

# Uttar Pradesh Private Universities (Establishment) Rules, 2021

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**Uttar Pradesh  
Shasan  
Uccha Shiksha  
Anubhag-1**

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no.39 /70-1-2022-20(44)/2020, dated 04 January, 2022.

### **NOTIFICATION**

No.39 /70-1-2022-

20(44)/2020

Lucknow, Dated : 04 January,

2022

In exercise of the powers conferred by section 58 of the Uttar Pradesh Private Universities Act, 2019 (U.P. Act no. 12, 2019), the Governor is pleased to make the following rules with a view to regulate the procedure of establishment of private universities in the State of Uttar Pradesh :-

### Uttar Pradesh Private Universities (Establishment) Rules, 2021

Short title, 1 (1)These rules may be called The Uttar Pradesh Private Universities extent and commencement (Establishment) Rules, 2021.

(2) They shall apply to the whole of the State of Uttar Pradesh.

Definitions 2 In these rules, unless the context otherwise requires,-

(a) “Act” means the Uttar Pradesh Private Universities Act, 2019 (U.P. Act

no. 12 of 2019);

(b) “Contiguous Land” means the land defined as contiguous vide

Notification no.

2047/Sattar-1-2020-20(1)/2019 TC-2 dated 10.11.2020 issued in relation to mutual contiguity of land plots proposed for the university;

(c) “Evaluation Committee” means the evaluation committee constituted under subsection (1) of section 5 of the Act;

(d) “Government” means the State Government of Uttar Pradesh;

(e) “Land” means the land required for the establishment of a University under section 3 of the Act;

(f) “Letter of Intent” means the letter of intent issued under sub-section (1) of section 6 of the Act;

(g) “Permanent Endowment Fund” means ‘the permanent endowment fund of Rs.

5.00 Crores’ under sub-section (a) of section 3 of the Act;

(h) “Proposal” means the proposal presented for establishment of new university under section 4 of the Act;

(i) “Urban Area” and “Rural Area” means the area as mentioned in rule 4 of these rules.

Ownership of 3 If the land proposed by the sponsoring body for the establishment of a private Land university is in rural area, it must be duly recorded in the name of the sponsoring body in the Khatauni, and if it is in urban area then it must be allotted/executed in the name of the sponsoring body by the authority/local body. Possession certificate must also be issued by the authority/local body in favour of the concerned sponsoring body. The ownership and possession of the land must be undisputed.

According to explanation in the Act, in clause (b) of section 3, the land in the name of a college or educational institution established by the sponsoring body shall also be deemed to be duly possessed by a sponsoring body for the purpose of establishing a University under this Act.

Urban Area 4 (1) (a) For the establishment of university in the urban area, holding of minimum and Rural Area 20 acres of contiguous land in the urban area as per section 3 of the act shall be mandatory. As per notification no.76/Sattar-1-2020-20(1)/2019 TC-2 dated 25.01.2020, 'Urban Area' means the area of a Municipal Corporation, a Municipal Council, a Nagar Panchayat and a Metropolitan Area notified by Urban Development Department, a Development Authority, Area Board, a Special Area Development Authority, a Viniyamit Kshetra notified by Housing and Urban planning Department or an Industrial Development Authority notified by Industrial Development Department.

(b) For the establishment of university in the rural areas, holding of minimum 50 acres of contiguous land shall be mandatory.

(2) The standards for setting up off-campus center will be as follows:-

(a) The standard of land for the college is 10 thousand square meters in rural areas and 5000 square meters in urban areas.

(b) For engineering and technical institute, the standard of land is 7.5 acres in rural areas and 2.5 acres in urban areas.

(c) The standard of 30 hectares of land has been prescribed for agricultural educational institutions in the plain areas.

(d) The standard of 10 acres of land is fixed for medical education institutions.

In relation to the standards, amendments and additions made from time to time by the concerned departments/regulatory bodies etc. will be applicable.

(3) Permission obtained by the sponsoring body from the appropriate authority of

the State Government for holding of more than 12.5 acres of land shall be

attached with the application form. If permission has not been obtained in this

regard, then details of action taken under Revenue Department's mandate

number-11/2021/928/A-1-2021-R0-1, dated October 26, 2021 will be presented.

Contiguity of 5  
plots of Land

For establishment of a private university or off-campus centre, all the the proposed land shall be contiguous/adjacent to each other;

OR

As per Notification no. 2047/Sattar-1-2020-20(1)/2019 TC-II dated

10.11.2020

for any private university if the proposed land is divided by any public road, State/National Highway, public link way, chakroad of any village, any rivulet, irrigation water channel or other public land, then the said land will be treated as contiguous shall be subject to the following conditions:-

(a) The buildings for university or off-campus centre shall be constructed ensuring that they do not cause any obstruction in the public road or public land and at the same time there shall be no violation of laws/bye-laws made by regulatory bodies of such roads which are in force for time being;

(b) The distance between two parts of the campus along the sides of public road/public land shall not be more than 500 meters and there shall not be any private land in between the two parts of the campus;

(c) In case the land is divided by a drain, sponsoring body shall construct the building and develop the campus so as to ensure that there is no obstruction to the natural flow of the drain. The sponsoring body may develop green belt or construct boundary wall on its land along both the sides of the drain (naala);

(d) The road/passage, gool, drain, etc. confined to the land of sponsoring body shall get exchanged under the procedure laid down by Department of Revenue, Government of Uttar Pradesh vide

Government order no.33/745/Ek-1-2016-20(5)/2016 dated June 03, 2016 and other directions issued in reference of the case;

Till the time the exchange of public road/public land is executed, the road, chak road, drain and other public property shall be kept open by the sponsoring body for public utilization and shall not be closed by construction of building or development of campus and the sponsoring agency shall preserve it by appropriate landscaping or green belt;

(e) The road/passage, gool, drain, etc. passing through the land of sponsoring body shall be settled under the procedure laid down by the Department of Revenue, Government of Uttar Pradesh vide Government order no.33/745/Ek-1-2016-20(5)/2016 dated June 03, 2016 and other directions issued in reference of the case.

Till the exchange of the public road/public land is executed, the road, chak road, drain and other public property shall be kept open for public utilization by the sponsoring body as mentioned in para (d) above;

(f) If the public land lying in the middle of the land of sponsoring body is non-exchangeable, i.e, it cannot be exchanged as per the existing government rules, then it shall forever be kept open for public utilization by the sponsoring body, and the sponsoring body may construct boundary wall around such land under its title. Further, the area of such public land shall not be counted towards the land for the university or off-campus centre:

Provided that the proposal for university shall be considered for grant of the Letter of Intent and subsequently when the other conditions are fulfilled by the sponsoring body, the name of the university shall be considered for inclusion in the Schedule mentioned in the Act with the condition that within two years of the date of issue of the Letter of Intent, the sponsoring body shall ensure exchange of public land and inform the Department of Revenue through Department of Higher Education. In case the exchange is not executed by sponsoring body within the prescribed time, the Department of Higher Education in consultation with the Department of Law, shall strike off the name of the university from the Schedule of the Act.

Verification of 6 The officer (not below the rank of Sub-Divisional Officer) nominated by  
the Holding of the concerned District Magistrate in the Evaluation Committee, shall  
personally give land as per his comments in the inspection report regarding ownership  
of the land, norms

continuity of the plots, details of Government land included in the proposed  
land, permission regarding the purchase of more than 12.50 acres of land by the  
appropriate authority and shall also furnish the relevant document(s).

Financial 7 (a) Financial position of the sponsoring body shall be assessed by the  
Chartered Viability Accountant on the basis of audited balance sheet, income and  
expenditure account for the last three years in regard to the total income and  
savings along with the loans taken by the sponsoring body and its usage  
and comments shall be given by him regarding financial viability for the

operation of the university or  
as the member of Evaluation  
assessment of financial strength of the

off-campus centre. Finance Officer, included  
Committee shall be responsible for the  
sponsoring body.

- (b) With regard to the financial strength of the sponsoring body, the project report will be provided with the its Chartered Accountant's report/details on the following points:-

|      |                                                                                                                                                                                              |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.   | Asset Liability Ratio For last 3 years i.e Ratio of Total Assets and Total Liabilities.                                                                                                      |
| II.  | Networth as at end of last 3 financial years i.e Total Assets minus (-) Total liabilities as at the end of three financial years and the trend of last 3 years. Networth should be Positive. |
| III. | Debt Equity ratio For last 3 Years                                                                                                                                                           |
| IV.  | Comment on Financial viability of the sponsoring body as on date, regarding establishment and operation of the private university                                                            |

- (c) With regard to the financial strength, the sponsoring body will provide with the project report, the report/details on the following points:-

|      |                                                                                                                                                                                                                                                                                    |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.   | The details regarding the sponsoring body that the total assets of the sponsoring body are more than its total liabilities, the net worth is positive, the loan is being repaid regularly and during the last three years, the Debt-Equity ratio has been continuously decreasing. |
| II.  | Details of how much expenditure will be required by the sponsoring body in the next three years and from what sources it will be met.                                                                                                                                              |
| III. | Year wise details of income-expenditure and surplus should be given – for the last three years and the next three years.                                                                                                                                                           |
| IV.  | Latest financial viability of sponsoring body for establishment and operation of private university.                                                                                                                                                                               |

- (d) The evaluation/inspection committee will examine this point in the context of the sponsoring body's Assets Liabilities ratio of the previous 03 years, and provide a clear opinion whether the sponsoring body is financially viable for the establishment and operation of the proposed private university or not. In order for the sponsoring body to be financially viable it is necessary that the total Assets should be more than the total Liabilities and its Networth must be positive, regular payment of installments should be made by the sponsoring body in relation to the loan taken from the bank or financial institutions. It will also be seen that the amount of loan sanctioned is decreasing progressively. In this regard, confirmation letter from the concerned bank will be obtained by the sponsoring body in this regard and will be presented.

regarding  
the evaluation /  
accounts of the  
points of rule 7 (b) and 7  
report and clear  
regarding financial

The comments of the Chartered Accountant of the institution  
the financial strength of the sponsoring body will be obtained by  
inspection committee and after due study of the annual  
sponsoring body for 3 years, giving information on the  
(c), the financial viability of the sponsoring body, the  
recommendation of the evaluation/inspection committee  
viability will be made available

## Application

8

process  
develop a  
manner.

The application form for University or Off-campus centre will be submitted in the form as given in Appendix-2. The government will endeavor to methodology for making applications online in a time bound

Application form with detailed project report and proposal for establishment of private university or off-campus center as well as demand draft of application fee as fixed by the State Government from time to time and payable in favour of Additional Secretary, Uttar Pradesh State Council of Higher Education, Lucknow. The application will be submitted by the sponsoring body within fifteen days from the date of online application.

The application money received along with the application form will be deposited in the bank account of Uttar Pradesh State Council of Higher Education and its full details will be recorded in a separate book. The expenditure of this amount received along with the applications will be done with the prior approval of the government.

Information 9 Sponsoring body shall apply on the format as prescribed in Appendix-2 wherein the following information shall be presented enclosing therewith the required along with the documents:-

Application  
letter

A. In case the land is situated in the rural area :-

1. Name of village/villages.....  
Tehsil.....

Number of plots included .....

2. Proposed area.....

3. The Certificate issued by the Sub Divisional Officer regarding undisputed ownership

4. The ownership of proposed plots as per certified copy of the Khatauni. 5. The status of contiguity of all proposed plots as per certificate issued by the Sub Divisional Officer.

6. The status of enclosing revenue map certified by the Sub Divisional Officer marking the proposed land

(in case of the proposed land is in more than one villages, separate maps of all villages and one joint revenue map shall be enclosed)

7. The detail of width of link road connecting the proposed site with the main road.

8. The detail of government land situated in the middle of the proposed land, shall be submitted as under:-

(1) Marked in the revenue map certified by Sub Divisional Officer, they shall be presented in green colour if they are exchangeable and in red colour if non-exchangeable.

(2) The detail of Government/public utility land shall also be presented in the following table-

| Serial no. | Plot no. | Area | Nature | Comment – Exchangeable or Non-exchangeable |
|------------|----------|------|--------|--------------------------------------------|
| 1          | 2        | 3    | 4      | 5                                          |

(3) The detail and up-to-date status of case/application letter presented by sponsoring body for exchange of Government/public utility land.

9. Detailed Project Report as per Sections 3 and 4 of the Act.

B. In case the proposed land is allotted by the Land Development Authority or Industrial Development Authority :-

In this situation, following documents shall be enclosed –

1. The date and number of notification of the concerned urban body and its copy
2. The allotment letter issued in the name of the sponsoring body
3. The sale deed/lease deed executed by the Authority
4. Possession certificate
5. The (up-to-date) No Objection Certificate of the Authority for the establishment and operation of the private university or off-campus center on the proposed land
6. Certificate for contiguity of the plots of the proposed land
7. Sanction of the Authority on the proposed building construction map. In

case the building is already constructed on the proposed land, then No Objection of the Authority for the operation of the university or off-campus center on that building.

8. Detailed Project Report as per Section 3 and 4 of the Act.

C. In case the proposed land is in the urban area but has not been allotted by any Authority :-

Certified copies of the following documents shall be enclosed:-

1. In case the proposed land is covered by the definition of urban area as given in rule 4(1)(a) and is not allotted by any Authority, then a copy of notification of concerned urban body/development authority etc. certified by its competent officer in which information regarding inclusion of the proposed land in urban area is clearly mentioned.
2. Certified copy of the order of urban body regarding ownership
3. Certificate of mutual contiguity of all plots/total area of land owned by the sponsoring body, issued by an officer not below the rank of Deputy Collector.
4. The revenue map certified by the Sub Divisional Officer/competent officer of the urban body, in which the land proposed by the sponsoring body has been marked clearly in yellow colour.
5. Building map sanctioned by development authority/urban body
6. No objection certificate of development authority/ urban body for establishment and operation of private university or off-campus center on the proposed land.

7. Detailed Project Report as per sections 3 and 4 of the Act.

Availability of 10 a. Building on the proposed land shall be constructed by the sponsoring building and body only after having the map sanctioned by the concerned metropolitan Contruction of area, municipal council, municipal corporation and Nagar Panchayat, buiding as per development authority, Housing and development council, Special area norms

development authority, regulated sector and the area of industrial development authority.

b. In case a building is already constructed on the proposed land, then no-objection shall be obtained from the concerned metropolitan area, municipal council, municipal corporation and Nagar Panchayat, development authority, Housing and development council, Special area development authority, regulated sector and the area of industrial development authority with regard to the use of the pre constructed building for operation of the private university or off-campus centre and the same shall be made available along with the application.

c. It shall also be verified by the member nominated by the District Magistrate in the Evaluation and Inspection Committee that the construction of the proposed building is not on the government land, the building is constructed on the proposed plots and no building is constructed on the plot other than the proposed land. Building construction on the plots/ allotted plots of the proposed land shall be projected/ marked on the map and shall be certified.

Regarding loan 11  
against the

proposed

furnished by the sponsoring

body on the format as given in Appendix-6, giving the undertaking that such

loan availed by the sponsoring body shall not in any way be used for the

purposes other than the establishment of the university or off-campus center, the

already constructed buildings and properties and colleges shall be part of the

proposed private university or off-campus center.

In case a loan has been taken earlier by the sponsoring body against the proposed land from a bank or financial institution, against which the land/ land land has been mortgaged, then an affidavit shall be mortgage

Besides this, 'no-objection' of the loan provider institution for the establishment of private university or Off-campus centre shall be made available by the sponsoring body with the commitment that the payment of installments of loan shall be made regularly.

After that, in future, the aforesaid land proposed for the establishment of the university or off-campus centre shall not be mortgaged by the sponsoring body to any individual other than a bank or financial institution for any purpose other than that of availing loan for the purpose of establishing the proposed university or off-campus center under the law existing at the time. The charge of the bank/loan-provider on the mortgaged property shall not be affected and this charge shall be registered in the name of newly established university or off-campus center by the concerned authority, just after getting the status of the university.

In future, loan shall be availed against this land only and the information of loan to be availed in future shall be made available to the Government in time.

A copy of the aforesaid affidavit shall be made available by the sponsoring body to the lending bank/financial institution and its information shall be submitted to the State.

It shall be declared by the sponsoring body in the affidavit that it shall be binding to implement all sections of and the conditions mentioned in the Act and on any information found to be untrue, proceedings shall be made against the said private university and sponsoring body as per law.

Inspection for 12  
constituted evaluation  
shall be presented

Under section 5 of the Act, proposal shall be evaluated by the evaluation committee and at the time of inspection, report after examining the following points:-

with  
as the loans  
operation of

1. A clear note on the financial strength of the sponsoring body respect to the total income, expenditure and savings as well and their utilization in terms of rule 7 shall be made for the the university or off-campus centre.

Based on the audited balance sheet of the sponsoring body for the last three years, a clear comment on the financial capability of the sponsoring body will be made for the running of the university.

2. The report on all important issues relating to the land including ownership of the land, contiguity of the plots, detail of government land included in the proposed land, permission of the appropriate authority in relation to purchase of more than 12.50 acres of land shall be clearly presented personally by the officer nominated by the concerned District Magistrate and all related documents shall be made available.

3. Clear report shall be submitted by the Committee as to whether sponsoring body fulfills the terms and conditions defined under the Act especially those under sections 3 of the Act or when will the same be done by the sponsoring body.

4. Signature, name and designation of every member of the Committee with date shall be marked on inspection report of the proposed university or off campus centre and also on all its annexures.

5. Clear recommendation in relation to financial strength and details regarding colleges/institutions running on the land proposed for the university or off campus centre and action plan with respect to them shall be made available by the Registrar, Finance officer and Vice-Chancellor included in the evaluation committee.

6. Report by the Evaluation Committee shall be made available on the format prescribed under Appendix – 3.

Points to 13  
urban area consider for  
notification dated

Land ownership of the proposed land, area, status of the land being in (if the proposed university is proposed in urban area under issuance of 25.01.2020), in view of the notification dated 10.11.2021, contiguity of the land, letter of intent

the status of the land being mortgage-free, the NOC of the concerned authority/local body, the permission of the competent authority regarding the holding of the land and evaluation/recommendation in relation to the financial viability of the sponsoring body, in evaluation Committee report.

Issuance of 14 For establishment of university or off-campus centre in the private sector, after  
Letter of Intent evaluation of the proposal by the Evaluation Committee, for making the

be recommendation regarding issuance of the Letter of Intent the same shall presented before the following high level Committee:-

|   |                                                                                                                       |                  |
|---|-----------------------------------------------------------------------------------------------------------------------|------------------|
| 1 | 1 Chief Secretary, State of Uttar Pradesh                                                                             | Chairman         |
| 2 | Additional Chief Secretary/ Principal Secretary, Finance and Institutional Finance Department, State of Uttar Pradesh | Member           |
| 3 | Additional Chief Secretary/Principal Secretary, Revenue Department, State of Uttar Pradesh                            | Member           |
| 4 | Principal Secretary, Law Department, State of Uttar Pradesh                                                           | Member           |
| 5 | Additional Chief Secretary/Principal Secretary, Housing and Urban Planning Department, State of Uttar Pradesh         | Member           |
| 6 | Additional Chief Secretary/ Principal Secretary, Urban Development Department, State of Uttar Pradesh                 | Member           |
| 7 | 7 Additional Chief Secretary/Principal Infrastructure and Industrial Development Department, State of Uttar Pradesh   | Member           |
| 8 | Additional Chief Secretary/ Principal Secretary, Higher Education Department, State of Uttar Pradesh                  | Member           |
| 9 | Special Secretary, Higher Education Department, State of Uttar Pradesh                                                | Member Secretary |

The department will present its opinion and recommendation on the following points before the said high level committee:-

- (1) Confirmation of the ownership of the proposed land
- (2) The condition of the land being in the urban area/rural area
- (3) Status of contiguity of land
- (4) Status of Government land in the proposed land
- (5) Status of regularization of land held more than 12.50 acres
- (6) Verification of the financial viability of the sponsoring entity
- (7) Status of connectivity of the proposed land to the main road
- (8) the condition of the land being free from mortgage
- (9) No Objection of Authority

After recommendation of the above high level Committee, approval of the Cabinet shall be obtained for issuance of Letter of Intent to the sponsoring body and thereafter Letter of Intent will be issued as per the format given under Appendix – 4.

Submission of 15 compliance shall be report presented by the sponsoring body within a period of two years from the date of issuance of letter of Intent as determined under sub-section (2) of section 6 of the Act.

Permission of 16 1 The permission of the University Grants Commission will be obtained by the University Sponsoring body on the basis of the letter of intent issued by the State Grants Government and will be presented to the State Government.

Commi  
ssion to  
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establis

hing  
Off-  
campus  
centre  
/centres  
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2 Within one month after the letter of intent under section 7(a) of the Act is issued, the sponsoring body will apply for permission to the University Grants Commission and if the decision of the University Grants Commission is not received within one year from the date of application, it will be deemed that the letter of intent The University Grants Commission has no objection in relation to this and accordingly, assuming that the permission of the University Grants Commission is there, the decision will be taken by the State Government regarding the establishment of off-campus centre.

3 According to the letter of intent, all the infrastructure facilities will be created

for the operation of the Off-campus centre and the required no-objection certificates or approvals, if any, will be obtained from the Central/State Government or Central/State regulatory bodies for conducting the courses mentioned in the permission and after providing all the details related to the state government, information about the operation of the off-campus centre will be presented to the state government.

4 After receiving the report of the sponsoring body under sub-rule (3), if the State Government is satisfied that the establishment of the Off-campus centre is justified, then it may allow to operate the off-campus centre by name and place as per the permission.

Inspection for 17 On receipt of the compliance report from the sponsoring body within the period permission of of two years, the statements and documents presented in the affidavit shall be operation verified by Government following due procedure and for the purposes of verification at site, an inspection and verification committee shall be constituted.

The composition of the Inspection and Verification Committee will be as follows:-

1. A Vice-Chancellor of a State University established under the Uttar Pradesh State Universities Act, 1973
2. An officer not below the rank of Joint Secretary, Government of Uttar Pradesh
3. An officer not below the rank of Joint Director of Finance and Accounts Services of the Government of Uttar Pradesh
4. An officer not below the rank of a Pargana Magistrate, nominated by the District Magistrate of the district concerned.
5. A Registrar of a University established under the Uttar Pradesh State Universities Act, 1973, to be nominated by the State Government.

Verification of 18  
compliance report

The Inspection and Verification Committee, while verifying the compliance as indicated in the affidavit, shall

present report on the format prescribed under report of by Appendix 7 on the following points:-

the Inspection

1. Ownership of the proposed land; and
2. Contiguity of the proposed land; Verification
3. In relation to the purchase of land more than 12.5 acres, the permission Committee granted by the competent authority or the action taken by the sponsoring body under the Revenue Department's mandate number-11/2021/928/A-1-2021-R0-1, dated October 26, 2021 ;
4. No objection of metropolitan area, municipal council, municipal corporation and Nagar Panchayat, development authority, Housing and development council, Special area development authority, regulated sector and the area of industrial development authority for establishment of proposed university or off-campus centre, in case of proposed land being situated in the urban area;

5. Status of building of proposed university or off-campus centre, proof of construction of building on the plots of the proposed land;

6. Details of no-objection of metropolitan area, municipal council, municipal corporation and Nagar Panchayat, development authority, Housing and development council, Special area development authority, regulated sector and the area of industrial development authority in relation to use of already existing pre-constructed building for the purpose of private university or off-campus centre;

7. Status of loan availed by the sponsoring body against the proposed land and comment on the sponsoring body's affidavit in this regard;

8. Financial strength of sponsoring body for operation of proposed university or off-campus centre, in this context and financial viability of the project; 9. Status of educational and other institutions existing earlier on the proposed land.

Authority letter 19  
the for operation  
sponsoring body,  
marking clear intention  
paragraph 17 and the  
the cabinet for  
Act or for the  
operation will

Cancellation 20

Intent  
shall be

If the State Government is satisfied in the event of the letter of intent and conditions mentioned in the Act being complied with by the then the department will set up a private university by and recommendation on the points mentioned in the above said Approval will be obtained by submitting a proposal to adding the name of the private university, to the schedule of the operation of the off-campus centre, and the authorization letter for be issued in the format given in Appendix-8.

In case the affidavit relating to compliance report is not submitted by the sponsoring body within two years from the date of issuance of Letter of issued under sub-section (2) of section 6 of the Act, the Letter of Intent deemed to have been cancelled.

By Order

**Monika S.  
Garg**  
Apar Mukhya  
Sachiv

