-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग III—खण्ड 4
PART III—Section 4
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 19] नई दिल्ली, सोमवार, फरवरी 7, 2005/माघ 18, 1926
No. 19] NEW DELHI, MONDAY, FEBRUARY 7, 2005/MAGHA 18, 1926

अखिल भारतीय तकनीकी शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 31 जनवरी, 2005

फा. सं. 38-10/विधि/2004.—क्षेत्रीय समितियों के गठन के बारे में परिषद् द्वारा सा.का.नि. 63 दिनांक 19 जनवरी, 1995 एवं अधिसूचना सं. 38-10/विधि/2004 दिनांक 15 दिसम्बर, 2004 के माध्यम से जारी अधिसूचना में आंशिक संशोधन करते हुए तथा अभातशिप अधिनियम (1987 का 52) की धारा 23(2)(ङ) के साथ पठित उपधारा 14(4) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए अभातशिप एतद्द्वारा निम्नलिखित विनियमों में संशोधन करती है :—

उक्त विनियम के पैरा 1 और 2 अपरिवर्तनीय रहेंगे।

पैरा 3(क) इस प्रकार पढ़ा जाए :

अध्यक्ष, अखिल भारतीय तकनीकी शिक्षा परिषद् द्वारा तकनीकी शिक्षा के क्षेत्र में उत्कृष्ट सेवा केन्द्रों में सेवारत प्रमुखों में से अध्यक्ष नामित किए जाएंगे।

पैरा 3(ख) इस प्रकार पढ़ा जाए :

मान्यताप्राप्त तकनीकी शिक्षा संस्थाओं जैसे भारतीय प्रौद्योगिकी संस्थान, भारतीय प्रबंध संस्थान, राष्ट्रीय तकनीकी शिक्षक प्रशिक्षण एवं अनुसंधान संस्थान, राष्ट्रीय प्रौद्योगिकी संस्थान और क्षेत्र में अन्य प्रसिद्ध प्रौद्योगिकी संस्थानों में सेवारत निदेशकों/प्राध्यापकों में से चार सदस्य नामित किए जाएंगे।

पैरा 4 इस प्रकार पढ़ा जाए :

अध्यक्ष एवं अन्य सदस्यों पदेन सदस्यों को छोड़कर के कार्यालय की अवधि उस कार्यालय की सह विस्तारी रहेगी जिसके आधार पर वे क्षेत्रीय समिति के सदस्य हैं किन्तु समिति के गठन की तारीख से तीन वर्ष से अधिक के लिए नहीं होगी, जो भी पहले हो।

पैरा 5 और 6 अपरिवर्तनीय रहेंगे।

अनुराधा गुप्ता, सदस्य सचिव

[विज्ञापन III/IV/162/2004-असा.]

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

NOTIFICATION

New Delhi, the 31st January, 2005

F. No. 38-10/Legal/2004.—In partial modification of the Notification issued by the Council vide G.S.R. 63 dated 19th January, 1995 and Notification No. 38-10/Legal/2004 dated 15th December, 2004 regarding Constitution of the Regional Committees and in exercise of the powers conferred under Section 23(2)\(e) read with Section 14(4) of the AICTE Act (Act 52 of 1987), the AICTE hereby amends regulations as under :

Para 1 and 2 of the said Regulations remain unchanged.

Para 3(a) reads as under :

Chairman to be nominated by the Chairman of the All India Council for Technical Education from among the serving Heads of Centres of Excellence in Technical Education.

Para 3(b) reads as under :

Four members to be nominated from amongst the serving Directors/Principals of recognised Institutions of Technical Education i.e. Indian Institutes of Technology, Indian Institutes of Management, National Institutes of Technical Teachers' Training and Research, National Institutes of Technology, and other reputed institutions of technology in the region.

Para 4 reads as under :

The term of office of Chairman and other members except ex-officio members shall be co-terminus with the office by virtue of which they are members of Regional Committee but shall not exceed three years from the date of constitution of the Committee, whichever is earlier.

Para 5 and 6 remain unchanged.

ANURADHA GUPTA, Member Secretary

[ADVT. III/IV/162/2004-Exty.]

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI

REGULATIONS FOR ADMISSION AND FEE STRUCTURE IN PRIVATE AIDED AND UNAIDED PROFESSIONAL EDUCATIONAL INSTITUTIONS, 2004

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(In supersession of Regulations No.F.1-22/93 (CPP-II) dated October, 1997, and in partial supersession of Interim Policy Regulations No.F.1-6/2003 (CPP-II) dated 10.06.2003 and UGC (Admission to Specified Professional Programmes) Interim Regulations No.1-6/2003 (CPP-II) dated 17.12.2003.

Whereas the University Grants Commission (UGC) is satisfied that it is necessary in public interest to regulate admission and levy of fees in Private Aided and Unaided Professional Educational Institutions, including Deemed Universities and joint-venture Universities;

Now, therefore, in exercise of powers conferred by clauses (g) and (i) of sub-section (1) of Section 26, read with sub-section (2) of Section 12-A, of the University Grants Commission Act, 1956, the University Grants Commission hereby makes the following Regulations, namely:

1. Short title and Commencement

1.1. These Regulations may be called the University Grants Commission (Regulations for Admission and Fee Structure in Private Aided & Unaided Professional Educational Institutions) Regulations, 2004.

1.2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these Regulations, unless the context otherwise requires:

2.1. "Act" means the University Grants Commission Act, 1956 as amended from time to time;

2.2. "Admission Monitoring Committee" means the "National Admission Monitoring Committee" constituted by the Commission, or the "State Admission Monitoring Committee" constituted by the concerned State / Union Territory Government to oversee the admissions including the CET, counseling and selection of candidates.

2.3. "Aided Institution" means an institution (university/ deemed university / college/ institute/ organization) receiving support from the Central/ State / Union Territory Government, or any grant disbursing statutory body of such governments, whether in the form of financial grant, or in the form of land, subsidized land, subsidized leased land or building, or any other facility given at a concessionary rate to the institution;

2.4. "Candidate" means a person seeking admission to a professional programme of study;

2.5. "CET" means Common Entrance Test conducted by or on behalf of the Commission / Central / State / Union Territory Government;

2.6. "Commission" means the University Grants Commission established under Section 4 of the Act;

2.7. "Competent Authority" means:

(i) The Commission in relation to the deemed universities, universities set up by a private trust or a society on its own or under Section 25 of the Companies Act or under a Central legislation or as a joint venture between the Central Government and a private trust or society or company, as also private professional educational institutions affiliated to or recognized by such or other Central universities;

(ii) The State / Union Territory Government in relation to universities set up by a private trust or a society on its own or under Section 25 of the Companies Act or under a State / Union Territory legislation or as a joint venture between the State / Union Territory Government and a private trust or society or company, as also private professional educational institutions within the State/ Union Territory affiliated to or recognized by such or other State universities;

2.8. "Fees" means all the institutional fees;

2.9. "Fee Structure Committee" means the "National Fee Structure Committee" constituted by the Commission or the "State Fee Structure Committee" constituted by the concerned State / Union Territory Government to fix and regulate the fee structure for the professional programme(s) of study offered by the private professional educational institutions;

2.10. "Private Professional Educational Institution" means a university/ deemed university / college/ institute/ organization established and maintained by a private trust or a society or under Section 25 of the Companies Act, approved / recognized by the concerned statutory body for imparting education at the degree and/or post-graduate degree/diploma level in professional programme(s) of study;

2.11. "Professional Programme(s) of Study" means programmes of courses in specific discipline(s) leading to a degree or post-graduate degree / diploma as specified by the Commission from time to time;

2.12. "Student" means a person admitted to and pursuing a professional programme of study;

2.13. "Unaided Institution" means an institution which is run without any support from the Central Government, State / Union Territory Government, or any grant disbursing statutory body of such governments, whether in the form of financial grant, or in the form of land, subsidized land, subsidized leased land or building, or any other facility given at a concessionary rate to the institution.

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3. Applicability

These Regulations shall apply to;

3.1. Private Aided and Unaided Deemed to be Universities offering professional programme(s) of study.

3.2. Private Aided and Unaided Professional Educational Institutions, including universities, established by a private trust or society on its own or under Section 25 of the Companies Act or as a joint venture between a private trust or society or company and the Central / State / Union Territory Government.

Note: For the sake of brevity, all such educational institutions and universities shall hereinafter be referred to as "Professional Institution(s)" and all "Professional Programme(s) of Study" shall hereinafter be referred to as "programme(s)".

4. Admission

4.1. The Competent Authority shall issue, as and when it deems necessary, guidelines for allotment of seats for admission to various Professional Institutions for different programme(s), and for determining the fees or scales of fees payable by the students thereof, and prescribe the procedure for merit based

selection of candidates in the Professional Institutions, in consultation with the concerned statutory professional bodies.

4.2. The Competent Authority shall prescribe in advance the number of sanctioned seats and the ratio thereof in the Professional Institutions among the following categories:

4.2.1. Candidates who are eligible for admission on the basis of their inter-se merit determined through the CET followed by counseling conducted by the concerned agency of the Central/State/Union Territory Government under the general category (here-in-after referred to as "Government General Quota");

4.2.2. Candidates who are eligible for admission on the basis of their inter-se merit determined through the CET followed by counseling conducted by the concerned agency of the Central/ State/Union Territory Government and who are eligible for reservation in admission as per the existing law/ policy (here-in-after referred to as "Government Reserved Quota");

4.2.3. Candidates who are eligible for admission on the basis of inter-se merit in the CET but followed by counseling conducted by the Professional Institution itself (here-in-after referred to as "Institutional Quota");

4.2.4. Candidates who are eligible for admission and may be admitted by the management of a Professional Institution itself through any rational and transparent method of selection (here-in-after referred to as "Management Quota");

4.3. The Competent Authority shall fix the percentage of seats for the above four categories in such a way that the total seats for the first two categories taken together shall be at least 75% of the sanctioned seats in case of unaided non-minority Professional Institutions and at least 85% in case of aided non-minority Professional Institutions. In respect of aided and unaided minority Professional Institutions, the total seats under categories 4.2.3 and 4.2.4 taken together shall be a maximum of 50% of the total number of sanctioned seats.

4.4. The Competent Authority shall notify the percentage of non-minority and minority candidates to be admitted to private aided and unaided minority Professional Institutions, (if necessary, different percentages in case of aided and unaided ones), as also the percentage of seats reserved for the weaker sections of society within the non-minority segment of seats, keeping in view the population and educational needs of the minority group

concerned in the area, the type of programme(s) and all other relevant factors so as to balance the interests of all concerned.

4.5. All reserved quotas, shall be out of the percentage of seats allocated under categories 4.2.1. and 4.2.2. taken together and not out of the percentage of seats allocated under categories 4.2.3 and 4.2.4. taken together.

4.6. The Competent Authority or its designated agency concerned shall

4.6.1. issue a general advertisement regarding admission to Professional Institutions in at least three leading newspapers, out of which one shall be in the local language, indicating the procedure and schedule for admission.

4.6.2. issue a brochure containing the application form for admission; names of Professional Institutions and their locations; full particulars of the programme(s) offered; number of sanctioned seats available institution-wise, quota-wise, and programme-wise; the respective fees chargeable by each Professional Institution; the minimum eligibility criteria and conditions for admission; procedure and schedule for admission and such other particulars as may be deemed necessary.

4.6.3. invite applications for admission in respect of seats under the Government General Quota and Government Reserved Quota. The Professional Institution concerned shall invite applications for admission in respect of seats under the Institutional Quota and the Management Quota.

4.7. The application form for admission issued by the Competent Authority concerned shall contain a specific column requiring the applicant to indicate the order of preference of the Professional Institutions, in case the same programme in which he/she is interested is being offered by more than one Professional Institution.

4.8. The Competent Authority concerned shall

4.8.1. decide the agency to conduct the CET on its behalf; and

4.8.2. decide the concerned counseling agency.

4.8.3. appoint "Admission Monitoring Committee", which shall ensure that the CET is conducted in a fair and transparent manner for which it shall have the power to call for the question paper(s), to know the names of paper

setters and examiners and check the method adopted to ensure that papers are not leaked.

4.8.4. fix the last date by which all admissions in the Professional Institutions shall be completed, and inform the Professional Institutions accordingly.

4.9. The designated agency for conducting the CET shall prepare a merit list of successful candidates, depending upon their inter-se merit in the CET.

4.10. The designated agency for counseling shall;

4.10.1. publish at least in three newspapers, one of which shall be in the local language, the date, time and venue for counseling of candidates as also send this information to the concerned Professional Institution who shall display them on their notice board;

4.10.2. prepare a merit list for admission based on the CET, counseling and other relevant criteria such as reservation and preference of the candidates for Professional Institutions.

4.11. The Competent Authority concerned or its designated agency shall publish the merit list for admission so prepared in at least three leading newspapers, one of which shall be in the local language, and shall also send it to the concerned Professional Institution(s) who shall display them on their notice board. Wherever possible, the merit list may also be made available on websites/Internet.

4.12. The Competent Authority concerned or its designated agency shall make the selection for admission to all seats, except for the Institutional Quota and Management Quota, in private non-minority Professional Institutions, including the reserved seats as per the reservation policy of the Central/ State / Union Territory Government concerned, as per the merit list for admission.

4.13. The Competent Authority concerned or its designated agency shall make the selection for admission to all seats, including the reserved seats as per the reservation policy of the Central / State / Union Territory Government, except for the seats under the Institutional Quota and the Management Quota, in private minority Professional Institutions as per the inter-se merit of the minority and non-minority candidates in the merit list this information in accordance with the percentage fixed for them by the Competent Authority concerned. In the event of non-availability of adequate number of candidates for the minority

segment of seats, the seats shall be offered to the rest of the candidates in order of their inter-se merit in the merit list.

4.14 In respect of seats under the "Institutional Quota" the Professional Institution shall have sufficient discretion to select and admit candidates from the list of those who have passed the CET and have applied for admission to it, provided the Professional Institution shall follow a rational and transparent method of counseling. Under this category, the minority Professional Institution shall have the discretion to consider candidates belonging to the minority group concerned based on the inter-se merit in the CET. However, in the event of non-availability of adequate number of such candidates from the concerned minority group, the vacant seats shall be filled up from the list of other candidates based on the inter-se merit in the CET and counseling.

4.15. In respect of seats under the "Management Quota" the management of the Professional Institutions concerned shall follow rational and transparent criteria of selection, without compromising on the minimum eligibility requirements laid down by the Commission or other statutory bodies concerned. For this purpose, the management shall prepare and publish merit list on the basis of such other criteria as may be determined by it, provided that no such criterion as has not been notified by the Commission or other statutory bodies concerned shall be applied by the management.

4.16. In respect of unaided Professional Institutions, which are universities/ deemed to be universities, admission of candidates shall be on an all India basis without any domicile restriction.

4.17. The Professional Institutions shall admit only those candidates who fulfill the eligibility criteria and conditions prescribed by the Commission and other statutory bodies concerned from time to time, and shall not deviate from them under any circumstances.

4.18. No Professional Institution shall admit any candidate after the last date for admission fixed by the Competent Authority under any circumstances even if there are unfilled seats.

4.19. The Professional Institutions shall submit to the Competent Authority concerned the list of candidates admitted along with their rank numbers, the total fees collected and all such particulars as may be required by the Competent Authority within 15 days after the admissions are completed.

5. Fees Structure

5.1. No Professional Institution shall charge directly or indirectly capitation fee in any form whatsoever.

5.2. The Competent Authority concerned shall constitute the Fee Structure Committees to fix and regulate the fees to be charged by the Professional Institutions. The primary function of the Committees shall be to determine the reasonableness of the fees chargeable by each Professional Institution. In doing so, the Committees shall take into account such social aspects as SCs, STs, OBCs, rural, economically weaker sections, the population of minorities in the area and their educational needs, and all other relevant factors, including the suggestions of the managements. The amount of fees chargeable per seat by each Professional Institution shall be determined by taking into account the average cost of imparting education per seat on the basis of the principles for calculation of the same laid down by the UGC guidelines and instructions, if any, issued from time to time and providing for a reasonable surplus over the average cost per seat which would be sufficient for the purpose of development of facilities for quality education and for expansion of the Professional Institution.

5.3. The Fee Structure Committee concerned shall fix the actual fees chargeable from the students in private aided and unaided Professional Institutions, except in respect of seats under the "Institutional Quota" and the "Management Quota", in the manner mentioned above and the same shall be included in the admission brochure.

5.4. In respect of seats under the "Institutional Quota" and the "Management Quota" in aided and unaided Professional Institutions, the respective Professional Institution shall place before the Fee Structure Committee concerned, at least six months in advance of the next academic year, their proposed fee structure for seats under these two categories of quota along with all relevant documents and books of accounts. The Committee shall then decide whether the fees proposed by the Professional Institution are justified and are not a means for profiteering or charging capitation fee. The Committee shall either approve the proposed fees, or fix on its own some other amount of fees, which can be charged by the Professional Institution concerned. The particulars of fees so fixed shall be included in the admission brochure.

5.5. While assessing and fixing the fees to be charged, the Fee Structure Committee concerned shall take into account the following, namely:

5.5.1. salary and allowances including bonus, if admissible, payable to teaching and non-teaching staff;

5.5.2. expenditure on administrative services;

5.5.3. cost of maintenance of laboratories including consumables;

5.5.4. contingency expenditure including statutory requirements like audit fee and the like;

5.5.5. cost of acquisition of books and journals for libraries;

5.5.6. maintenance of building(s) and other infastructure facilities including rents and tariffs;

5.5.7. amortization of capital cost invested on the infrastructure facilities.

5.5.8. any other recurring expenditure to be determined by the Competent Authority.

5.6. The Fee Structure Committee concerned shall communicate the fees fixed to the Professional Institutions well in advance so as to enable them to suitably incorporate the information in their brochure/ notification.

5.7. The Professional Institutions shall charge from the students only the prescribed fees. No other fees shall be collected by the Professional Institutions either directly or indirectly under any other head or guise.

5.8. The Professional Institutions may, however, realize the actual cost of boarding and lodging from the students subject to the relevant Fee Structure Committee being satisfied about the reasonableness of such costs. No compulsion shall be made on the students to avail of the facilities of lodging, boarding, transport, books, etc. being provided by the Professional Institutions.

5.9. The Professional Institutions shall charge the prescribed fees only for one semester or at the most for one year at the time of admission.

5.10. The surplus, if any, which can be generated through fees shall be utilized only for the use of the Professional Institution concerned, and shall not be diverted for any other purpose or used for personal gain or for any other business activity or enterprise.

5.11. The fees fixed by the Fee Structure Committee shall be valid for a period of three years. Any change in fees chargeable from the students on account of future revision of fees shall be applicable to the new entrants.

6. Composition of Committees.

6.1. The National Fee Structure Committee shall consist of:

6.1.1 A Member of the Commission nominated by the Chairman of the Commission, as Chairperson;

6.1.2 One eminent educationist in the profession concerned, to be nominated by the Commission, as Member;

6.1.3 One nominee of the statutory body concerned, if any, as Member;

6.1.4 One expert in the field of Cost Accountancy or Institutional Finance, to be nominated by the Commission, as Member;

6.1.5 An officer of the Commission not below the rank of Joint Secretary, to be nominated by the Commission as Member- Secretary.

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6.2. The Commission shall provide the Secretariat of the National Fee Structure Committee.

6.3. The National Admission Monitoring Committee shall consist of:-

6.3.1. A Member of the Commission, nominated by the Chairman of the Commission, as Chairperson;

6.3.2. An eminent educationist, to be nominated by the Commission, as Member;

6.3.3. One nominee of the statutory body concerned, if any, as Member;

6.3.4. One expert in the concerned profession concerned to be nominated by the Commission, as Member;

6.3.5. An officer of the Commission not below the rank of Joint Secretary, to be nominated by the Commission as Member- Secretary.

6.4. The Commission shall provide the Secretariat of the National Admission Monitoring Committee.

6.5. The State Fee Structure Committee shall consist of:

6.5.1. A retired Vice-Chancellor or a retired Chairperson of a professional statutory body, nominated by the State / Union Territory Government, as Chairperson;

6.5.2. One eminent educationist in the profession concerned, to be nominated by the State/ Union Territory Government, as Member;

6.5.3. One nominee of the statutory body concerned, if any, as Member;

6.5.4. One expert in the field of Cost Accountancy or Institutional Finance, to be nominated by the State/ Union Territory Government, as Member;

6.5.5. An officer of the State/ Union Territory Government, not below the rank of Additional Secretary in-charge of Higher Education to be nominated by the State/ Union Territory Government, as Member-Secretary.

6.6. The State / Union Territory Government shall provide the Secretariat of the State Fee Structure Committee.

6.7. The State Admission Monitoring Committee shall consist of :-

6.7.1. A retired Vice Chancellor or a retired Chairperson of a professional statutory body nominated by the State / Union Territory Government, as Chairperson;

6.7.2. An eminent educationist to be nominated by the State/ Union Territory Government, as a Member;

6.7.3. One nominee of the statutory body concerned, if any, as Member;

6.7.4. One expert in the profession concerned, to be nominated by the State/ Union Territory Government, as Member;

6.7.5. An officer of the State/ Union Territory Government not below the rank of Additional Secretary in-charge of Higher Education to be nominated by the State/ Union Territory Government, as Member-Secretary;

6.8. The State / Union Territory Government, shall provide the Secretariat of the State Admission Monitoring Committee.

6.9. The Chairman and Members of the four Committees mentioned above, except the Ex-officio Members, shall hold office at the

pleasure of the Commission / State/ Union Territory Government, for a period of three years from the date of notification of the Committees or till the constitution of new Committee(s), whichever is earlier.

7. Procedure to be adopted by the Committees.

7.1. Subject to the provisions of these Regulations, the Committees will be free to adopt their own procedure. The Committees shall give reasonable opportunity to the Professional Institutions concerned to furnish such material, as they may consider relevant.

7.2. A Professional Institution shall submit to the Fee Structure Committee concerned its proposed fee structure in respect of the Institutional quota and the Management Quota giving authentic data, including all relevant documents and books of accounts, on the basis of which it proposes such fee structure at least six months before the advertisement for admission.

7.3. The Fee Structure Committees shall have the power to call for such information and details, as they may consider relevant for determining the fee structure.

7.4. The Fee Structure Committees may seek any clarification from the Professional Institution concerned and may also allow the Professional Institution to supplement the data already submitted.

7.4.1. The Fee Structure Committees shall then decide whether the fees proposed by the Professional Institutions are justified and the Professional Institutions are not profiteering and charging capitation fee.

7.4.2. The Fee Structure Committees may approve the proposed fees or fix some other amount as fees, which can be charged by the Professional Institution(s).

7.4.3. Once the fees is fixed by the Fee Structure Committee(s), the Professional Institution(s) cannot charge either directly or indirectly any other amount over and above the amount fixed as fees.

7.5 The Fee Structure Committees may recommend different fees for different professional programmes and for different categories of Professional Institutions, provided it is based on intelligible, rational and objective criteria. In particular, the Committees shall be free to recommend different fees for Professional Institutions located in rural and other areas.

7.6 The Commission may specify common norms relating to staffing and scales of expenditure to be incurred by the Professional Institutions wherever such norms have not been laid down till the date of commencement of these Regulations.

7.7 In case the Commission does not lay down any specific quantified norms, the relevant Fee Structure Committee may satisfy itself about the adequacy and reasonableness of the expenditure indicated by the Professional Institution for proposing the amount of fees and decides the amount of fees accordingly.

7.8 The Commission / State/ Union Territory Government may at any time call for any information or clarification from the Committees, which they shall be bound to furnish.

8. Maintenance of account of fees

8.1. Every Professional Institution shall maintain two separate accounts, namely, the Maintenance Account and the Development Account.

8.2. The proceeds of fees, except the component meant for the development of Professional Institution, and cost recoveries of boarding and lodging and other miscellaneous fees shall be credited to the Maintenance Account.

8.3. The Maintenance Account shall be kept in two parts; namely (a) pay and allowances, and (b) other expenditure.

8.4. All recurring expenditure shall be met from the Maintenance Account and brought to account in the part relating to pay and allowances, or to other expenditure, as the case may be.

8.5. The proceeds of the component of fees collected for the development of the Professional Institution shall be credited to the Development Account. Miscellaneous receipts of the Professional Institution shall also be credited to the same account.

8.6. In the first ten years of establishment of the Professional Institution, the Professional Institution may appropriate not more than 50 per cent of the amount in the Development Account, or the actual capital cost, whichever is lower, for amortization of the capital cost.

8.7. The entire receipts in the Development Account, except the 50 per cent mentioned in 8.6 above shall be utilized for procurement of equipment, books and journals, operation and maintenance of Computer Centre and acquisition of assets.

MediaCode

8.8. No Professional Institution shall fail to maintain accounts required to be maintained as per the provisions of these Regulations or the guidelines issued by the Commission.

8.9. The accounts of the Professional Institutions shall be audited every year by auditor (s) from the panel of auditors approved by the Competent Authority to ensure that the financial management conforms to these Regulations and the guidelines issued by the Commission from time to time.

8.10. The entire amount collected through fees shall be maintained in scheduled banks (or in any of the designated private banks) under a separate account to be operated only by the Head of the Professional Institution or by an authorized person. In no case the amount in the bank account shall be used for any bank guarantee or pledged against any loan by the management of the Professional Institution or for any other purpose not approved by the Competent Authority.

9. Penalty

9.1. In case a Professional Institution does not comply with any of the provisions of these Regulations, the Commission / State / Union Territory Government shall have the power to impose penalty on the Professional Institution in the form of fine and /or withholding of grants and / or withdrawal of recognition / affiliation of the Professional Institution.

9.2. In particular, if the Commission / State / Union Territory Government finds that a Professional Institution is guilty of admitting candidates *de-hors* merit, and / or has charged capitation fee or indulged in profiteering, the Commission / State/ Union Territory Government shall withdraw its recognition/ affiliation, in addition to imposing a suitable fine on it.

10. Interpretation

10.1. Any question as to the interpretation of these Regulations shall be decided by the Commission, whose decision shall be final in the matter.

10.2. The Commission shall have the power to issue clarifications to remove any doubt, difficulty or anomaly, which may arise in regard to the implementation of these Regulations.

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग III—खण्ड 4
PART III—Section 4

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 82] नई दिल्ली, शुक्रवार, मई 27, 2005/ज्येष्ठ 6, 1927
No. 82] NEW DELHI, FRIDAY, MAY 27, 2005/JYAISTHA 6, 1927

IndiaCode

अखिल भारतीय तकनीकी शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 16 मई, 2005

(भारत में तकनीकी शिक्षा प्रदान करने वाले विदेशी विश्वविद्यालयों/
संस्थानों के प्रवेश और प्रचालन के लिए विनियम)

सं. एफ 37-3/लीगल/2005.— परिषद् के 3 अप्रैल, 2003 की अधिसूचना संख्या एफ 37-3/लीगल (VI) 2003 के अनुसार अधिसूचित विनियमों के अधिक्रमण में और अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 (1987 का अधिनियम 52) की धारा 10 के खण्ड (ख) खण्ड (च) , खण्ड (छ), खण्ड (ढ), खण्ड (ण) खण्ड (त) के साथ पठित धारा 23 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए परिषद् एतद्द्वारा भारत में तकनीकी शिक्षा प्रदान करने वाले विदेशी विश्वविद्यालयों/संस्थानों के प्रवेश और प्रचालन के विनियमन के लिए में विनियम बनाती है:

उद्देश्य :

क) तकनीकी शिक्षा, अनुसंधान और प्रशिक्षण के क्षेत्र में भारतीय और विदेशी विश्वविद्यालयों/संस्थानों के बीच सहयोग और सहभागिता को सुकर बनाना ।

ख) शिक्षा प्रदान करने की किसी भी विधि जैसे पारंपरिक /औपचारिक, अनौपचारिक और दूरस्थ विधि के अंतर्गत स्वयं के या किसी भारतीय शैक्षणिक संस्थान के सहयोग से भारत में पहले से ही ऐसे प्रशिक्षण और विद्यार्थियों की कोचिंग सहित अन्य शैक्षणिक सेवाऐं, जिससे आगे तकनीकी शिक्षा में डिग्री या डिप्लोमा प्राप्त हो, प्रदान करने वाले विदेशी विश्वविद्यालयों / संस्थानों के प्रचालन को सुव्यवस्थित बनाना ।

ग) भारत में छात्र समुदाय के हितों की रक्षा करना तथा विभिन्न सांविधिक निकायों द्वारा यथा निर्धारित सन्नियमों और मानकों का समान अनुरक्षण सुनिश्चित करना ।

घ) भारत में विदेशी विश्वविद्यालयों / संस्थाओं द्वारा सभी ऐसी शैक्षणिक गतिविधियों के लिए जिम्मेवारी का प्रवर्त्तन करना ।

ङ:) भारत में तकनीकी शिक्षा प्रदान करने के लिए मूल देश में अप्रत्यायित विश्वविद्यालयों / संस्थाओं के प्रवेश को रोकने के लिए उपाय करना ।

च) देश के हित की रक्षा करना तथा मामला - दर - मामला आधार पर दोषपूर्ण संस्थाओं के विरुद्ध, जहाँ आवश्यक हो, दण्डात्मक उपाय करना ।

संक्षिप्त नाम और प्रारंभ

1. इन विनियमों का संक्षिप्त नाम अभातशिप भारत में तकनीकी शिक्षा प्रदान करने वाले विदेशी विश्वविद्यालयों का प्रवेश और प्रचालन के लिए विनियम, 2005 है ।

2. ये विनियम राजपत्र में इनके प्रकाशन की तारीख से प्रवृत होंगे ।

प्रयोज्यता:

इन विनियमों में निम्नलिखित शामिल है और ये निम्न पर लागू होते हैं :

1. भारत में तकनीकी शिक्षा प्रदान कर रहे विदेशी विश्वविद्यालय/संस्थाएं जिनके परिणामस्वरुप स्नातकोत्तर एवं डॉक्टोरल कार्यक्रमों सहित डिप्लोमा और डिग्री प्रदान की जाती है ।
2. भारतीय विश्वविद्यालय / संस्था जो पहले ही विद्यमान है और अभातशिप द्वारा विधिवत् रुप से मान्यताप्राप्त है तथा जो तकनीकी शिक्षा प्रदान करने के लिए इच्छुक है जिसके परिणामस्वरुप सहयोगी / ट्विनिंग व्यवस्थाओं के माध्यम से किसी विदेशी विश्वविद्यालय के स्नातकोत्तर और डॉक्टोरल कार्यक्रमों सहित डिप्लोमा / डिग्रियां प्रदान की जाती है ।
3. भारत में तकनीकी शिक्षा प्रदान करने वाले विदेशी विश्वविद्यालयों / संस्थाओं के साथ विद्यमान सहयोगी करार / व्यवस्थाएं ।
4. जैसाकि परिषद् द्वारा ऐसे कार्यकलापों को इन विनियमों के अन्तर्गत लाने के लिए निर्णय लिया जाए, विदेशी विश्वविद्यालयों / संस्थाओं द्वारा किसी भी रुप में, भारत में चलाए जा रहे कोई अन्य शैक्षणिक कार्यकलाप ।

इन विनियमों के आरंभ हो जाने पर कोई विश्वविद्यालय/संस्था परिषद् की स्पष्ट अनुमति / अनुमोदन के बिना भारत में अपने शैक्षणिक कार्यकलाप की स्थापना/प्रचालन नहीं करेगी जिसके परिणामस्वरूप स्नातकोत्तर और डॉक्टोरल सहित डिप्लोमा/डिग्री प्रदान की जाती है ।

परिभाषाएं

जब तक कि संदर्भ से अन्यथा अपेक्षित हो :

क. अभातशिप से अभिप्रेत है देश में तकनीकी शिक्षा के समन्वित विकास के लिए संसद द्वारा अभातशिप अधिनियम (1987 का 52) की धारा 3 के अंतर्गत स्थापित अखिल भारतीय तकनीकी शिक्षा परिषद् ।

ख. एनबीए से अभिप्रेत है राष्ट्रीय प्रत्यायन मंडल जो अभातशिप अधिनियम के अंतर्गत भारत में विश्वविद्यालयों/संस्थाओं द्वारा प्रदत्त तकनीकी शिक्षा कार्यक्रमों को प्रत्यायित करने और संस्था या कार्यक्रम की मान्यता/विमान्यता की सिफारिश करने के लिए प्राधिकृत निकाय है।

ग. इसमें प्रयुक्त सभी अन्य शब्द और पद जिनको ऊपर परिभाषित नहीं किया गया है परंतु जिन्हें अभातशिप अधिनियम में परिभाषित किया गया है के अर्थ वही होंगे जो अभातशिप अधिनियम (1987 का 52) में दिए गए हैं ।

पंजीकरण की प्रक्रिया

1. भारत में प्रत्यक्ष रूप से या भारतीय विश्वविद्यालय/ संस्थान के सहयोग व्यवस्था के माध्यम से भारत में प्रचालन के इच्छुक कोई भी विदेशी विश्वविद्यालय/संस्था द्वारा अभातशिप को भेजे गए किसी आवेदन के साथ भारत में संबंधित दूतावास द्वारा जारी अनापत्ति प्रमाण पत्र होना आवश्यक है । संबंधित देशों के मिशनों द्वारा उनके संबंधित देशों की शैक्षणिक संस्था, जो भारत में अध्ययन कार्यक्रम प्रदान करने के इच्छुक है, की प्रामाणिकता का सत्यापन अपेक्षित है ।

2. संबंधित विदेशी विश्वविद्यालय/संस्थान निम्नलिखित के साथ संरचनात्मक सुविधाएं, शिक्षण के लिए उपलब्ध सुविधाएं, संकाय, निर्धारित फीस, पाठ्यक्रम, पाठ्यचर्या, तीन वर्षों की न्यूनतम अवधि के लिए अपेक्षित प्रचालन निधि, सहयोग के अन्य निबंधन और शर्तें, यदि कोई हो, के वारे में विवरण देते हुए निर्धारित प्ररूप में आवेदन पत्र के साथ अभातशिप को विस्तृत परियोजना रिपोर्ट (डीपीआर) प्रस्तुत करेगा ।

क. अपने मूल देश में विदेशी विश्वविद्यालय/संस्थान की प्रामाणिकता को प्रमाणित करते हुए भारत में संबंधित दूतावास द्वारा जारी किया गया अनापत्ति प्रमाणपत्र ।

ख. यह उल्लेख करते हुए प्रमाण पत्र की एक प्रति कि आवेदक विदेशी विश्वविद्यालय/संस्था अपने मूल के देश में स्थापित है और अपने मूल देश की सरकार या सरकार द्वारा प्राधिकृत एजेंसी द्वारा अनुमोदित और प्रत्यायित है ।

ग. सोसाइटी पंजीकरण अधिनियम और किसी अन्य समतुल्य अधिनियम के अंतर्गत सोसाइटी/न्यास/भारतीय शैक्षणिक संस्थान के पंजीकरण प्रमाणपत्र की एक प्रति ।

घ. संरचनात्मक सुविधाओं की उपलब्धता , संकाय, विद्यार्थियों से प्रभारित की जाने वाली फीस, प्रवेश प्रक्रिया, पाठ्यक्रम, शिक्षा प्रदान करने की विधि, तीन वर्षों की न्यूनतम अवधि के लिए प्रचालन निधि, विदेशी विश्वविद्यालय/संस्थान और भारतीय शैक्षणिक संस्थान आदि के वीच सहयोग के अन्य निबंधन और शर्तें आदि के वारे में विस्तृत विवरण देते हुए विहित प्ररूप में विस्तृत परियोजना रिपोर्ट (डीपीआर)

ङ "सदस्य सचिव, अभातशिप" के पक्ष में किसी राष्ट्रीयकृत वैंक पर आहरित तथा नई दिल्ली में देय, 5000/- रुपये का डिमांड ड्राफ्ट ।

3. डी.पी.आर. सहित आवेदन पत्र प्राप्त होने पर अभातशिप आवेदन पत्र की पावती देगा । तत्पश्चात् प्रस्ताव की आंतरिक प्रोसेसिंग की जाएगी और पाई गई कमियों के वारे में सूचित किया जाएगा तथा अतिरिक्त दस्तावेज, यदि कोई अपेक्षित हो , की मांग की जाएगी ।

4. अभातशिप के एक बार इस बात से आश्वस्त हो जाने पर कि प्रस्ताव सभी दृष्टि से पूर्ण है, परिषद् द्वारा नामनिर्दिष्ट एक स्थायी समिति, जिसमें परिषद् के ब्यूरो की अध्यक्षता करने वाले तीन सलाहकार होते है, प्रस्ताव पर विचार करेगी और यदि आवश्यक हुआ तो अभ्यावेदन आमंत्रित करेगी ।

5. स्थायी समिति की सिफारिशों पर संस्थान की विजिट करने और तकनीकी शिक्षा और प्रशिक्षण कार्यक्रमों को आरंभ करने के लिए संरचनात्मक और शिक्षण सुविधाओं संबंधी न्यूनतम सन्नियम और मानक के अनुपालन का आकलन करने के लिए एक विशेषज्ञ समिति नामित की जाएगी ।

आवेदक विदेशी विश्वविद्यालय/संस्थान, जिनके आवेदन सभी दृष्टि से सही पाए जाएं, उन्हें आगे प्रोसेसिंग के लिए निम्नलिखित प्रस्तुत करने की सलाह दी जाएगी :-

क. निरीक्षण फीस के लिए "सदस्य सचिव, अभातशिप" के पक्ष में नई दिल्ली में देय तथा किसी भी राष्ट्रीयकृत बैंक पर आहरित 50,000/- रुपए का डिमांड ड्राफ्ट ।

ख. विदेशी विश्वववविद्यालय/संस्थान सदस्य सचिव, अभातशिप के पक्ष में नई दिल्ली में देय वह राशि जो समय-समय पर विनिर्दिष्ट की जाए वापसी योग्य निष्पादन गारंटी फीस (आरपीजीएफ) डिमांड ड्राफ्ट के रूप में प्रस्तुत करेगी ।

वापसी योग्य निष्पादन गारंटी फीस (आरपीजीएफ) संबंधित संस्थान को एक विनिर्दिष्ट अवधि के भीतर वापस कर दी जाएगी परंतु सन्नियमों, शर्तों और अपेक्षाओं के किसी भी उल्लंघन और /या संस्थान द्वारा गैर-निष्पादन और/या संस्था के विरुद्ध शिकायत के मामले में अग्रेनीत की जा सकेगी । वापसी योग्य निष्पादन गारंटी फीस(आरपीजीएफ) को एफडीआर के रूप में रखा जाएगा । उस पर मिलने वाले वार्षिक व्याज की राशि परिषद् के दिशा निर्देशानुसार विद्यार्थियों को छात्रवृत्ति/अनुदान के लिए संस्था को जारी की जाएगी ।

6. विशेषज्ञ समिति की सिफारिशों के आधार पर कार्यकारिणी समिति की उप-समिति जिसमें अध्यक्ष, उपाध्यक्ष, शिक्षा सचिव (एसएंडएचई) , भारत सरकार और सदस्य सचिव (अभातशिप) होते हैं, शिक्षा की गुणवत्ता, प्रस्ताव के समग्र गुणावगुण कार्यक्रम आरंभ करने के इच्छुक विदेशी विश्वविद्यालय तथा इसके भारतीय साझीदार की विश्वसनीयता , प्रभारित की जाने वाली फीस , आदि सहित विभिन्न तथ्यों पर विचार करने के पश्चात् पंजीकरण प्रमाणपत्र जारी करने अथवा अन्यथा का निर्णय लेती है ।

7. इस प्रकार प्रदान किया गया पंजीकरण एक विनिर्दिष्ट अवधि के लिए मान्य होगा जिसके दौरान अभातशिप की प्रगति की पुनरीक्षा कर सकेगी और आवधिक रुप से संबंधित अभिरकणों को ऐसी पुनरीक्षा के परिणामों के बारे में सूचित कर सकेगी । उक्त अवधि की समाप्ति पर अभातशिप पंजीकरण को आगे बढ़ा सकेगी, पंजीकरण वापस ले सकेगी या विस्तार के लिए ऐसी अन्य शर्तें लगा सकेगी जैसा यह उपयुक्त समझे । अनाचार की स्थिति में पंजीकरण किसी भी समय रद्द किया जा सकता है ।

8. प्रचालन की अवधि के दौरान संस्था को भारत में अन्य तकनीकी संस्थानों के समतुल्य समझा जाएगा और वह अभातशिप द्वारा समय-समय पर जारी नियमों, विनियमों, सन्नियमों और दिशा-निर्देशों से शासित होगा ।

पंजीकरण के लिए शर्तें :

1. विदेशी विश्वविद्यालयों/ संस्थानों से प्राप्त प्रस्ताव पर इन विनियमों के अधीन विचार किया जाएगा परंतु यह कि वे स्वयं या भारत में सोसाइटी/न्यास अधिनियम या सुसंगत अधिनियम के द्वारा सृजित किसी भारतीय संस्थान के साथ सहयोगात्मक व्यवस्था के माध्यम से कार्य कर रहे हैं । केवल ऐसे संस्थान ही विदेशी विश्वविद्यालयों/ संस्थानों के साथ सहयोग/साझेदारी/ट्विनिंग व्यवस्था आदि के लिए पात्र होंगे जो पहले से ही विद्यमान है और अभातशिप द्वारा विधिवत् अनुमोदित हैं । बिल्कुल नए संस्थान पात्र नहीं होंगे । इन विनियमों के अधीन किसी भी फ्रेंचाइजी प्रणाली की अनुमति नहीं होगी ।

2. भारत तकनीकी शिक्षा प्रदान करने के लिए अपना प्रचालन प्रारंभ करने के लिए किए विदेशी विश्वविद्यालय/संस्था के लिए मूल देश में किसी प्राधिकृत एजेंसी द्वारा उच्चतर ग्रेड के साथ, जहां ग्रेड उपलब्ध हैं, प्रत्यायन पूर्वापेक्षा शर्त होगी ।

3. विदेशी विश्वविद्यालय/संस्था को एक वचन प्रस्तुत करना होगा जिसमें यह घोषित किया गया हो कि भारत में छात्रों को प्रदान की गई डिग्री/डिप्लोमा को मूल देश में मान्यता प्राप्त होगी तथा उन्हें विश्वविद्यालय/संस्था द्वारा गृह-देश में प्रदान की गई सदृश डिग्रियों/डिप्लोमा के समतुल्य माना जाएगा ।

4. विदेशी विश्वविद्यालयों/संस्थाओं द्वारा संचालित किए जाने वाले शैक्षणिक कार्यक्रमों, जिनके परिणामस्वरूप डिग्रियां, डिप्लोमा प्रदान किए जाते हैं, के वही नाम होंगे, जैसा कि उनके मूल देश में विद्यमान है । शैक्षणिक पाठ्यवविवरण , शिक्षा प्रदान करने का तरीका, परीक्षा का पैटर्न आदि में कोई विभेद नहीं होना चाहिए तथा ऐसी डिग्रीयां और डिप्लोमा उनके मूल देश पूर्णत: मान्यताप्राप्त होने चाहिए ।

5. तकनीकी शिक्षा प्रदान के लिए जिसके परिणामस्वरूप डिग्रियां/डिप्लोमा प्रदान किए जाते हैं , भारत में रजिस्ट्रीकृत सभी ऐसे विदेशी विश्वविद्यालयों/संस्थाओं को समतुल्य भारतीय डिग्रियों के समान मान्यता होगी, बशर्ते कि नीचे खंड 6 में विनिर्धारित मानदण्ड की पूर्ति होती हो ।

6. सहयोगी व्यवस्थाओं अथवा अन्यथा के अंतर्गत भारत में ऐसे पाठ्यक्रमों को प्रदान करने के प्रयोजनार्थ योग्यताओं की परस्पर मान्यता के लिए डिग्री, डिप्लोमा अथवा स्नातकोत्तर स्तर पर तकनीकी पाठ्यक्रमों/कार्यक्रमों की समतुल्यता की अपेक्षा रखने वाले विदेशी विश्वविद्यालयों से प्रस्तावों पर अभातशिप द्वारा उसकी समतुल्यता संबंधी स्थायी समिति के माध्यम से विचार किया जाएगा जो यूजीसी, एआईयू और अभातशिप के प्रतिनिधियों अथवा ऐसे अन्य तंत्र , जो विनिर्णित किया जाए , से मिलकर बनेगी । ऐसे मामलों में जहां ऐसी

समतुल्यता एआईयू अथवा किसी मान्यताप्राप्त सरकारी निकाय द्वारा पहले ही स्थापित की जा चुकी है , उसे अभातशिप द्वारा इस प्रयोजनार्थ स्वीकार किया जा सकेगा बशर्ते कि इनमें कोई विवाद न हो ।

7. यह उपबंध करना तथा यह सुनिश्चित करना संबंधित विदेशी विश्वविद्यालय/संस्था का उत्तरदायित्व होगा कि कार्यक्रम प्रारंभ करने पूर्व सभी सुविधाएं उपलब्ध हैं, शैक्षणिक अपेक्षाएं निर्धारित और घोषित की जा चुकी हैं ।

8. किसी ऐसे पाठ्यक्रम /कार्यक्रम को, जिससे देश का राष्ट्रीय हित संकट में आता है, भारत में प्रदान करने की अनुमति नहीं दी जाएगी ।

9. विदेशी विश्वविद्यालय/संस्था द्वारा प्रभारित की जाने वाली फीस तथा प्रदान किए जाने वाले प्रत्येक पाठ्यक्रम , जिसके परिणामस्वरूप डिग्री अथवा डिप्लोमा प्रदान किया जाता हो, में प्रवेश क्षमता वह होगी, जोकि अभातशिप द्वारा विहित की जाए जिसके लिए संबंधित विश्वविद्यालय/संस्था को सुनवाई का पूरा अवसर प्रदान किया जाएगा ।

10. विदेशी विश्वविद्यालय/संस्था द्वारा शिक्षण संबंधी अभिनवता , जिसमें शिक्षण के विभिन्न तरीकों के प्रयोग शामिल हैं , को केवल तभी अनुमति प्रदान की जाएगी बशर्ते कि ऐसी प्रणाली या उनके मूल देश में अथवा भारत में सुस्थापित हो ।

11. विदेशी विश्वविद्यालय/संस्था को प्रवेश , प्रवेश स्तर योग्यताएं , सभी प्रकार की फीस , परीक्षा और मूल्यांकन के लिए विस्तृत दिशा-निर्देशों की अग्रिम घोषणा करनी होगी तथा उनके मूल देश में तथा उसकी तुलना में भारत में विहित पद्धतियों से अत्यधिक विपथन नहीं होना चाहिए ।

12. भारत में कार्यक्रम प्रदान करने वाले संबंधित विश्वविद्यालय/संस्था का यह उत्तरदायित्व होगा कि वे अभातशिप अनुमोदित अपने केन्द्र हासिल करें और ऐसे केन्द्रों से जैसे ही दो बैच उत्तीर्ण हों, वे राष्ट्रीय प्रत्यायन मंडल द्वारा प्रत्यायन प्राप्त करें, चाहे प्रबंधन भारतीय शैक्षणिक संस्था द्वारा भी प्रदान किया गया हो, तब भी, सहयोगी प्राइवेट शिक्षा सेवा प्रदाताओं, जो तकनीकी शिक्षा प्रदान करते है जिसके परिणामस्वरूप विदेशी विश्वविद्यालय की डिग्री /डिप्लोमा प्रदान किया जाता है, के अध्ययन केन्द्रों/संस्थाओं को विदेशी विश्वविद्यालय /संस्था के केन्द्र के रूप में माना जाएगा ।

13. विदेशी विश्वविद्यालय संस्था प्रवेश, प्रविष्टि योग्तयताओं तथा तकनीकी शिक्षा में पाठ्यक्रमों/कार्यक्रमों के संचालन के संबंध में अभातशिप के परामर्श के अधीन होगी, जैसा कि उन्हें समय-समय पर सूचित किया जाएगा ।

14. इन विनियमों के कार्यान्वयन में किसी विवाद के पैदा होने पर, माध्यस्थम प्राधिकारी भारत सरकार में सचिव, शिक्षा विभाग होगा तथा विधिक क्षेत्राधिकार केवल नई दिल्ली का सिविल न्यायालय ही होगा ।

15. अभातशिप पंजीकरण के लिए कोई अन्य शर्त विहित कर सकेगी यदि देश में तकनीकी शिक्षा के समग्र हित के लिए ऐसा करना समीचीन हो ।

16. भारत में विभिन्न रूप में पहले से ही चल रहे विदेशी विश्वविद्यालयों/संस्थाओं को इस अधिसूचना के जारी किए जाने की तारीख से छः महीनों के भीतर या आगामी शैक्षणिक सत्र के आरंभ से पूर्व, जो भी पहले हो, नए सिरे से अभातशिप से अनुमोदन लेना होगा और वे अभातशिप के विनियमों और दिशा-निर्देशों से शासित होंगे ।

दण्डात्मक उपाय और पंजीकरण वापस लिए जाने की शर्तें :

1. यदि कोई विदेशी विश्वविद्यालय/संस्था उपर्युक्त विनियमों में यथानिहित शर्तों का अनुपालन करने में असमर्थ होती है या अभातशिप की सलाह के विपरीत सुधारात्मक कार्यवाही से हठपूर्वक दूर रहती है तो अभातशिप संबंधित विश्वविद्यालय/संस्था को सुनवाई या ऐसी पूछताछ, जैसा परिषद् आवश्यक समझे, के माध्यम से समुचित अवसर देने के पश्चात् ऐसे विश्वविद्यालय/संस्था को भारत में अपनी डिग्री, डिप्लोमा प्रदान करने के लिए प्रदत्त पंजीकरण वापस ले सकेगी और ऐसे विदेशी विश्वविद्यालय/संस्था को या तो अपने केन्द्र खोलने या भारत में विश्वविद्यालय/संस्था के साथ सहयोगात्मक व्यवस्था का निषेध कर सकेगी ।

2. अभातशिप विदेश मंत्रालय, गृहमंत्रालय , रिजर्व बैंक ऑफ इण्डिया सहित सभी संबंधित एजेंसियों को ऐसे निर्णयों से सूचित भी करेगी और इन एजेंसियों को निम्नलिखित में से कोई या सभी उपाय करने की सलाह देगी :

   क. उक्त विदेशी विश्वविद्यालय/संस्था के कर्मचारियों/शिक्षकों को वीजा देने से इंकार/ वापसी
   ख. भारत से गृहदेश को निधि का प्रत्यावर्तन रोका जाना ।
   ग. आम जनता को ऐसे विदेशी विश्वविद्यालयों/संस्थाओं का पंजीकरण वापस लिए जाने और उसके परिणामों के बारे में सूचित करना ।

3. परिषद् के ध्यान में यह बात आने पर कि विदेशी विश्वविद्यालय पंजीकरण प्रमाणपत्र प्राप्त किए बिना सीधे या किसी भारतीय साझेदार के सहयोग से भारत में तकनीकी शिक्षा में डिप्लोमा या /और स्नातकपूर्व स्नातकोत्तर और अनुसंधान स्तर पर डिग्री चला रही है , परिषद् विश्वास का आपराधिक हनन, कदाचार, जालसाजी और धोखाधड़ी के लिए भारतीय दण्ड संहिता और अन्य संगत भारतीय विधियों के अधीन कार्यवाही के लिए तत्काल कदम उठाएगी ।

वापसी : विदेशी विश्वविद्यालय/संस्था का पंजीकरण वापस लिए जाने पर परिषद् संबंधित राज्य सरकार के साथ समन्वय से ऐसे कार्यक्रमों में प्रवेश ले चुके छात्रों को परिषद् की अन्य अनुमोदित संस्थाओं में पुनः आवंटित करने का प्रयास करेगी । ऐसी दशा में विदेशी विश्वविद्यालय /संस्था को ऐसे छात्रों से एकत्र की गई फीस की पूरी रकम आवंटिती संस्थानों, जिनमें छात्रों को प्रवेश दिया

गया है को लौटानी होगी । ऐसी विदेशी संस्थाओं को कोई अन्य केन्द्र/संस्था खोलने या भारत में सहयोगात्मक व्यवस्था करने की अनुमति नहीं होगी ।

वार्षिक प्रतिवेदन : विदेशी विश्वविद्यालय प्रवेश पाने वाले छात्रों की संख्या, संचालित कार्यक्रम एकत्र की गई फीस की कुल रकम, मूल देश को अंतरित राशि किये गए निवेश, छात्रों की संख्या, जिन्हें डिग्री, डिप्लोमा प्रदान किया गया, संबंधी विवरण और कोई ऐसी जानकारी जो अभातशिप द्वारा मांगी जाए, देते हुए एक वार्षिक प्रतिवेदन प्रस्तुत करेगा ।

निरीक्षण : अभातशिप जब भी आवश्यक हो, पूर्व सूचना देकर या पूर्व सूचना दिए बिना उपलब्ध संरचनात्मक और अन्य सुविधाओं का आकलन करने और /या अभातशिप द्वारा समय-समय पर विहित की गई शर्तों, सन्नियमों, मानकों आदि के अनुपालन का सत्यापन करने के लिए निरीक्षण करवा सकेगी ।

निर्वचन : इन विनियमों के निर्वचन संबंधी कोई प्रश्न उठने पर अभातशिप द्वारा उस पर निर्णय लिया जाएगा ।

अभातशिप के पास किसी संदेह , जो इन विनियमों के कार्यान्वयन के संबंध में उठ सकते हैं, को दूर करने के लिए स्पष्टीकरण जारी करने की शक्ति होगी ।

ये विनियम इस विषय पर मानव संसाधन विकास मंत्रालय द्वारा गठित सी.एन.आर. राव समिति की सिफारिशों के आलोक में समुचित पुनरीक्षा के अध्यधीन होंगे ।

अनुराधा गुप्ता, सदस्य सचिव

[विज्ञापन III/IV/162/2005/अस्था.]

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

NOTIFICATION

New Delhi, the 16th May, 2005

(Regulations for entry and Operation of Foreign University/Institutions Imparting Technical Education in India)

No. F. 37-3/Legal/2005.— In supersession of the Regulations Notified by the Council vide Notification No. F.37-3/Legal (vi) 2003, dated 3rd April 2003 and in exercise of the powers conferred under Section 23 read with Clause (b), Clause (f), Clause (g) and Clause (n), (o), (p) of Section 10 of the AICTE Act, 1987, (Act 52 of 1987), the Council hereby makes these regulations for regulating entry and operation of Foreign Universities/ Institutions imparting technical education in India.

IndiaCode

Objectives:

a. To facilitate collaboration and partnerships between Indian and Foreign Universities / Institutions in the field of technical education, research and training.

b. To systematize the operation of Foreign Universities/Institutions already providing training and other educational services including that of coaching of students, in India leading to award of degree and diploma in technical education, either on their own or in collaboration with an Indian educational institution, under any mode of delivery system such as conventional/ formal, non-formal and distance mode.

c. To safeguard the interest of students' community in India and ensure uniform maintenance of Norms and Standards as prescribed by various Statutory Bodies;

d. To enforce accountability for all such educational activities by Foreign Universities / Institutions in India;

e. To safeguard against entry of non-accredited Universities / Institutions in the Country of origin to impart technical education in India.

f. To safeguard the nation's interest and take punitive measures, wherever necessary, against the erring institutions, on case-to-case basis.

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Short Title and Commencement :

1. These Regulations may be called the **AICTE Regulations for Entry and Operation of Foreign Universities in India imparting technical education, 2005.**
2. These Regulations shall come in force on the date of their publication in the Official Gazette.

Applicability :

These Regulations shall cover and apply to:

1. Foreign Universities / Institutions interested in imparting technical education in India leading to award of diplomas and degrees including post graduate and doctoral programmes.
2. Indian University / Institution which is already in existence and is duly approved by AICTE, interested in imparting technical education leading to award of diplomas / degrees including post graduate and doctoral programmes of a Foreign University through collaborative/ twining arrangements.
3. The existing collaborative agreements/ arrangements with Foreign Universities/Institutions offering technical education in India.
4. Any other educational activity carried out in India, in any manner, by the Foreign Universities/ Institutions, as may be decided by the Council to bring such activities under these Regulations.

On commencement of these Regulations no Foreign University/ Institution shall establish /operate its educational activity in India leading to award of diplomas/ degrees including post graduate and doctoral without the expressed permission /approval of the Council.

Definitions :

Unless the context otherwise requires :

a. AICTE means the All India Council for Technical Education established under Section 3 of the AICTE Act (52 of 1987) by the Parliament for co-ordinated development of technical education in the Country.

b. NBA means the National Board of Accreditation, authorized body under AICTE Act to accredit programmes of technical education imparted by Universities / Institutions in India and recommend recognition/de-recognition of institution or the programme.

c. All other words and expressions used herein and not defined above but defined in the AICTE Act shall have the meaning as assigned to it in AICTE Act (52 of 1987).

Procedure for Registration :

1. Any application to AICTE by a Foreign University / Institution seeking to operate in India either directly or through collaborative arrangement with an Indian University / Institution must be accompanied by a No-Objection Certificate issued by the concerned Embassy in India. The Missions of the concerned Countries shall be required to certify genuineness of the educational institutions of their respective countries willing to offer study programmes in India.

2. The concerned Foreign University / Institution shall submit a Detailed Project Report (DPR) to AICTE along with application in a prescribed form, giving details regarding infrastructure facilities, facilities available for instruction, faculty, prescribed fee, courses, curricula, requisite funds for operation for a minimum period of three years and other terms and conditions of collaboration, if any, along with following:

   a. A No-Objection Certificate issued by the concerned Embassy in India certifying genuineness of the Foreign University/ Institution in the Country of its origin.
   b. A copy of certificate indicating that the applicant Foreign University/institution has been setup/established in the Country of its origin and is approved and accredited by the Government or an agency authorized by the Government of the Country of its origin.
   c. A copy of certificate of registration of the Society/Trust/the Indian Educational Institution under Societies Registration Act and any other similar Act.
   d. A Detailed Project Report (DPR) in the prescribed format, giving details regarding availability of infrastructure facilities, faculty, fee to be charged from students, admission procedure, course curricula, mode of delivery availability of requisite funds for

operation for a minimum period of three years, terms and conditions of collaboration between the Foreign University/Institution and the Indian Educational Institution etc.

e. A Demand Draft for Rs. 5000/- drawn on a Nationalised bank in favour of "The Member Secretary, AICTE", payable at New Delhi.

3. AICTE shall after receiving the application along with DPR, acknowledge the receipt of the application. The proposal shall then be processed internally and any deficiency shall be communicated and additional documents, if any required, shall be asked for.

4. Once the AICTE is convinced that the proposal is complete in all respects, a Standing Committee nominated by the Council comprising three Advisors heading the Bureaus of the Council shall consider the proposal and invite presentation, if warranted.

5. On the recommendations of the Standing Committee, an Expert Committee shall be nominated to visit the institution and assess the compliance of minimum Norms and Standards in respect of infrastructural and instructional facilities to start programmes of technical education and training.

The applicant Foreign Universities/Institutions, whose applications are found to be in order in all respects shall be advised to submit the following for further processing:-

a. A Demand Draft for Rs. 50000/- drawn on a Nationalized bank in favour of "The Member Secretary, AICTE", payable at New Delhi towards inspection fees.

b. The Foreign University/Institution shall submit a Refundable Performance Guarantee Fee (RPGF) in the form of a Demand Draft in favour of "The Member Secretary, AICTE" payable at New Delhi for an amount as may be specified from time to time.

The Refundable Performance Guarantee Fee (RPGF) shall be refunded to the concerned Institution after a specified period but could be carried forward in case of any violation of Norms, conditions, and requirements and/or non-performance by the institution and/or complaints against the institution. The Refundable Performance Guarantee Fee (RPGF) shall be kept in

the form of FDR. Yearly interest accrued thereon shall be released to the Institution for scholarships/grants to students as per Council's Guidelines.

6. Based on the recommendations of the Expert Committee, the EC Sub-Committee comprising of the Chairman, Vice Chairman, the Secretary Education (S&HE), Government of India and the Member Secretary (AICTE) would take a decision to issue a Certificate of Registration or otherwise, after considering various factors including the quality of education, overall merit of the proposal, credibility of the Foreign University as well as its Indian Partner intending to start the programmes, fees to be charged, etc.

7. The Registration so granted shall be valid for a specified period during which AICTE may review the progress made and periodically inform the concerned agencies about the results of such a review. After expiry of the said period, the AICTE may extend the registration or withdraw the registration or impose such other conditions for extension, as it may consider appropriate. In the event of malpractices, Registration could be revoked any time.

8. During the period of operation the Institution shall be treated on par with other technical institutions in India and shall be governed by all the Rules, Regulations, Norms and Guidelines of AICTE issued from time to time.

Conditions for Registration :

1. Proposal from the Foreign Universities/ Institutions shall be considered under these Regulations provided that they themselves establish operation in India or through collaborative arrangements with either an Indian Institution created through Society/ Trust Act or the relevant Act in India. Only such institutions shall be eligible to enter into collaboration/ partnership/twinning arrangements etc. with Foreign Universities/Institutions as are already in existence and are duly approved by the AICTE. De-novo institutions shall not be eligible. No franchisee system shall be allowed under these Regulations.

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2. Accreditation by the authorized agency in parent Country with higher grades where grading is available, shall be the pre-requisite condition for any Foreign University / Institution to start its operation for imparting technical education in India.

3. The Foreign University/ Institution shall furnish an undertaking declaring therein that the degrees/ diplomas awarded to the students in India shall be recognized in the parent Country and shall be treated equivalent to the corresponding degrees/ diplomas awarded by the University/ Institution at home.

4. The educational programmes to be conducted in India by Foreign Universities / Institutions leading to award of degrees, diplomas, shall have the same nomenclature as it exists in their parent Country. There shall not be any distinction in the academic curriculum, mode of delivery, pattern of examination etc. and such degrees and diplomas must be fully recognized in their parent Country.

5. All such Foreign Universities / Institutions which are registered in India for imparting technical education leading to award of degrees and diplomas shall have recognition at par with equivalent Indian degrees, subject to the fulfillment of criteria laid down at Clause 6 below.

6. The proposal from Foreign University seeking equivalence of technical courses/ programmes at degree, diploma or post graduate level for mutual recognition of qualifications for the purpose of imparting such courses in India under collaborative arrangements or otherwise shall be considered by AICTE through its Standing Committee on Equivalence comprising of representatives from UGC, AIU and AICTE or such other mechanism as may be decided. In case such equivalence has already been established by AIU or any recognized Government body, the same may be accepted by AICTE for the purpose provided those are not in dispute.

7. It shall be the responsibility of the concerned Foreign University/ Institution to provide for and ensure that all facilities are available, the academic requirements are laid down and announced prior to starting of the programmes.

8. Any course / programme which jeopardizes the national interest of the Country shall not be allowed to be offered in India.

9. The fee to be charged and the intake in each course to be offered by a Foreign University/ Institution leading to a degree or diploma shall be as prescribed by the AICTE, giving due hearing to the concerned Foreign University/Institution.

10. Educational innovations including experimentation with different modes of delivery by a Foreign University / Institution shall only be allowed provided such a system is well established either in their parent Country or in India.

11. The Foreign University / Institution shall have to declare in advance the detailed guidelines for admission, entry level qualifications, fees of all kinds, the examination and evaluation and there shall not be major deviations with the prescribed procedures in their parent Country, vis-à-vis India.

12. It shall be the responsibility of the concerned Foreign University / Institution offering programmes in India to get their AICTE approved centres, accredited by NBA soon after two batches have passed out from such centres. The study centres/ institutions of collaborating private educational service providers which impart technical education leading to the award of a degree / diploma of a Foreign University shall be considered as a center of the Foreign University / Institution, even though the management may be provided by the Indian educational institution.

13. The Foreign University / Institution shall be bound by the advice of AICTE with regard to admissions, entry qualifications and the conduct of courses / programmes in technical education, as may be communicated to them from time to time.

14. For any dispute arising out of implementation of these regulations, arbitration authority shall be the Secretary, Department of Education in the Central Government of India and the legal jurisdiction shall be the Civil Courts of New Delhi only.

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15. AICTE may prescribe any other condition for registration, if it is expedient to do so in the overall interest of the technical education system in the Country.

16. The Foreign Universities / Institutions already operating in India in various forms shall have to seek fresh approval from AICTE within six months from the date of issuance of this notification or before commencement of ensuing academic session, whichever is earlier and shall be governed by the Regulations and Guidelines of AICTE.

Punitive Measures and Conditions for Withdrawal :

1. If a Foreign University / Institution fails to comply with any of the conditions as contained in the above regulations and/or consistently refrains from taking corrective actions contrary to the advice of the AICTE, the AICTE may after giving reasonable opportunity to the concerned University/Institution through hearing or after making such inquiry as the Council may consider necessary, withdraw the registration granted to such University / Institution to offer their degrees, diplomas in India and forbid such Foreign University / Institution to either open Centres or enter into any collaborative arrangement with any University / Institution in India.

2. The AICTE shall also inform the concerned agencies including Ministry of External Affairs, Ministry of Home Affairs, RBI of such decisions and advise these agencies to take any or all of the following measures:

   a. Refusal / withdrawal for grant of visa to employees/teachers of the said Foreign University / Institution.
   b. Stop repatriation of funds from India to home Country.
   c. Informing the public about the withdrawal of the Registration of such Foreign University/Institution and the consequences thereof .

3. In case it comes to the notice of the Council, that a Foreign University is running diploma or/and degree at undergraduate, postgraduate and research level in technical education in India directly or in collaboration with an Indian partner without obtaining a certificate of registration, Council shall take immediate steps to initiate action under

the Indian Penal Code for Criminal breach of trust, misconduct, fraud & cheating and under other relevant Indian Laws.

Withdrawal :Once the registration of a Foreign University/Institution is withdrawn, the Council shall make attempts in co-ordination with concerned State Govt. to re-allocate the students enrolled into such programmes to other approved institutions of the Council. The Foreign University/ Institution in such cases, shall have to return the entire fee collected from such students to the allottee institutions in which such students are accommodated. Such Foreign Institutions shall not be allowed to open any other Centre/Institution or enter into a collaborative arrangement in India.

Annual Reports : The Foreign University / Institution shall submit an annual report giving details of the number of students admitted, programmes conducted, total fee collected, amount transferred to parent Country, investment made, number of students awarded degree, diploma and any such information that AICTE may ask for.

Inspection; AICTE may cause an inspection, whenever necessary, with or without prior notice, to assess the infrastructural and other facilities available and/or to verify the compliance of conditions, norms, standards etc. prescribed by the AICTE from time to time.

Interpretation : If any question arises as to the interpretation of these Regulations the same shall be decided by the AICTE.

The AICTE shall have power to issue any clarifications to remove any doubt, which may arise in regard to implementation of these Regulations.

The Regulations shall be subject to suitable review in the light of the recommendations of the C.N.R. Rao Committee set up by the Ministry of Human Resource Development on this subject.

ANURADHA GUPTA, Member-Secy.

[ADVT III/IV/162/2005/Exty.]

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.