

AICTE PARTIAL MODIFICATION OF AICTE (CONSTITUTION AND FUNCTIONS OF REGIONAL COMMITTEES) REGULATIONS, 2004

REGD NO. D L -33004/99 - 33004/99 Che Gazette of India EXTRAORDINARY PART III—section 4 PUBLISHED BY AUTHORITY 7, 18, 1926 NEW DELHI, MONDAY, FEBRUARY 7, 2005/MAGHA 18, 1926 ft-aft, 31 2005 VI. -E. 63 19 1995 38-101#fü/2004 15 2004 (1987 52) 23(2) (V) 14(4) Riva-IA, €æ-2F, €æ-4TRi 3FfÅ -öfi, I 398 GI/2005 IIVIV/162/2004-3TQ1.] (1) 2 THE GAZETTE OF INDIA • EXTRAORDINARY ALL (..UUNCLL 1 NOTIFICATION New Delhi, the 3 1st January, 2005 [PART III—SEC.4] F. No. 38-10/LegaV2004.—In partial modification of the Notification issued by the Council vide G.S R. 63 dated 1. 9th January, 1995 and Notification No. 38-10/LegaV2004 dated 15th December, 2004 regarding Constitution of the Reponal 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 I and 2 of the said Regulations remain unchanged. Para 3(a) reads as under Chairnman to be nominated by the Chairman of the All India Council for Technical Education from among the serving Heads of Centres of Excellence In Techmcal 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 Imstitutes of Technical Teachers' 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 GUT'TÅ, Member eiary IAD V' I. IIViS'7i 62/2004-Exty.j Printed by the Manager, Govt. of India Press, Ring Road, Nfayapuri, New Delhi-1 10064 and Published bY&the Controllor of Publications, Delhi-1 10054 i 1 1 UNIVERSITY GRANTS COMMISSION BAHADUR SHAH ZAFAR MARG NEW DELHI REGULATIONS FOR ADMISSION AND FEE STRUCTURE IN PRIVATE AIDED AND UNAIDED PROFESSIONAL EDUCATIONAL INSTITUTIONS, 2004 (In supersession of Regulations No.F. 1-22/93 (CPP-I) dated October, 1997, and in partial supersession of Interim Policy Regulations No. F. 1-6/2003 (CPP-II) dated 1006.2003 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 followiÅg Regulations, namely. 1

2. 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. Definitions In these Regulations, unless the context otherwise requires: 2.1 2.2. "Act" means the University Grants Commission Act, 1956 as amended from time to time; "Admission Monitoring Committee" means the "National Admission Monitoring Committee" constituted by the Commission, or the "State Admission Monitoring Committee" constituted by the concemed State / Union Territory Government to oversee the admissions including the CET, counseling and selection of candidates. 2.3. 2.4. 2.5. 2.6. 2.7. 2.8. 2.9 2 "Aided Institution" means an institution (university/ deemed university I college/ institute/ organization) receiving support from the Central/ State / Union Territory Government, or any grant disbursing statutory body of such govemmmnts, 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; "Candidate" means a person seeking admission to a professional programme of study; "CET" means Common Entrance Test conducted by or on behalf of the Commission / Central / State / Union Territory Government; "Commission" means the University Grants Commission established under Section 4 of the Act; "Competent Authority" means: (ii) The Commission in relation to the deemed universities,

universities set up by a private trust or a society on its own or under Syction 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; 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; "Fees" means all the institutional fees; "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; 1 2.10 2.11 2.12. 2.13 3 "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; "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; "Student" means a person admitted to and pursuing a professional programme of study; "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 3. 4. institution. Applicability These Regulations shall apply to; 3.1

32. Note: Private Aided and Unaided Deemed to be Universities offering professional programme(s) of study. 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. 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)". 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 4.2. 4.3. 4.4. 4 selection of candidates in the Professional Institutions, in consultation with the concerned statutory professional bodies. 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 refe rred to as general category (here-in-after "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. Candidatqs 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"); 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 tn respect of aided and unaided Professional Institutions. 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. 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 seatSI keeping in view the population and educational needs of the minority group 4.5. 4.6. 4.7. 4.8 5 concerned in the area, the type of programme(s) and ali other relevant factors so as to balance the interests of all concerned 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. The Competent Authority or its designated agency concerned 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. 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. The Competent Authority concerned shall 4.8.1. 4.8.2. 4 8.3. decide the agency to conduct the CET on its behalf; and decide the concerned counseling agency. 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 6 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. The designated agency for conducting the CET shall prepare a merit list of successful candidates, depending upon their inter-se merit in the CET. The designated agency for counseling shall; 4.9. 4.10. 4.11. 4.12. 4.13 4.10.1 4.10.2. 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; prepare a merit list for admission based on the CETI counseling and other relevant criteria such as reservation and preference of the candidates for Professional Institqtions. 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. 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. 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 In the event of non- the Competent Authority concerned. availability of adequate number of candidates for the minority 4.14 4.15. 4.16. 4.17. 4.18. 4.19. 7 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. 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. 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. 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. 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. 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. 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.

5.8 Fees Structure

5.1 5.2. 5.3. 5.4 5.5. No Professional Institution shall charge directly or indirectly capitation fee in any form whatsoever. 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. 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. 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. While assessing and fixing the fees to be charged, the Fee Structure Committee concerned shall take into account the following namely:

5.5.1. 5.5.2. 5.5.3. 5.5.4. 5.5.5. 5.5.6. 5.5.7. 5.5.8.

9 salary and allowances including bonus, if admissible, payable to teaching and non-teaching staff; expenditure on administrative services; cost of maintenance of laboratories including consumables, contingency expenditure including statutory requirements like audit fee and the like; cost of acquisition of books and journals for libraries, maintenance of building(s) and other infrastructure facilities including rents and tariffs; amortization of capital cost invested on the infrastructure facilities. any other recurring expenditure to be determined by the Competent Authority.

5.6. 5.8. 5.9. 5.10. 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. 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. 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. The Professional Institutions shall charge the prescribed fees only for one semester or at the most for one year at the time of admission. 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. 6.10 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. Composition of Committees. 6.1. 6.2 6.3. 6.4. 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 to be nominated by the Institutional Finance, 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. The Commission shall provide the Secretariat of the National Fee Structure Committee. The National Admission Monitoring Committee shall consist of:- 6.3.1. A Member of the Commissions 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. The Commission shall provide the Secretariat of the National Admission Monitoring Committee. 11 The State Fee Structure Committee shall consist of. 6.5 6.6. 6.7. 6.8. 6.9 6.5.1 6.52. 6.53. 6.54. 6.5.5 A retired Vice-Chancellor or a retired Chairperson of a professional statutory body, nominated by the State / Union Territory Government, as Chairperson, One eminent educationist in the profession concerned, to be nominated by the State/ Union Territory Government, as Member; One nominee of the statutory body concerned, if any, as Member; One expert in the field of Cost Accountancy or Institutional Finance, to be nominated by the State/ Union Territory Government, as Member; 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. The State / Union Territory Government shall provide the Secretariat of the State Fee Structure Committee. 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; The State / Union Territory Government, shall provide the Secretariat of the State Admission Monitoring Committee The Chairman and Members of the four Committees mentioned above, except the Ex-officio Members, shall hold office at the 1 7. 12 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. Procedure to be adopted by the Committees. 7.1 7.2. 7.3. 7.4 7.5 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. 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. 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. 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. 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. 1 7.6 7.7 7.8 13 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. 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. 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 8.2. 8.3 8.4. 8.5. 8.6. 8.7 Every Professional Institution shall maintain two separate accounts, namely, the Maintenance Account and the Development Account. 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. The Maintenance Account shall be kept in two parts; namely (a) pay and allowances, and (b) other expenditure. 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. 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. 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. 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 8.8 8.9 8.10. 14 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 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. 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

10. Penalty 9.1 92 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. 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. 1 1 Interpretation 10.1. 10.2. Any question as to the interpretation of these Regulations shall be decided by the Commission, whose decision shall be final in the matter. 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 regu for admn & fee stru In pvt alded & unaided Inst. AQ-33004/99 REGD. NO. D. L.-33004/99 . 22. Che Gazetg of •tidia 821 No. 821 EXTRAORDINARY PART III—section 4 PUBLISHED BY AUTHORrry 27, 6, 1927 NEW DELHI, FRIDAY, MAY 27, 2005/JYAISTHA 6, 1927 16 2005 3 2003 (VI) 2003 1987 (1987 52) 10 , (v), (z), (q) (if) urr 23 Rra-n a, -fiå -t / THE GAZETTE OF INDIA : EXTRAORDINARY 1. 2. [PART III—SEC. 4] RTR-TT 2005 I 2. 3. 4. ff-a-& qrg, / 3üfh (1987

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7. GAZETTE OF INDIA : EXTRAORDINARY 50,000/- fa--ä-?ü ft-a-å (ARTAi-gk@é) , (3BT17RN) a, aft QTä 1 .3Äfå 3FZ1 8. fäg : 1. q-c«-q-a I -GRUI--qSr qgi 2, I 2. 3. 4. 5. 6. 7 [PART III—SEC. 4] 6 8. 9. 10. 11. 12. 13

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3. ZIT q.: Rtäfå-a fä-g 8 THE GAZETTE OF NDIA : EXTRAORDINARY [PART III—SE : ft-e-qfi-•ül-a-a e79r, quT, ft-oap-r : /zrr R-R--d ft-å-a-q : R?r.gq.341N. IIIAV/162/200-5/3F7T. [11.1—RÄÜg 4] 9 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION NOTIFICATION New Delhi, the 16th May, 2005 (Regulations for entry and Operation of F01Tign University/Institutions Imparting Technical Education in India) In supersession of the Regulations Notified by the No. F. 37-3/Lega1/2005.— 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 entw and operation of Foreign Universities; Institutions imparting technical education in India. Objectives: b. c. d. e. To facilitate collaboration and partnerships between Indian and Foreign Universities / Institutions in the field of technical education, research and training. To systematize the operation of Foreign Universities/Institutions already providing training and cther 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 Iridian educational institution, under any mode of delivery system such as conventional/ formal, non-formal and distance mode. To safeguard the interest of students' cornmunity in India and ensure uniform maintenance of Norms and Standards as prescribed by various Statutory Bodies; To enforce accountability for all such educational activities by Foreign Universities / Institutions in India; "l'o safeguard against entry of non-accredited Universities / Institutions in the Country of origin to impart technical education in India. To safeguard the nation's interest and take punitive measures, wherever necessary, against the erring institutions, on c'ase-to-case basis. GI 05-3 10 THE GAZETTE OF INDIA : EXTRAORDINARY Short Title and Commencement : [PART III—SEC. 4] 1

2. These Regulations may be called the AICTE Regulations for Entry and Operation of Foreign Universities in India imparting technical education, 2005. These Regulations shall come in force on the date of their publication in the Official Gazette. Applicability : These Regulations shall cover and afprly to: 1. 2. 3

4. FOI eign Universities / Institutions interested in imparting technical education in India leading to award of diplomas and degrees including post graduate and doctoral programmes. 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. The existing collaborative agreements/ arrangements with Foreign Universities/Institutions offering technical education in India. 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 othervise 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. 11 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. 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

2. 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. 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 (DP R) 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 12 3. 4

5. THE GAZETTE OF INDIA .EXTRAORDINARY [PART III—SE 4] operation for a minimum period of three years, terms and Foreign the collaboration between of conditions 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. AICTE shall after receiving the application along with DP R, 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. 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. 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 13 6. 7. 8. the form of FDR. Yearly interest accrued thereon shall be released to the Institution for scholarships/grants to students as per Council 's Guidelines. 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. 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 A ICTE 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. 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 : Proposal from the Foreign Universities/ Institutions shall be 1. 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/ winning 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. (Z GI CS-9 14 2. 3. 4. 5

6. GAZETTE OF INDIA : EXTRAORDINARY [PART III—SFC. 4] 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. 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 equivalent to the corresponding degrees/ diplomas awarded by the University/ Institution at home. 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. 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. 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. 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. 15 8. 9. 10. 11. 12. 13

14. Any course / programme which jeopardizes the national interest of the Country shall not be allowed to be offered in India. 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. 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. 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. 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. 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. 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. 16 15

16. THE GAZETTE OF : EXTRAORDINARY III—Se-c. 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. 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

2. 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. 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 . 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 [III—7Ytrg 4] 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 Othell 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 Printed by the \-lanager. Govt. of India Press, Ring Road, Mayapuri, New Delhi,,1 10064 and Published by the Controller of Publications, Delhi-1 17