) The Accreditation Council shall consist of a President and other Members, not exceeding fourteen in number.

(4) Of the fourteen Members referred to in sub-section (3), there shall be—

(a) two eminent and distinguished academicians, not below the rank of Professor—Members; 15

(b) two eminent and distinguished academicians, not below the rank of Professor from State Higher Educational Institutions—Members;

(c) one person representing the Council of Architecture—Member;

(d) three eminent and distinguished academicians not below the rank of Professor from the Institutions of national importance—Members; 20

(e) one nominee of the Department of Higher Education in the Ministry of Education, who shall not be below the rank of Joint Secretary to the Government of India—*ex officio* Member;

(f) two eminent experts—Members;

(g) one Member to be nominated by the Regulatory Council from amongst its Members—*ex officio* Member; 25

(h) one Member to be nominated by the Standards Council from amongst its Members—*ex officio* Member;

(i) Member Secretary:

Provided that the Members referred to in clauses (a) and (i) shall act as full-time Members and the Members referred to in clauses (b), (c), (d) and (f) shall act as part-time Members. 30

(5) The Accreditation Council may invite such experts as may be determined by it as special invitees for its meetings in such manner as may be specified by it by regulations in consultation with the Central Government: 35

Provided that when the Accreditation Council is deciding upon a matter pertaining to the exclusive domain of any specific professional body, it may invite nominee of the said body.

Functions of
Accreditation
Council.

14. (1) The Accreditation Council shall function as an accrediting body and shall take such steps to supervise and oversee independent ecosystem of accreditation. 40

(2) Without prejudice to the generality of the foregoing provisions, the steps referred to in sub-section (1), may provide for all or any of the following matters, namely:—

5 (a) develop an outcome based Institutional Accreditation Framework in consultation with relevant stakeholders, which shall be used to assess and accredit higher educational institutions leading to accreditation with or without open and distance learning, online or digital learning, or any other form of learning, as the case may be;

(b) carry out accreditation using technology driven systems operated through the public website referred to in clause (b) of sub-section (2) of section 11;

10 (c) empanel and de-empanel accrediting institutions, as the case may be, to develop a high-quality and high-integrity accreditation system with adequate capacity to meet the requirements for accreditation of higher educational institutions;

(d) monitor and review the performance of accrediting institutions;

15 (e) compile and disseminate all accreditation related information regarding the accreditation of higher educational institutions to the public including stakeholders for ensuring the highest degree of probity is maintained through complete transparency;

20 (f) recommend to the Regulatory Council for imposition of penalties referred to in section 33 for contravention of the matters relating to accreditation of higher educational institutions;

(g) assess the requirements of accreditation and develop a perspective plan for ensuring accreditation of all higher educational institutions;

(h) furnish such information to the Commission as the Commission may require in connection with the performance of its functions under this Act; and

25 (i) perform such other functions as may be prescribed.

(3) The functions of the Accreditation Council under clauses referred to in sub-section (2), other than clauses (f), (g), (h) and (i), shall be such as may be specified by the regulations made by the Accreditation Council in this regard.

30 (4) The Institutional Accreditation Framework shall lay down parameters for accreditation involving only educational outcomes, good governance, financial probity and stability and transparent public disclosure of all academic, operational and financial matters to guide the accrediting institutions in such manner as may be specified by regulations made by the Accreditation Council.

35 (5) The higher educational institutions shall accurately state educational inputs and specific intended educational outcomes in their Institutional Development Plan which should be publicly disclosed and such plan should emphasise the quality of educational outcomes and governance mechanisms and their adherence.

40 *Explanation.*—For the purposes of this sub-section, the expression “Institutional Development Plan” means a strategic document designed to ensure the alignment of Institution with educational, research and societal goals, while maintaining compliance with national standards and regulations and includes the objectives, initiatives, resource allocation of the institution and its timelines for institutional development in the short, medium and long term.

45 (6) The Accreditation Council shall meet at such places and times, and follow such rules of procedure in regard to the transaction of business at its meetings, (including quorum at such meetings), as may be specified by the regulations made by the Accreditation Council in consultation with the Central Government.

CHAPTER V

VIKSIT BHARAT SHIKSHA MANAK PARISHAD

Establishment of
Standards
Council.

15. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established a Standards Council to be known as the *Viksit Bharat Shiksha Manak Parishad*. 5

(2) The Standards Council, referred to in sub-section (1), shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued. 10

(3) The Standards Council shall consist of a President and other Members, not exceeding fourteen in number.

(4) Of the fourteen Members referred to in sub-section (3), there shall be—

(a) two eminent and distinguished academicians not below the rank of Professor—Members; 15

(b) one eminent and distinguished academicians not below the rank of Professor from a State Higher Educational Institution—Member;

(c) one nominee of States and Union territories, on a rotation basis—Member;

(d) one person representing the Council of Architecture—Member; 20

(e) three eminent and distinguished academicians not below the rank of Professor from Institutions of national importance—Members;

(f) two eminent experts—Members;

(g) one nominee of the Department of Higher Education in the Ministry of Education, who shall not be below the rank of Joint Secretary to the Government of India—*ex officio* Member; 25

(h) one Member to be nominated by the Regulatory Council from amongst its Members—*ex officio* Member;

(i) one Member to be nominated by the Accreditation Council from amongst its Members—*ex officio* Member; 30

(j) Member Secretary:

Provided that the Members referred to in clauses (a) and (j) shall act as full-time Members and the Members referred to in clauses (b), (c), (d), (e) and (f) shall act as part-time Members.

(5) The Standards Council may invite such experts as may be determined by it as special invitees for its meetings in such manner as may be specified by regulations made by it: 35

Provided that when the Standards Council is deciding upon a matter pertaining to the exclusive domain of any specific professional body, it may invite nominees of the said body. 40

Functions of
Standards
Council.

16. (1) The Standards Council shall take all such steps as it may think fit for the determination of academic standards in higher educational institutions for higher education and for the purpose of performing the functions under this Act.

(2) Without prejudice to the generality of the foregoing provisions, the steps referred to in sub-section (1) may provide for all or any of the following matters, namely:—

5 (a) frame expected learning outcomes (also referred to as “graduate attributes”) for higher education programmes which may guide higher educational institutions;

(b) provide guiding principles for learning outcomes, to ease the integration of vocational education into higher education;

10 (c) provide the nomenclature of “certificate” and “diploma”, and the levels of educational qualifications, other than “Doctor of Philosophy”, “degree”, “diploma” and “certificate”, which may be awarded by any higher educational institution, in consultation with the Central Government;

(d) provide the norms for credit transfers, equivalence and other related matters to facilitate mobility of students;

15 (e) develop a suggested broad framework of higher education qualifications for institutions and programmes and across the open and distance learning, online, and the traditional “in-class” modes, within which institutions and faculty shall have the autonomy to innovate on matters of curriculum, pedagogy and assessment;

20 (f) promote quality of academic instruction and determine minimum academic standards in higher educational institutions;

(g) lay down clear minimum standards for setting up and operation of higher educational institutions;

25 (h) establish non-binding frameworks for innovative development of curriculum, pedagogy, assessment, and student support, including the promotion of internationalisation of education to attain world class standards in all areas as well as the Indianisation of education to promote *Bharatiya* knowledge, arts and languages, for enhanced student experiences and to meet learning outcomes;

30 (i) develop a perspective plan for determination of academic standards in higher educational institutions;

(j) lay down such qualifications, as may be determined by it, that should be required of any person to be appointed as the staff of the higher educational institution:

35 Provided that nothing in this clause shall prohibit the appointment of distinguished experts with remarkable contributions in their respective fields;

(k) furnish such information to the Commission as the Commission may require in connection with the performance of its functions under this Act; and

(l) perform such other functions as may be prescribed:

40 Provided that the Standards Council shall consider the inputs of such professional bodies, where required, while drawing the curriculum framework, laying down academic standards and co-ordination between teaching, research and extension of their domain or discipline.

45 (3) The functions of the Standards Council under clauses referred to in sub-section (2), other than clauses (b), (c), (h), (j), (k) and (l), shall be such as may be specified by the regulations made by it.

50 (4) The Standards Council shall meet at such places and times, and follow such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by the regulations made by the Standards Council in consultation with the Central Government.

CHAPTER VI

GENERAL PROVISIONS

Right to confer degrees.

17. (1) The right of conferring or granting degrees shall be exercised only by a University or an Institution specially empowered by an Act of Parliament to confer or grant degrees, or a higher educational institution empowered under this Act. 5

(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 notified in this behalf by the Standards Council. 10

Qualification and appointment of Chairperson of Commission.

18. The Chairperson shall be a person of eminence and reputation to be appointed in an honorary capacity by the President of India on the recommendations of the Central Government.

Qualification for appointment as Presidents and full-time Members of Councils.

19. (1) The President of the respective Councils shall be persons of eminence and standing in the field of higher education or research possessing leadership abilities, capacity for institution building and governance of institutions of higher learning, and having experience of not less than ten years as Professor or equivalent in a distinguished higher educational institution or University. 15

(2) The full-time Members of the Councils shall be distinguished and eminent academicians of repute not below the rank of Professor and having experience of not less than ten years as Professor or equivalent in a distinguished higher educational institution or University or a scholar of repute in a research institute, or persons of outstanding ability, proven administrative capacity and integrity. 20

Appointment of Presidents and Members of Councils and Member Secretary of Commission and Councils.

20. (1) The Presidents and full-time Members of the Councils shall be appointed by the President of India on the recommendations of the Search-cum-Selection Committee referred to in section 21. 25

(2) The other Members of the Commission and the Councils, other than the *ex officio* Members and Member Secretary of the Commission and the Councils, shall be appointed by the President of India on the recommendations of the Central Government in such manner as may be prescribed. 30

(3) For efficient administration of the Commission, the Central Government shall appoint Member Secretary not below the rank of the Secretary to the Government of India or who has served as Secretary to the Government of India in such manner as may be prescribed. 35

(4) For efficient administration of the Councils, the Central Government shall appoint Member Secretaries not below the rank of the Joint Secretary to the Government of India or who has served as Joint Secretary to the Government of India in such manner as may be prescribed.

Search-cum-Selection Committee.

21. (1) The Search-cum-Selection Committee shall consist of— 40

(a) two eminent experts nominated by the Central Government with one of them designated as the Chairperson of the Search-cum-Selection Committee; and

(b) the Secretary to the Government of India in the Department of Higher Education, Ministry of Education—*ex officio* Member. 45

(2) The term of the Search-cum-Selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

22. (1) The term of office of the Chairperson of the Commission shall be for an initial period of three years, which may be extended up to five years, from the date of his appointment and he shall be eligible for re-appointment for another term.

Term of office for Chairperson, Presidents of Councils, Members of Councils and nominees of States and Union territories.

5 (2) The term of office of the President of each Council shall be for a period of three years which may be extended up to five years from the date of their appointment or till they attain the age of seventy years, whichever is earlier and they shall be eligible for re-appointment for another term.

10 (3) The term of office of the Members of the Commission and Councils, other than *ex officio* Members, shall be for a period of three years or till they attain the age of seventy years, whichever is earlier and they shall be eligible for re-appointment for another term:

Provided that the term of office of *ex officio* Members of the Commission or the Councils, as the case may be, shall continue as long as they hold the office by virtue of which they are such Members.

15 (4) The nominees of States and Union territories with respect to Regulatory Council and Standards Council shall be appointed as Members on rotation basis for a period of one year, in such manner as may be determined by the Central Government.

23. (1) In the event of the occurrence of a vacancy in the office of—

Filling of casual vacancies in Commission or Councils.

20 (a) the Chairperson of the Commission; or

(b) the President of any Council; or

(c) any full time Member of the Councils; or

(d) the Member Secretary of the Commission or the Councils, as the case may be,

25 whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, or by any other reason, may be filled by the Central Government by making a fresh appointment from the date on which such vacancy occurs and the Chairperson, President or Member of the Commission or Councils so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed or till the appointment of regular incumbent, whichever is earlier:

30 Provided that during the period of occurrence of vacancy in the office of the Chairperson or the Presidents of the Councils, as the case may be, the Central Government may nominate any other Member of the Commission or the Councils to hold the office of the Chairperson or the Presidents of the Councils, as the case may be.

24. (1) The President of India may, on the recommendation of the Central Government, by order, remove the Chairperson of the Commission or President or any full-time Member of the respective Councils, who—

Removal of Chairperson or any other Member of Commission or Presidents or Members of Councils.

40 (a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

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

45 (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(f) has so abused his position as to render his continuance in office prejudicial to public interest; or

(g) has violated the provisions of this Act or the rules and regulations made thereunder.

(2) No Member shall be removed under clauses (e), (f) and (g) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter. 5

(3) The Chairperson of the Commission, the President or any full-time Member of the Councils may resign their office by giving in writing to the Central Government a notice of not less than three months:

Provided that such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed, if the Central Government, so decides. 10

(4) The other Members of the Commission or the Councils, as the case may be, shall be removed by the President of India on the recommendations of the Central Government in such manner as may be prescribed.

Declaration by Chairperson or any other Member of Commission or Presidents or Members of Councils.

25. (1) The Chairperson or any other Member of the Commission or the Presidents or the Members of the respective Councils shall, immediately after appointment and every year thereafter, make a declaration to the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution or in any other professional or financial activity, as may be prescribed. 15 20

(2) The declaration so made under sub-section (1), shall be placed in the public domain by the Commission or Councils, as the case may be.

Restriction of reemployment.

26. The Chairperson or full-time Members of the Commission or the Presidents or the full-time Members of the respective Councils shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with their domain of duty as Chairperson or Members of the Commission, Presidents or full-time Member of the Councils, as the case may be, under this Act or the rules and regulations made thereunder: 25

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or any statutory authority or any Central or State University or institution: 30

Provided further that this section shall not be applicable in cases of repatriation to the parent cadre upon completion of tenure.

Salary, allowances and other terms and conditions of service of Presidents and other full-time Members of respective Councils and Member Secretary of Commission and Councils.

27. (1) The salary and allowances payable to, and the other terms and conditions of service of the Presidents and full-time Members of the respective Councils and Member Secretary of the Commission and Councils, other than *ex officio* Members, shall be such as may be prescribed: 35

Provided that the part-time Members of the Commission and respective Councils shall be entitled to such allowances as may be determined by the Central Government. 40

(2) The salary, allowances and other terms and conditions of service of the Presidents and full-time Members of the respective Councils and Member-Secretary of the Commission and Councils, shall not be varied to their disadvantage after their appointment.

Vacancy, etc., not to invalidate proceedings of Commission or Councils.

28. No act or proceedings of the Commission or the Councils shall be invalid merely by reason of— 45

(a) any vacancy in, or any defect in the constitution of the Commission or the Councils, as the case may be; or

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

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

5 **29.** The Chairperson and Members of the Commission, and the President and Members of the respective Councils shall, before entering upon their office, make and subscribe to an oath of office and of secrecy in such form, manner and before such authority, as may be prescribed.

Oath of office.

10 **30.** The head offices of the Commission and the Councils shall be at such places as may be notified by the Central Government.

Head offices of Commission and Councils.

15 **31.** Subject to such rules as may be made by the Central Government in this behalf, including the organisation structure, maintenance of lien, tenure of appointment and recruitment rules, the Commission and each of the Councils shall have separate Secretariats for the discharge of responsibilities and efficient performance of its functions under this Act.

Secretariats for Commission and Councils.

45 of 2023. **32.** The Chairperson and Presidents of the Councils, and Members, officers and employees of the Commission or Councils shall be deemed to be public servants within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Members, etc., to be public servants.

CHAPTER VII

20 CONTRAVENTIONS, PENALTIES AND ADJUDICATION

33. (1) The Regulatory Council may impose penalties on higher educational institutions for contravention of the provisions of this Act or the rules or regulations made thereunder, in the following manner, namely:—

Penalties.

25 (a) if a higher educational institution contravenes the provisions of this Act or the rules or regulations made thereunder, the Regulatory Council may issue a notice in writing to such institution and seek clarification for rectification of mistakes committed by the institution and if such mistake is not rectified within the period specified in the notice, there shall be imposed a penalty which shall not be less than ten lakh rupees;

30 (b) if the higher educational institution again contravenes the provisions of this Act or the rules or regulations made thereunder, the Regulatory Council may impose a penalty which shall not be less than thirty lakh rupees, or recommend to the Central Government or the appropriate State Government or appropriate body within the higher educational institutions, as the case may be, for the removal of persons found to be responsible for such contraventions from the employment, or review the level of autonomy accorded, both academic and administrative and revise the same, pending rectification of the violation, or withhold or recommend to the appropriate Government for withholding from the higher educational institution the grants proposed to be made;

40 (c) further, if the higher educational institution again contravenes the provisions of this Act or rules and regulations made thereunder, and if such contravention is a continuing one or persistent, the Regulatory Council may impose a penalty which shall not be less than seventy-five lakh rupees, or recommend to the Central Government or appropriate State Government to suspend or otherwise modify the right to confer certificates, diplomas or degrees, as the case may be, or advise the affiliating University to revoke the affiliation of the higher educational institution, or recommend to the Central Government or appropriate State Government, as the case may be, the closure or winding up of the higher educational institution and place the recommendation in the public domain:

Provided that for the purposes of ascertaining the contravention, the Regulatory Council may cause an inspection of any higher educational institution by such person or persons as it may direct:

Provided further that the penalties under clauses (b) and (c) of this sub-section shall be imposed after giving such higher educational institution a reasonable opportunity of being heard. 5

(2) If any person establishes a University or higher educational institution without the approval of the Central Government or the respective State Government, such person shall be liable to a penalty which shall not be less than two crore rupees or such amount as may be specified from time to time along with immediate closure of such institution in such manner as may be prescribed. 10

Adjudication of penalties.

34. For the purposes of adjudging the penalties under this Act, the Regulatory Council shall set up an adjudicatory mechanism, in such manner as may be prescribed.

Crediting sums realised by penalties.

35. All sums realised by way of penalties under this Act shall be credited to the Fund. 15

Penalty not to affect interest of students.

36. The Regulatory Council shall take steps to ensure that the imposition of any penalty under this Act or the rules and regulations made thereunder, does not affect the interests of the students or cause any monetary repercussions for the students enrolled therein.

Appeal against order or decision of Commission or Councils.

37. Any person aggrieved by any order made by the Commission or any of the Councils, may prefer an appeal to the Central Government within such period and in such manner as may be prescribed and the decision of the Central Government thereon shall be binding on the parties. 20

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT 25

Grants by Central Government.

38. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may make due appropriations to the Councils.

Fund of Commission.

39. (1) The Commission shall have its own Fund to be called the *Viksit Bharat Shiksha Adhishtan* Fund and all sums which may, from time to time, be granted to it by the Central Government and all the receipts of the Commission and the Councils (including any sum which any State Government or any other authority or person may deposit) shall be carried to the Fund and all payments by the Commission and Councils shall be made therefrom. 30 35

(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 and such funds shall be applied for carrying out the provisions of this Act and any functions assigned by the Central Government to the Commission and Councils. 40

Budget.

40. In each financial year, the Commission shall, in co-ordination with the Councils, prepare a budget for the next financial year showing the estimated receipts and expenditure, in such form and within such period as may be prescribed. 45

Accounts and audit.

41. (1) The Commission shall, in co-ordination with the Councils and in consultation with the Comptroller and Auditor-General of India, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed. 50

(2) The accounts of the Commission and Councils referred to in sub-section (1), shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission.

5 (3) The Comptroller and Auditor-General of India and any other person appointed in connection with the audit of the accounts of the Commission and the Councils shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of accounts, 10 connected vouchers and other documents and papers and to inspect the office of the Commission.

(4) The accounts of the Commission and the Councils as certified by the Comptroller and Auditor-General of India or any other person appointed by him 15 in this behalf, together with the audit report thereon, shall be forwarded by the Commission annually to the Central Government which shall cause the same to be laid before each House of Parliament.

42. (1) The Commission shall, in co-ordination with the Councils, furnish to the Central Government, in such form, manner and within such period as may be prescribed 20 or as the Central Government may direct, such reports and statements, containing such particulars in regard to any matter under the jurisdiction of the Commission or the Councils, as the Central Government may, from time to time, require.

Furnishing of returns and reports to Central Government.

(2) The Commission shall, in co-ordination with the Councils, prepare once in every year, in such form and within such period, as may be prescribed, an annual 25 report giving a summary of activities of the Commission and the Councils during the previous year and copies of the reports shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as it may be after it is received, before each House of 30 Parliament.

(4) The Commission shall place its respective annual report referred to in sub-section (2) in the public domain as soon as the same is laid before each House of Parliament.

CHAPTER IX

35 MISCELLANEOUS

43. (1) The Commission and each of the Councils constituted and established under this Act, may associate with itself, in such manner and for such purposes as may be specified by regulations made under this Act in this behalf, with the approval of Central Government, any person whose assistance or advice it may desire in 40 carrying out any of the provisions of this Act or the rules and regulations made thereunder.

Temporary association of persons with Commission or Councils for particular purposes.

(2) A person associated with it by the Commission or the Councils, as the case may be, 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 45 of the Commission or the Councils, as the case may be, and shall not be a member for any other purpose.

44. All orders, decisions and other instruments issued by the Commission and Councils shall be authenticated by the signature of the Member Secretary of the Commission or Council, as the case may be.

Authentication of orders and other instruments of Commission and of each Council.

Power of Central Government to issue directions.

45. (1) In the discharge of its functions under this Act, each body constituted or established under this Act, shall be bound by such directions on questions of policy, as the Central Government may give in writing to such body from time to time.

(2) In case of a disagreement between the Central Government and any of the bodies constituted or established under this Act as to whether a question is or is not a question of policy, the decision of the Central Government shall be final. 5

(3) The Central Government may direct the Commission or the Councils to perform such other functions as it deems fit.

Delegation of powers.

46. The Commission or the Councils, as the case may be, may, by notification, delegate to any Member or Member Secretary, subject to such conditions, if any, as may be specified in such notification, such of its powers and functions under this Act (except the power to make regulations under section 51) as it may deem necessary. 10

Power of Central Government to supersede Commission and Councils established under this Act.

47. (1) If at any time the Central Government is of the opinion that— 15

(a) the Commission or any of the Councils is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the Commission or the Councils, as the case may be, established under this Act has persistently made default in complying with any direction given by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act, 20

the Central Government may, with the prior approval of the President of India, by order published in the Official Gazette, supersede the Commission or the Councils, as the case may be, for such period, not exceeding six months, as may be specified in the order: 25

Provided that before issuing any such order, the Central Government shall give an opportunity to the Commission or the Councils, as the case may be, to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Commission or the Councils, as the case may be. 30

(2) Upon the publication of an order under sub-section (1) superseding the Commission or the Councils, as the case may be,—

(a) the Chairperson of the Commission, or the Presidents of the Councils and other Members of the Commission or the Councils, as the case may be, shall, as from the date of supersession, vacate the offices as such; 35

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission or the Councils shall, until the Commission or the Councils, as the case may be, is reconstituted as per the provisions of this Act, be exercised and discharged by the Central Government or such person or persons as that Government may direct; and 40

(c) all properties owned or controlled by the Commission or the Councils, as the case may be, shall, until such body is reconstituted, remain vested in the Central Government.

(3) On the expiration of the period of supersession specified in the order issued under sub-section (1), the Central Government may— 45

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(b) reconstitute the Commission or the Councils, as the case may be, by fresh appointment and in such case, the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

5 Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

10 (4) The Central Government shall cause an order issued under sub-section (1) and a complete report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament, while the Parliament is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions.

15 **48.** No suit, prosecution, or other legal proceedings shall lie against any office bearer or officer or employee of the Commission or Council, as the case may be, for anything which has been done or intended to be done in good faith under this Act.

Protection of action taken in good faith.

49. The provisions of this Act shall have effect irrespective of anything inconsistent therewith contained in any other law for the time being in force:

Act to have overriding effect.

20 Provided that the institutional autonomy and independence accorded to the Institutions of national importance and the institutions of eminence shall remain duly protected in the manner as may be specified through regulations with the prior approval of the Central Government.

25 **50.** (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

Power to make rules.

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

(a) the other functions of the Commission under clause (l) of section 9;

30 (b) the other functions of the Regulatory Council under clause (r) of sub-section (2) of section 11;

(c) the manner in which any existing or newly accredited university shall establish constituent college, off-campus and multiple campuses under sub-section (2) of section 12;

35 (d) the other functions of the Accreditation Council under clause (i) of sub-section (2) of section 14;

(e) the other functions of the Standards Council under clause (k) of sub-section (2) of section 16;

40 (f) the manner in which other Members of the Commission and the Councils shall be appointed by the President of India on the recommendations of the Central Government under sub-section (2) of section 20;

(g) the manner in which Member-Secretary of the Commission and Councils shall be appointed by the Central Government under sub-section (3) of section 20;

45 (h) the term of the Search-cum-Selection Committee and the manner of selection of panel of names under sub-section (2) of section 21;

(i) the manner and period of inquiry for removal of Chairperson, President and full-time Members of the respective Councils under sub-section (1) of section 24;

(j) the manner in which other Members of the Commission or the Councils, as the case may be, may be removed by the Central Government under sub-section (4) of section 24;

(k) the manner in which declaration shall be made by the Chairperson or any other Member of the Commission or the President or the Members of the respective Councils under sub-section (1) of section 25; 5

(l) the salary and allowances payable to, and the other terms and conditions of service of the Presidents and full-time Members of the respective Councils and Member-Secretary of the Commission and the Councils, under sub-section (1) of section 27; 10

(m) the form, manner, and authority before which the Chairperson and Members of the Commission and Presidents of the Councils and its Members shall before entering upon their office, make and subscribe to an oath of office and of secrecy under section 29;

(n) the Secretariats for the Commission and Councils under section 31; 15

(o) the manner for closure of such higher educational institution established without the approval of the Central Government or appropriate State Government under sub-section (2) of section 33;

(p) the manner of setting up of adjudicatory mechanism by the Regulatory Council under section 34; 20

(q) the period and manner for preferring an appeal against the order of the Commission or any of the Councils before the Central Government under section 37;

(r) the form and period at which the budget is to be prepared by the Commission under section 40; 25

(s) the form and manner in which the Commission shall maintain accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 41;

(t) the form, manner and period within which the Commission shall furnish to the Central Government reports and statements under sub-section (1) of section 42; 30

(u) the form and period at which the Commission in co-ordination with the Councils shall prepare, once in every year, an annual report under sub-section (2) of section 42; 35

(v) any other matter to be provided by rules for carrying out the provisions of this Act.

(3) The power to make rules under this section shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act shall come into force but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable. 40

Power to make regulations.

51. (1) The Commission or the respective Council, as the case may be, may by notification and subject to the condition of previous publication, make regulations not inconsistent with the provisions of this Act and the rules made thereunder for carrying out the purposes of this Act. 45

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

(a) the procedure in regard to transaction of business at meetings of the Commission (including quorum at such meetings) under sub-section (1) of section 8;

5 (b) the manner to invite such experts as may be determined by the Regulatory Council as “special invitees” for their meetings under sub-section (5) of section 10;

(c) the functions of the Regulatory Council under clauses referred to in sub-section (2), other than clauses (d), (e), (j), (o), (p), (q) and (r), under sub-section (3) of section 11;

10 (d) the manner of authorisation for accredited higher educational institutions, other than a University, to grant degrees under sub-section (4) of section 11;

(e) the procedure in regard to transaction of business at meetings of the Regulatory Council (including quorum at such meetings) under sub-section (6) of section 11;

15 (f) the manner to invite such experts as may be determined by the Accreditation Council as ‘special invitees’ for their meetings under sub-section (5) of section 13;

20 (g) the functions of the Accreditation Council under clauses referred to in sub-section (2), other than clauses (f), (g), (h) and (i), under sub-section (3) of section 14;

(h) specifying the Institutional Accreditation Framework under sub-section (4) of section 14;

25 (i) the procedure in regard to transaction of business at meetings of the Accreditation Council (including quorum at such meetings) under sub-section (6) of section 14;

(j) the manner to invite such experts as may be determined by the Standards Council as special invitees for their meetings under sub-section (5) of section 15;

30 (k) the functions of the Standards Council under clauses referred to in sub-section (2), other than clauses (b), (c), (h), (i), (k) and (l) under sub-section (3) of section 16;

35 (l) the procedure in regard to transaction of business at meetings of the Standards Council (including quorum at such meetings) under sub-section (4) of section 16;

(m) the manner and purposes for which the Commission and Councils may associate with such persons for assistance or advice under sub-section (1) of section 43;

40 (n) the manner for protecting the institutional autonomy and independence accorded to the Institutions of national importance and the institutions of eminence under section 49.

45 (3) All regulations made under this Act pertaining to co-ordination and determination of standards in higher educational institutions require compliance by all higher educational institutions, to enable high standards of quality and excellence in higher educational institutions subject to the regulations made under clause (n) and the rules made under clause (a) of sub-section (2) of section 50.

50 **52.** Every rule and every regulation made and every notification issued under this Act shall be laid, as soon as may be after it is made and issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be

Laying before Parliament.

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

Power to remove difficulties.

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

Provided that no order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

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

Transitional provision.

54. (1) The University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education established under the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993 respectively shall continue to be in force and operate, till the Commission and Councils are established under this Act.

(2) Until appointment of the Chairperson of the Commission, Presidents and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members takes effect, the Central Government shall, as a transitory measure, by notification, appoint the first Chairperson of the Commission, the President and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members, for a period of two years or till the constitution of the Commission and the Councils under the provisions of this Act, whichever is earlier.

(3) The institutions presently regulated by the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education, shall be continued and shall always be deemed to have been continued, as if the provisions of the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993, had been in force at all material times.

Repeal and savings.

55. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993 shall stand repealed and the University Grants Commission, All India Council for Technical Education and the National Council for Teacher Education established under these Acts shall stand dissolved.

(2) Notwithstanding the repeal of the enactments referred to in sub-section (1),—

(a) the educational standards, requirements and other provisions of the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

5 Provided that anything done or any action taken as regards the educational standards and requirements under the enactments under repeal and the rules and regulations made thereunder, shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act:

3 of 1956.

10 Provided further that the institutions of higher education under section 3 of the University Grants Commission Act, 1956 shall be deemed to have been the institutions under this Act and all the provisions of this Act shall apply to such institutions;

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

15 (c) any reference to the University Grants Commission, All India Council for Technical Education and National Council for Teacher Education in any law or rule or regulation or any contract or other instrument for the time being in force, shall be construed as a reference to the Commission or any of the Councils constituted and established under this Act, as may be decided by the Commission;

20 (d) all property, movable and immovable, of or belonging to the University Grants Commission, All India Council for Technical Education and National Council for Teacher Education shall vest in the Commission or any of the Councils, as may be decided by the Central Government;

25 (e) all rights and liabilities of the University Grants Commission, All India Council for Technical Education and National Council for Teacher Education shall be transferred to, and be the rights and liabilities of the Commission or any of the Councils constituted or established under this Act and shall vest upon the Commission or Council, as the case may be.

30 (3) The repeal of the said enactments shall not affect the proceedings pending in various courts or tribunals immediately before the commencement of this Act, under any of the said enactments and such proceedings shall be carried on and disposed of as if those enactments subsist notionally.

35 (4) On the dissolution of the University Grants Commission, All India Council for Teacher Education and the National Council for Teacher Education, the Chairperson, Vice-Chairperson and other Members of these bodies holding office as such immediately before such dissolution shall vacate their respective offices and such Chairperson, Vice-Chairperson and other Members shall be entitled to claim compensation not exceeding three months' pay and allowances for premature termination of their office or of any contract of service.

40 (5) On and from the date of commencement of this Act, every person employed on a regular basis by the University Grants Commission, All India Council for Technical Education or National Council for Teacher Education, as the case may be, immediately before the commencement of this Act shall be deemed to be employed by the Commission or any of the Councils, as may be decided
45 by the Commission, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been enacted and shall continue to do so unless and until his employment is terminated or until
50 such tenure, remuneration and terms and conditions are duly altered by the rules or regulations:

Provided that any officer or other employee who has been, immediately before the dissolution of the University Grants Commission, All India Council for Technical Education and National Council for Teacher Education appointed on a deputation basis to the University Grants Commission, All India Council for Technical Education or National Council for Teacher Education, shall, on such dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be. 5

(6) Save as otherwise provided, the mention of particular matters in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal. 10

STATEMENT OF OBJECTS AND REASONS

Entry 66 of the Union List (List I) in the Seventh Schedule to the Constitution of India provides for the co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions. Accordingly, the University Grants Commission was established under the University Grants Commission Act, 1956 for the coordination and determination of standards in Universities.

2. Subsequently the size, scale and complexities of higher education sector in India have increased manifold with over one thousand Universities and more than sixty thousand higher educational institutions, with more than four crore students enrolled therein. The expansion of higher education system has also seen establishment of several statutory regulatory bodies, requiring multiple approvals by higher educational institutions, inspections, etc., resulting in over-regulation of the sector and duplication of control. There exists a strong need for providing simplified regulatory systems for higher educational institutions in the country.

3. The National Education Policy (NEP), 2020 envisions the revision and revamping of all aspects of the education structure, including its regulation and governance, to create a new system that is aligned with the aspirational goals of 21st century education, including Sustainable Development Goal 4 (SDG4), while building upon the traditions and value systems of our nation.

4. Further, the NEP, 2020 considers that the regulatory system is in need of a complete overhaul in order to re-energise the higher education sector and enable it to thrive. The NEP, 2020 envisions a “light but tight” regulatory framework to ensure integrity, transparency and resource efficiency of the educational system through audit and public disclosure while encouraging innovation and out-of-the-box ideas through autonomy, good governance and empowerment.

5. Accordingly, after due consideration of the vision of the NEP, 2020, analysis and suitable adaption of the global best practices in the field of higher education, it is proposed to introduce a legislation, namely, the *Viksit Bharat Shiksha Adhishthan* Bill, 2025 in Parliament.

6. The *Viksit Bharat Shiksha Adhishthan* Bill, 2025 provides for the constitution of a *Viksit Bharat Shiksha Adhishthan* along with the three Councils, namely, the *Viksit Bharat Shiksha Viniyaman Parishad* (the Regulatory Council), the *Viksit Bharat Shiksha Gunvatta Parishad* (the Accreditation Council) and the *Viksit Bharat Shiksha Manak Parishad* (the Standards Council) to enable and empower Universities and other higher educational institutions to achieve excellence in teaching, learning, research and innovation, as an outcome of better co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

7. The Bill further provides for repealing the University Grants Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993.

8. The Bill also proposes that the Council of Architecture (CoA), established under the Architects Act, 1972 will function as a Professional Standard Setting Body (PSSB), as envisioned in the NEP, 2020. The CoA will have representation in all the three Councils proposed to be established under the proposed legislation. As the Member of the Standards Council, the CoA will participate in framing the curricula, laying down academic standards and co-ordinating between teaching, research and extension of its domain or discipline. Thus, CoA would set the standards or expectations in its particular field of learning and practice while having no regulatory role.

9. The *Viksit Bharat Shiksha Adhishthan* will be an apex umbrella body to provide direction for comprehensive and holistic growth of higher education and ensure co-ordination between the Councils. The Standards Council shall ensure synchronisation and determination of academic standards in higher educational institutions, the Regulatory Council shall ensure co-ordination and maintenance of standards in higher educational institutions, while the Accreditation Council shall be an accrediting body to supervise and oversee an independent ecosystem of accreditation.

10. Membership of the *Viksit Bharat Shiksha Adhishthan* and the Councils primarily includes academicians, domain experts and representatives from States, Union territories, State higher educational institutions and Institutions of national importance.

11. The *Viksit Bharat Shiksha Adhishthan* will pave the path for Atmanirbharta in higher education sector and create a talent pool of students who will help the country in achieving the vision towards *Viksit Bharat*. This will facilitate empowerment of youth by developing critical and innovative thinking leading to holistic development, provide opportunities for inter-disciplinary and flexible education thus permitting continuous reskilling and upskilling. The students will also have access to fair, transparent and robust grievance redressal mechanism. The Bill will thus make our present and upcoming generations future ready.

12. The Bill will bring in the required regulatory reforms to usher in an era of autonomy of well performing higher educational institutions. The present challenges faced by higher educational institutions due to multiplicity of regulators having non-harmonised regulatory approval protocols will be done away with. The entire system of regulation will be executed through technology driven single window interactive system for higher educational institutions based upon public self disclosure. The Regulatory Council will maintain a public portal wherein the higher educational institutions will be required to report all matters pertaining to financial probity, good governance, all finances, audits, procedures, infrastructure, faculty and staff, courses and educational outcomes. The information provided on the public portal of the Regulatory Council will also be the basis for accreditation of the higher educational institutions.

13. The Bill will facilitate establishment of global standard higher educational institutions in the country and significantly improve the Growth Enrolment Ratio (GER) of the country.

14. The Notes on clauses explain in detail the various provisions contained in the Bill.

15. The Bill seeks to achieve the above objectives.

NEW DELHI;

DHARMENDRA PRADHAN.

The 12th December, 2025.

Notes on clauses

Clause 1 of the Bill seeks to provide for short title and commencement of the proposed legislation.

Clause 2 of the Bill seeks to provide for application of the proposed legislation. The proposed legislation applies to (a) all Institutions of national importance established by an Act of Parliament, under the administrative purview of the Ministry of Education in the Government of India; (b) such other Institutions of national importance, established by an Act of Parliament, as may be notified by the Central Government in the Official Gazette; (c) Universities in India, established or incorporated by or under a Central Act or a State Act or any other institution declared as a deemed to be University by any notification by the Ministry of Education, Department of Higher Education in the Government of India under the provisions of section 3 of the University Grants Commission Act, 1956, before this Act came into force; (d) colleges and such other higher educational institutions affiliated with the Universities or higher educational institutions falling under the purview of this Act; (e) institutions regulated under the Architects Act, 1972; (f) institutions regulated under the All India Council for Technical Education Act, 1987; (g) institutions regulated under the National Council for Teacher Education Act, 1993; (h) institutions of open and distance learning, online education and digital education recognised by the University Grants Commission; (i) institutions of eminence; (j) institutions regulated by such other Professional Councils as may be notified by the Central Government; and (k) other programmes and institutions as may be notified by the Central Government.

Clause 3 of the Bill seeks to provide for definition of certain expressions used in the proposed legislation.

Clause 4 of the Bill seeks to provide aims and purposes of the proposed legislation i.e., for an effective, enabling and responsive system of regulation to encourage integrity, excellence and public-spiritedness in higher education.

Clause 5 of the Bill seeks to provide for constitution of Viksit Bharat Shiksha Adhishthan (the Commission) to exercise the powers conferred upon, and perform the functions assigned to it.

Clause 6 of the Bill seeks to provide for composition of the Commission. The Commission shall consist of a Chairperson and other Members not exceeding twelve in number. Of the twelve members, two shall be eminent and distinguished academicians not below the rank of professor from the State Higher Educational Institutions and five shall be eminent experts.

Clause 7 of the Bill seeks to provide for the responsibility of the Chairperson and Member Secretary of the Commission.

Clause 8 of the Bill seeks to provide for meetings of the Commission and procedure to be followed at the meetings. The Commission may invite, as special invitees, the Heads of such other bodies as the Commission deems fit, provided that when the Commission is deciding upon a matter pertaining to the exclusive domain of any specific Professional Body, the Commission may invite nominees of the said Body.

Clause 9 of the Bill seeks to provide for functions of the Commission which *inter alia*, include—(a) provide high level strategic direction for comprehensive and holistic growth of higher education and research in a competitive global environment; (b) develop a roadmap for transforming higher educational institutions into large multi-disciplinary education and research institutions; (c) develop a roadmap for promoting India as an education destination; (d) develop a roadmap for integration and promotion of *Bharatiya* knowledge, languages and arts across the multi-disciplinary higher education system; (e) provide strategic direction for

synergistic functioning of the Councils established under the proposed legislation and ensure coordination between them; (f) provide financial support for proper functioning of the Councils; and (g) formulate and suggest such schemes to the Central Government for improvement of quality of education.

Clause 10 of the Bill seeks to provide for establishment of Viksit Bharat Shiksha Vinayaman Parishad (Regulatory Council), under the proposed legislation, which shall function as the common regulator of higher education in India.

Clause 11 of the Bill seeks to provide for the functions of Regulatory Council which *inter alia*, include—(a) require that all higher educational institutions attain full accreditation and thereby autonomy in a graded manner, to transform the current higher education sector into one comprising autonomous, vibrant and empowered multidisciplinary higher educational institutions with high-quality education, research, and service including integrated vocational education, training and skilling programs; (b) require full online and offline public self-disclosure of all finances, audits, procedures, infrastructure, faculty, courses, educational outcomes and accreditation-related information by higher educational institutions on a public website maintained by the Regulatory Council and on the websites of institutions; (c) require that all academic, administrative and financial affairs of higher educational institutions are conducted lawfully and reported truthfully and transparently on the public website maintained by Regulatory Council and on the websites of institutions; (d) take swift corrective action in not later than sixty days in cases of dishonest public self-disclosure or any other academic, administrative or financial impropriety; (e) require that students have free access to a fair, transparent and robust grievance redressal mechanism; (f) dispose of complaints or grievances received against the higher educational institutions from the stakeholders; (g) require that the minimum standards for setting up and operation of higher educational institutions as determined by the Standards Council are complied with; (h) develop a model and roadmap for setting up and operation of higher educational institutions; (i) specify standards for select foreign universities to operate in India, with the prior approval of the Central Government; and (j) facilitate high performing Indian Universities to set up campuses in other countries, with the prior approval of the Central Government.

Clause 12 of the Bill seeks to provide for establishment of constituent colleges, off-campus and multiple campuses.

Clause 13 of the Bill seeks to provide for establishment of the Viksit Bharat Shiksha Gunvatta Parishad (Accreditation Council) which shall consist of a President and other Members not exceeding fourteen in number. Of the fourteen members, two shall be eminent and distinguished academicians, not below the rank of Professor; two shall be eminent and distinguished academician, not below the rank of Professor from a State Higher Educational Institutions; one person shall be representing the Council of Architecture; three shall be eminent and distinguished academician not below the rank of Professor from the Institutions of national importance; and two shall be eminent experts.

Clause 14 of the Bill seeks to provide for functions of the Accreditation Council. The Accreditation Council shall function as an accrediting body to supervise and oversee independent ecosystem of accreditation. The functions of Accreditation Council shall *inter alia*, include—(a) develop an outcome based Institutional Accreditation Framework in consultation with relevant stakeholders, which shall be used to assess and accredit higher educational institutions leading to accreditation with or without open and distance learning, online or digital learning, or any other form of learning, as the case may be; (b) carry out accreditation using technology driven systems operated through the public website referred to in clause (b) of sub-section (2) of section 11; (c) empanel and de-empanel accrediting

institutions, as the case may be, to develop a high-quality and high-integrity accreditation system with adequate capacity to meet the requirements for accreditation of higher educational institutions; (d) monitor and review the performance of accrediting institutions; (e) compile and disseminate all accreditation related information regarding the accreditation of higher educational institutions to the public including stakeholders for ensuring the highest degree of probity is maintained through complete transparency; and (f) recommend to the Regulatory Council for imposition of penalties referred to in section 33 for contravention of the matters relating to accreditation of higher educational institutions.

Clause 15 of the Bill seeks to provide for establishment of the Viksit Bharat Shiksha Manak Parishad (Standards Council) which shall consist of a President and other Members not exceeding fourteen in number. Of the fourteen Members, two shall be eminent and distinguished academicians not below the rank of Professor; one shall be eminent and distinguished academician not below the rank of Professor, from a State Higher Educational Institution; one shall be nominee of States and Union territories, on a rotation basis; one person shall be representing the Council of Architecture; three shall be eminent and distinguished academician not below the rank of Professor from the Institutions of national importance; and two shall be eminent experts.

Clause 16 of the Bill seeks to provide for functions of the Standards Council which shall *inter alia*, include—(a) frame expected learning outcomes (also referred to as ‘graduate attributes’) for higher education programmes which may guide higher educational institutions; (b) provide guiding principles for learning outcomes, to ease the integration of vocational education into higher education; (c) provide the nomenclature of “certificate” and “diploma”, and the levels of educational qualifications, other than “Doctor of Philosophy”, “degree”, “diploma” and “certificate”, which may be awarded by any higher educational institution, in consultation with the Central Government; (d) provide the norms for credit transfers, equivalence and other related matters to facilitate mobility of students; (e) develop a suggested broad framework of higher education qualifications for institutions and programmes and across the open and distance learning, online, and the traditional ‘in-class’ modes, within which institutions and faculty shall have the autonomy to innovate on matters of curriculum, pedagogy, and assessment; (f) promote quality of academic instruction and determine minimum academic standards in higher educational institutions; (g) lay down clear minimum standards for setting up and operation of higher educational institutions; (h) develop a perspective plan for determination of academic standards in higher educational institutions; and (j) perform such other functions as may be prescribed by rules.

Clause 17 of the Bill seeks to provide for empowerment of University or an Institution specially empowered by an Act of Parliament, to confer or grant degrees, or a higher educational institution empowered under this proposed legislation.

Clause 18 of the Bill seeks to provide for the Chairperson of the Commission shall be a person of eminence and reputation to be appointed in honorary capacity by the President of India on the recommendations of the Central Government.

Clause 19 of the Bill seeks to provide for qualification for appointment as Presidents and Full-time members of Councils.

Clause 20 of the Bill seeks to provide for appointment of Presidents and Members of Councils and Member-Secretary of Commission and Councils. The Presidents and full-time members of the Councils shall be appointed by the President of India on the recommendations of a Search-cum-Selection Committee.

Clause 21 of the Bill seeks to provide for composition of Search cum selection Committee. The Committee shall consist of two eminent experts nominated by the Central Government and the Secretary to the Government of India in the Ministry or Department dealing with Higher Education as an *ex officio* Member.

Clause 22 of the Bill seeks to provide for term of office for Chairperson of the Commission, Presidents of each of the Councils, Members of the Commission and Councils, and nominees of States and Union territories with respect to Regulatory Council and Standards Council.

Clause 23 of the Bill seeks to provide for filling of casual vacancies in Commission or Councils.

Clause 24 of the Bill seeks to provide for removal of Chairperson of Commission or any other Member of Commission or Presidents of Councils or Members of Councils.

Clause 25 of the Bill seeks to provide for declaration by Chairperson or any other Member of Commission or Presidents or Members of Councils after appointment and every year thereafter to the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher education institution or in any other professional or financial activity.

Clause 26 of the Bill seeks to provide restriction on Chairperson or full-time Members of the Commission or the Presidents or the full-time Members of the Councils to accept any employment in, or connected with their domain of duty as Chairperson or Members of the Commission, Presidents or full-time Member of the Council, as the case may be, for a period of two years from the date on which they cease to hold office.

Clause 27 of the Bill seeks to provide for Salary, allowance, and other terms and conditions of service of Presidents and other full-time Members of respective Councils and Member-Secretary of Commission and Councils.

Clause 28 of the Bill seeks to provide for no act or proceeding of the Commission shall be invalid merely by the reason of any vacancy or any defect in the constitution of the Commission or the Councils or any defect in the appointment of a person action as a Chairperson of the Commission or President of the Council or any irregularity in the procedure of the Commission or Councils not affecting the merits of the case.

Clause 29 of the Bill seeks to provide for making and subscribing to an oath of office and of secrecy by the Chairperson and Members of the Commission, and the President and Members of the respective Councils before entering upon their office.

Clause 30 of the Bill seeks to provide for head offices of the Commission and the Councils.

Clause 31 of the Bill seeks to provide for separate secretariats for the Commission and each of the Councils for the efficient performance of their functions.

Clause 32 of the Bill seeks to provide for the Chairperson and Presidents of the Councils, and Members, officers and employees of the Commission or Councils shall be deemed to be public servants.

Clause 33 of the Bill seeks to provide for imposition of penalties by the Regulatory Council for contravention of the provisions of this proposed legislation, or the rules or the regulations made thereunder.

Clause 34 of the Bill seeks to provide for adjudication of the penalties under this proposed legislation and for the said purpose the Regulatory Council shall set up an adjudicatory mechanism, as may be prescribed by the rules.

Clause 35 of the Bill seeks to provide for crediting of all sums realised by way of penalties under the proposed legislation to the Fund.

Clause 36 of the Bill seeks to provide for the Regulatory Council to take steps to ensure that the imposition of any penalty under the proposed legislation does not affect the interests of students or because any monetary repercussions for the students enrolled therein.

Clause 37 of the Bill seeks to provide for appeal against the order or decision of the Commission or any of the Councils to the Central Government within such period and in such manner, as may be prescribed by the rules and such decision shall be binding on the parties.

Clause 38 of the Bill seeks to provide for the grant by the Central Government may, after due appropriation made by the Parliament by law in this behalf, of such sums of money to the Commission, as the Government may think fit for being utilised for the purposes of the proposed legislation and the Commission may make due appropriation to the Councils.

Clause 39 of the Bill seeks to provide for the Fund of the Commission to be called as the Viksit Bharat Shiksha Adhishthan Fund and all sums which may, from time to time, be granted to it by the Central Government and all the receipts of the Commission and the Councils shall be carried to the Fund and payments by the Commission and the Councils shall be made therefrom and the Commission may spend such sums as it thinks fit for performing its functions under the proposed legislation.

Clause 40 of the Bill seeks to provide for preparation of budget by the Commission in coordination with the Councils in respect of the next financial year showing the estimated receipts and expenditure.

Clause 41 of the Bill seeks to provide for maintenance of proper accounts of the Commission in coordination with the Councils in consultation with the Comptroller and Auditor-General of India. The accounts of the Commission and the Councils as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded by the Commission annually to the Central Government which shall cause the same to be laid before each House of Parliament.

Clause 42 of the Bill seeks to provide for furnishing of returns on reports and statements, containing such particulars in regard to any matter under the jurisdiction of the Commission or the Councils to the Central Government, as the Central Government may, from time to time, require. The Commission in coordination with the Councils shall prepare once in every year, an annual report giving a summary of activities of the Commission and the Councils during the previous year and forward the copy of report to the Central Government which shall be laid before each House of Parliament.

Clause 43 of the Bill seeks to provide for temporary association of persons with Commission or Councils for particular purposes as may be specified by regulations made under the proposed legislation, with the approval of Central Government and such persons shall have a right to take part in the discussion relevant to that purpose but shall not have a right to vote at a meeting of the Commission or the Councils, as the case may be, and shall not be a Member for any other purpose.

Clause 44 of the Bill seeks to provide for all orders, decisions and other instruments issued by the Commission and Councils shall be authenticated by the signature of the Member Secretary of the Commission or Council, as the case may be.

Clause 45 of the Bill seeks to provide for the power of the Central Government to issue direction to the Commission on questions of policy.

Clause 46 of the Bill seeks to provide for the delegation of powers and functions by the Commission or the Councils to any Member or Member Secretary, except the power to make regulations under section 51.

Clause 47 of the Bill seeks to provide for power of the Central Government to supersede Commission and Councils established under this proposed legislation. If the Central Government is of the opinion that the Commission or any of the Councils is unable to discharge the functions and duties imposed on it by or under the provisions of this proposed legislation, or the Commission or the Councils has persistently made default in complying with any direction given by the Central Government under this proposed legislation or in the discharge of the functions and duties imposed on it by or under the provisions of this proposed legislation, the Central Government may, with the prior approval of the President of India, by order published in the Official Gazette, supersede the Commission or the Councils, as the case may be, for such period, not exceeding six months, as may be specified in the order.

Clause 48 of the Bill seeks to provide for protection to the office bearer or officer of the Commission or Council for anything which has been done or intended to be done in good faith under the proposed legislation.

Clause 49 of the Bill seeks to provide for the provisions of the proposed legislation shall have effect irrespective of anything inconsistent therewith contained in any other law for the time being in force.

Clause 50 of the Bill seeks to provide for power of the Central Government to make rules, subject to the condition of previous publication, not inconsistent with the provisions of this Act for carrying out the provisions of this proposed legislation.

Clause 51 of the Bill seeks to provide for the power of the Commission or the respective Councils, subject to the condition of previous publication, to make regulations consistent with the provisions of this Act and the rules made thereunder for carrying out the purposes of this proposed legislation.

Clause 52 of the Bill seeks to provide for laying of every rule and regulation made and every notification issued under the proposed legislation before each Houses of Parliament.

Clause 53 of the Bill seeks to provide for the power of the Central Government to remove difficulties by order published in the Official Gazette if any difficulty arises in giving effect to the provisions of this proposed legislation before the expiry of a period of three years from the commencement of the proposed legislation.

Clause 54 of the Bill seeks to provide for transitional provisions. Until appointment of the Chairperson of the Commission, Presidents and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members takes effect, the Central Government shall, as a transitory measure, by notification, appoint the first Chairperson of the Commission, the President and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members, for a period of two years or till the constitution of the Commission and the Councils under the provisions of this Act, whichever is earlier. The University Grants Commission (UGC), the All India Council for Technical Education (AICTE) and the National Council for Teacher Education (NCTE) established under the University Grant Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993 respectively shall continue to be in force and operate, till the Commission and Councils are established under this proposed legislation.

Clause 55 of the Bill seeks to provide for repeal and savings under the proposed legislation. The University Grant Commission Act, 1956, the All India Council for Technical Education Act, 1987 and the National Council for Teacher Education Act, 1993 shall stand repealed and the University Grant Commission, the All India Council for Technical Education and the National Council for Teacher Education established under these Acts shall stand dissolved with effect from such date as the Central Government may appoint in this behalf. Even after repeal of these Acts, the educational standards, requirements and other provisions of the University Grant Commission, the All India Council for Technical Education and the National Council for Teacher Education and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 5 of the Bill provides for constitution of the *Viksit Bharat Shiksha Adhishthan* (the Commission) to exercise the powers conferred upon, and perform the functions assigned to it.

Sub-clause (1) of clause 10 provides for establishment of a *Viksit Bharat Shiksha Viniyaman Parishad* (Regulatory Council) which shall function as the common regulator of higher education in India.

Sub-clause (1) of clause 13 provides for establishment of *Viksit Bharat Shiksha Gunvatta Parishad* (Accreditation Council) which shall function as an accrediting body to supervise and oversee independent ecosystem of accreditation.

Sub-clause (1) of clause 15 provides for establishment of a *Viksit Bharat Shiksha Manak Parishad* (Standards Council) which shall take all such steps as it may think fit for the determination of academic standards in higher educational institutions for higher education.

Clause 20 provides for appointment of Presidents and Members of Councils, Members of the Commission and Member Secretaries of Commission and Councils.

Clause 27 provides for salaries and allowances of the Presidents and full-time Members of the Councils and Member Secretaries of the Commission and the Councils.

Clause 31 provides for separate secretariats of the Commission and each of the Councils for the discharge of responsibilities and efficient performance of its functions under this Act.

Sub-clause (1) of clause 38 provides for grants by the Central Government to the Commission, after due appropriation made by Parliament by law in this behalf.

Clause 39 provides that the Commission shall have its own Fund to be called the *Viksit Bharat Shiksha Adhishthan* Fund. The funds shall be applied for carrying out provisions of this Act and any functions assigned by the Central Government to the Commission and Councils thereunder.

Sub-clause (2) of clause 55, *inter alia*, provides that all property, movable and immovable, of or belonging to the University Grants Commission, All India Council for Technical Education and National Council for Teacher Education shall vest in the Commission or any of the Councils as may be decided by the Central Government and hence, the budgetary support by the Central Government to the Commission and its Councils is estimated not to exceed the level of the current budgetary support given to the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education.

Sub-clause (5) of clause 55, *inter alia*, provides that every person employed on a regular basis by the University Grants Commission, All India Council for Technical Education or National Council for Teacher Education, as the case may be, immediately before the commencement of this Act shall be deemed to be employed by the Commission or any of the Councils, as may be decided by the Commission, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been enacted and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the rules or regulations.

2. The Fund shall be used for meeting the salaries and allowances payable to the Presidents of Councils, full-time Members of the Councils, Member Secretaries of the Commission and Councils and the administrative expenses including the salaries, allowances payable to the officers and other employees of the Commission, and the other expenses of the Commission in connection with the discharge of its functions relating to its establishment and maintenance.

3. It is proposed to keep the funding to the centrally funded higher educational institutes out of the purview of the *Viksit Bharat Shiksha Adhishthan*. The National Education Policy, 2020 also envisions that the function of funding should be segregated from the Councils performing the functions of academic standard setting, regulation and accreditation. Thus, to ensure that the Standards Council, Regulatory Council and the Accreditation Council fully discharge their specific domain functions, the function of disbursement of grants to the centrally funded higher educational institutions shall be accordingly ensured through mechanisms devised by the Ministry of Education. This will also ensure that the funding to the Institutions of national importance under the administrative purview of the said Ministry will be continued and thus does not impact the financial autonomy presently accorded to the Institutions of national importance.

4. As the actual expenditure would depend on the number of meetings of the Commission and the Councils, recurring and non-recurring expenditure cannot be anticipated at this stage.

MEMORANDUM REGARDING DELEGATED LEGELATION

Sub-clause (1) of clause 5 of the Bill empowers the Central Government to appoint and constitute a Commission to be known as the *Viksit Bharat Shiksha Adhishthan*, by notification.

Sub-clause (1) of clause 10 of the Bill empowers the Central Government to appoint and establish a Regulatory Council to be known as the *Viksit Bharat Shiksha Viniyaman Parishad*, by notification.

Sub-clause (1) of clause 13 of the Bill empowers the Central Government to appoint and establish an Accreditation Council to be known as the *Viksit Bharat Shiksha Gunvatta Parishad*, by notification.

Sub-clause (1) of clause 15 of the Bill empowers the Central Government to appoint and establish a Standards Council to be known as the *Viksit Bharat Shiksha Manak Parishad*, by notification.

Sub-clause (1) of clause 46 empowers the Commission or the Councils, as the case may be, by notification, to delegate to any Member or Member Secretary, subject to such conditions, if any, as may be specified in such notification, such of its powers and functions under this Act, except the power to make regulations under section 51, as it may deem necessary.

Sub-clause (1) of clause 47 of the Bill empowers the Central Government to supersede the Commission or the Councils, as the case may be, for such period, not exceeding six months, with the prior approval of the President of India, by order published in the Official Gazette, if at any time the Central Government is of the opinion that (a) the Commission or any of the Councils is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or (b) the Commission or the Councils, as the case may be, established under this Act has persistently made default in complying with any direction given by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act.

Sub-clause (1) of clause 50 of the Bill empowers the Central Government to make rules for carrying out the provisions of the proposed legislation. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include—

- (a) the other functions of the Commission under clause (1) of section 9;
- (b) the other functions of the Regulatory Council under clause (r) of sub-section (2) of section 11;
- (c) the manner in which any existing or newly accredited university shall establish constituent college, off-campus and multiple campuses under sub-section (2) of section 12;
- (d) the other functions of the Accreditation Council under clause (i) of sub-section (2) of section 14;
- (e) the other functions of the Standards Council under clause (k) of sub-section (2) of section 16;
- (f) the manner in which other Members of the Commission and the Councils shall be appointed by the President of India on the recommendations of the Central Government under sub-section (2) of section 20;
- (g) the manner in which Member Secretary of the Commission and Councils shall be appointed by the Central Government under sub-section (3) of section 20;
- (h) the term of the Search-cum-Selection Committee and the manner of selection of panel of names under sub-section (2) of section 21;
- (i) the manner and period of inquiry for removal of Chairperson, President and full-time Members of the respective Councils under sub-section (1) of section 24;
- (j) the manner in which other Members of the Commission or the Councils, as the case may be, may be removed by the Central Government under sub-section (4) of section 24;
- (k) the manner in which declaration shall be made by the Chairperson or any other Member of the Commission or the President or the Members of the respective Councils under sub-section (1) of section 25;
- (l) the salary and allowances payable to, and the other terms and conditions of service of the Presidents and full-time

Members of the respective Councils and Member Secretary of the Commission and the Councils, under sub-section (1) of section 27; (m) the form, manner, and authority before which the Chairperson and Members of the Commission and Presidents of the Councils and its Members shall before entering upon their office, make and subscribe to an oath of office and of secrecy under section 29; (n) the Secretariats for the Commission and Councils under section 31; (o) the manner for closure of such higher educational institution established without the approval of the Central Government or appropriate State Government under sub-section (2) of section 33; (p) the manner of setting up of adjudicatory mechanism by the Regulatory Council under section 34; (q) the period and manner for preferring an appeal against the order of the Commission or any of the Councils before the Central Government under section 37; (r) the form and period at which the budget is to be prepared by the Commission under section 40; (s) the form and manner in which the Commission shall maintain accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 41; (t) the form, manner and period within which the Commission shall furnish to the Central Government reports and statements under sub-section (1) of section 42; (u) the form and period at which the Commission in coordination with the Councils shall prepare, once in every year, an annual report under sub-section (2) of section 42; and (v) any other matter to be provided by rules for carrying out the provisions of this Act.

Sub-clause (1) of clause 51 of the Bill empowers the Commission and the Councils to make regulations for carrying out the provisions of the proposed legislation. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters, inter alia, include—

(a) the procedure in regard to transaction of business at meetings of the Commission including quorum at such meetings under sub-section (1) of section 8; (b) the manner to invite such experts as may be determined by the Regulatory Council as ‘special invitees’ for their meetings under sub-section (5) of section 10; (c) the functions of the Regulatory Council under clauses referred to in sub-section (2), other than clauses (d), (e), (j), (o), (p), (q) and (r), under sub-section (3) of section 11; (d) the manner of authorisation for accredited higher educational institutions, other than a University, to grant degrees under sub-section (4) of section 11; (e) the procedure in regard to transaction of business at meetings of the Regulatory Council (including quorum at such meetings) under sub-section (6) of section 11; (f) the manner to invite such experts as may be determined by the Accreditation Council as ‘special invitees’ for their meetings under sub-section (5) of section 13; (g) the functions of the Accreditation Council under clauses referred to in sub-section (2), other than clauses (f), (g), (h) and (i), under sub-section (3) of section 14; (h) specifying the Institutional Accreditation Framework under sub-section (4) of section 14; (i) the procedure in regard to transaction of business at meetings of the Accreditation Council (including quorum at such meetings) under sub-section (6) of section 14; (j) the manner to invite such experts as may be determined by the Standards Council as special invitees for their meetings under sub-section (5) of section 15; (k) the functions of the Standards Council under clauses referred to in sub-section (2), other than clauses (b), (c), (h), (i), (k) and (l) under sub-section (3) of section 16; (l) the procedure in regard to transaction of business at meetings of the Standards Council (including quorum at such meetings) under sub-section (4) of section 16; (m) the manner and purposes for which the Commission and Councils may associate with such persons for assistance or advice under sub-section (1) of section 43; and (n) the manner for protecting the institutional autonomy and independence accorded to the Institutions of national importance and the institutions of eminence under section 49.

Sub-clause (2) of clause 54 empowers the Central Government, by an order published in the Official Gazette notification, to appoint the first Chairperson of the Commission, the President and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members, for a period of two years or till the constitution of the Commission and the Councils under the provisions of this Act, whichever is earlier, as a transitory measure, until the appointment of the Chairperson of the Commission, the Presidents and full-time Members of the respective Councils, Member Secretary of the Commission and the Councils and such other Members takes effect.

2. The matters in respect of which rules or regulations may be made or notifications or orders may be issued in accordance with the provisions of this Bill are matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself.

3. The delegation of legislative power is, therefore, of a normal character.

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to enable and empower the Universities and other higher educational institutions to achieve excellence in teaching, learning, research and innovation, through co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions, and for that purpose to constitute a *Viksit Bharat Shiksha Adhishthan*, to facilitate the Universities and other higher educational institutions to become independent self-governing institutions and to promote excellence through a robust and transparent system of accreditation and autonomy, and for matters connected therewith or incidental thereto.

(*Shri Dharmendra Pradhan, Minister of Education*)