

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 10th February, 2012

No. Leg. 18/2012.— The followint Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th April, 2012, and is hereby published for general information:—

HARYANA ACT No. 16 OF 2012

**THE HARYANA PRIVATE UNIVERSITIES
(AMENDMENT) BILL, 2012**

AN

ACT

further to amend the Haryana Private Universities Act, 2006.

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows :—

1. This Act may be called the Haryana Private Universities (Amendment) Act, 2012. Short title.
2. In section 2 of the Haryana Private Universities Act, 2006 (hereinafter referred to as principal Act),— Amendment of section 2 of Haryana Act 32 of 2006.
 - (i) after clause (a), the following clauses shall be inserted, namely:—
 - “(aa) ‘Bar Council of India’ means the Bar Council of India constituted under the Advocates Act, 1961 (Central Act 25 of 1961).
 - (ab) ‘campus’ means that area of the university in which it is established;”;
 - (ii) clauses (d) and (e) shall be omitted;
 - (iii) for clause (f), the following clauses shall be substituted, namely :—
 - “(f) ‘employee’ means a person appointed by the university and includes a teacher, officer and any other staff of the university;
 - (fa) ‘existing private university’ means a university which has been established under the Haryana Private Universities

- Act, 2006 (32 of 2006) before the notification of the Haryana Private Universities (Amendment) Act, 2012;
- (fb) 'faculty' means a group of academic departments of similar disciplines:";
- (iv) for clause (j), the following clause shall be substituted, namely:—
“(j) 'hostel' means a place of residence of the students of the university:";
- (v) after clause (k), the following clause shall be inserted, namely :—
“(ka) 'Indian Nursing Council' means an autonomous body constituted under section 3 of the Indian Nursing Council Act, 1947 (48 of 1947):”;
- (vi) for clauses (m) and (n), the following clauses shall be substituted, namely :—
“(m) 'National Assessment and Accreditation Council' means National Assessment and Accreditation Council, Bangalore, an autonomous institution of the University Grants Commission;
(ma) 'National Board of Accreditation' means National Board of Accreditation, New Delhi, an autonomous body of All India Council for Technical Education;
(n) 'National Council for Teacher Education' means the National Council for Teacher Education, Delhi;”;
- (vii) clauses (o) and (p) shall be omitted;
- (viii) for clause (q), the following clause shall be substituted, namely:—
“(q) 'Pharmacy Council of India' means Pharmacy Council of India, Delhi;”;
- (ix) for clause (s), the following clause shall be substituted, namely:—
“(s) 'regulating body' means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India, Pharmacy Council of India, National Assessment and Accreditation Council, Indian Council of Agriculture Research, National Board of Accreditation, Indian Nursing Council, Council of Scientific and Industrial Research etc. and includes the Government or any such body constituted by Government of India or the Government;”;

- (x) for clause (t), the following clause shall be substituted, namely:—
“(t) ‘Rules’ means the rules made by the Government under this Act.”;
- (xi) clause (y) shall be omitted; and
- (xii) for clause (z), the following clause shall be substituted, namely:—
“(z) ‘teacher’ means a Professor, Associate Professor, Assistant Professor or any other person required to impart education or guide research or render guidance in any other form to the students for pursuing a course or programme of study of the university;”.
3. In section 3 of the principal Act,—
- (i) for clause (6), the following clause shall be substituted, namely:—
“(6) to establish a campus;”;
- (ii) clause (7) shall be omitted;
- (iii) for clause (9), the following clause shall be substituted, namely :—
“(9) to maintain the academic standard of degrees, diplomas, certificates and other academic distinctions as per bye-laws and to ensure that the same are not lower than those laid down by the regulating body;”;
and
- (iv) clauses (10), (11) and (12) shall be omitted.
4. In section 4 of the principal Act,—
- (i) in sub-section (1), for sign (.) existing at the end, the sign (:) shall be substituted;
- (ii) after sub-section (1), the following proviso shall be added, namely :
“Provided that the university excluding existing private university shall offer minimum three faculties at its commencement and shall provide instructions upto the level of Ph.D. in a period of three years in any of the three faculties in which it is imparting degree i.e. Humanities, Languages, Medicines, Commerce, Science, Engineering, Information Technology, Law, Agriculture and Allied Sciences, Management (Business, Hotel, Hospitality, Tourism etc.), Bio-Tech, Media and Mass Communication etc. with due permission from the relevant regulating bodies:
- Amendment of section 3 of Haryana Act 32 of 2006.
- Amendment of section 4 of the Haryana Act 32 of 2006.

Provided further that if a sponsoring body intends to set up Health and Medical Sciences University, it shall not be mandatory to offer minimum three faculties.”;

- (iii) in sub-section (2), clause (r) shall be omitted;
- (iv) in clause (a) of sub-section (4), the following sign and words shall be added at the end, namely:—

“, manner of generation of funds to be raised by the proposed university before its operations. The sponsoring body shall give the detailed information in this regard as per the format given in the bye-laws framed under this Act at the time of application;”and

- (v) in sub-section (6), for the words “one month” occurring twice, the words “six months” shall be substituted.

Amendment of
section 5 of
Haryana Act
32 of 2006.

5. In sub-section (1) of section 5 of the principal Act,—

- (i) for clause (vi), the following clauses shall be substituted, namely:—

“(vi) give undertaking to appoint at least one Professor, two Associate Professors and adequate number of Assistant Professors alongwith necessary supporting staff in each department or discipline to be started by the university;

(vi-a) maintain objectivity, fairness and transparency in the recruitment of teachers of the proposed university with qualification not less than those prescribed by the University Grants Commission or other regulating bodies;”;

- (ii) in clause (ix), for the sign “.” existing at the end, the sign “;” shall be substituted; and

- (iii) after clause (ix), the following clause shall be added, namely:—

“(x) provide its commitment to prevent all types of ragging in the campus in accordance with the regulations prescribed by the University Grants Commission, Government norms and statutory provisions in this regard, if any.”.

Amendment of
section 10 of
Haryana Act
32 of 2006.

6. For section 10 of the principal Act, the following section shall be substituted, namely:—

“(10) **Bar to affiliation and opening off shore campus etc.**— (1) The university shall not admit any college or institution to the privilege of affiliation.

(2) It shall not open any off campus, off shore campus, study centre and examination centre in or out of the State of Haryana and shall not offer any programme through distance education mode.”

7. For sub-sections (1) and (2) of section 11 of the principal Act, the following sub-sections shall be substituted, namely :—

Amendment of section 11 of Haryana Act 32 of 2006.

“(1) The sponsoring body shall establish an endowment fund for the university with a minimum amount of five crores rupees which shall be pledged in the form of Fixed Deposit Receipt in original in favour of the Higher Education Commissioner, Haryana, Panchkula.

Note : The provisions of sub-section (1) shall not be applicable to the existing private university.

(2) The endowment fund shall be used as a security deposit to ensure that the university complies with the provisions of this Act, Statutes, Ordinances, Rules and Bye-laws. The Government shall have the power to forfeit the whole or part of fund in case the university or the sponsoring body contravenes any of the provisions of this Act, Statutes, Ordinances, Bye-laws or Rules or use it for meeting the expenditure for academic and administrative purposes in case of dissolution in accordance with bye-laws .”.

8. In section 14 of the principal Act, after clause (4), the following clause shall be inserted, namely:—

Amendment of section 14 of Haryana Act 32 of 2006.

“(4A) the Controller of Examinations:”.

9. For sub-section (1) of section 17 of the principal Act, the following sub-section shall be substituted, namely:—

Amendment of section 17 of Haryana Act 32 of 2006.

“(1) The Vice-Chancellor shall be appointed by the Chancellor as per the qualifications prescribed by the University Grants Commission, subject to the provisions contained in sub-section (7) and shall hold office for a term of three years:

Provided that after expiry of the term of three years, the Vice-Chancellor shall be eligible for re-appointment for another term of three years:

Provided further that a Vice-Chancellor shall continue to hold the office even after the expiry of his term till new Vice-Chancellor joins. However, in any case the period shall not exceed one year.”.

Amendment of
section 18 of
Haryana Act
32 of 2006.

10. For sub-section (1) of section 18 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner, as may be specified by the Statutes. The Registrar shall possess the qualifications prescribed by the University Grants Commission.”.

Insertion of
section 18A in
Haryana Act
32 of 2006.

11. After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. Appointment and functions of the Controller of Examinations.— (1) The Controller of Examination shall be whole time salaried officer of the university and shall be appointed by the Chancellor in accordance with the Statutes.

(2) It shall be the duty of the Controller of Examinations,—

- (i) to conduct examinations in a disciplined and efficient manner;
- (ii) to arrange for the setting of papers with strict regard to secrecy;
- (iii) to arrange for the evaluation of answer-sheets in accordance with the planned time schedule for results;
- (iv) to constantly review the system of examinations in order to enhance the level of impartiality and objectivity with a view to make it better instrument for assessing the attainments of students;
- (v) to deal with any other matter connected with examinations which may, from time to time, be assigned to him by the Vice-Chancellor.”.

Amendment of
section 30 of
Haryana Act
32 of 2006.

12. In section 30 of the principal Act,—

(i) for clause (b) of sub-section (1), the following clause shall be substituted, namely :—

“(b) the terms and conditions of appointment of the Chancellor and the Vice-Chancellor and their powers and functions;”;

(ii) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) The Governing Body shall prepare First Statute of the university and submit the same to the Government for its approval within a period of one month after incorporation of the university in the Schedule of the Act.

(3) The Government shall consider the First Statute submitted by the university and if any modifications are deemed necessary, the same shall be conveyed to the university for sending the amended draft and if the amended draft is found in order, it shall give approval within a period of three months from the date of its receipt.”

13. In sub-section (3) of section 31 of the principal Act, for the words “two months”, the words “three months” shall be substituted.

Amendment of section 31 of Haryana Act 32 of 2006.

14. In sub-section (3) of section 32 of the principal Act, for the words “two months”, the words “three months” shall be substituted.

Amendment of section 32 of Haryana Act 32 of 2006.

15. In sub-section (2) of section 33 of the principal Act, for the words “two months”, the words “three months” shall be substituted.

Amendment of section 33 of Haryana Act 32 of 2006.

16. After section 34 of the principal Act, the following sections shall be inserted, namely:—

Insertion of sections 34A, 34B and 34C in Haryana Act 32 of 2006.

“34A. Authorisation to commence the course.— (1) The university intending to start a new course or programme of study, shall intimate such intention to the Government, along with an assessment report as prescribed under the bye-laws.

(2) The Government shall specify the manner in which the university shall commence enrolment of students for such course or programme of study and shall give authorization to the university to start the course or programme of study and also approve the procedure thereof.

(3) The university shall not commence first enrolment of students without specific authorization of the Government. In no case, the application for authorization be kept pending beyond 120 days, whereafter it shall be deemed to have the concurrence of the Government to start the course or programme of study.

34B. Power to cancel a course.— The Government may if it is satisfied that the university is not in a position to efficiently discharge the duties and obligations imposed, it may, after making

such inquiry, as may be specified by bye-laws, cancel the permission to continue the course or programme of study.

34C. Compulsory disclosure of information.— (1) Every university established under this Act shall publish before expiry of sixty days prior to the date of the commencement of admission to any of its courses or programme of study, a prospectus containing the following information, namely:—

- (a) each component of the fee, deposits and other charges payable by the students for pursuing a course or programme of study, and the other terms and conditions of such payment;
- (b) the percentage of tuition fee and other charges refundable to a student in case such student withdraws from university before or after completion of course or programme of study and the time within, and the manner, in which such refund shall be made;
- (c) the number of seats approved by the statutory authority in respect of each course or programme of study for the academic year for which admission is proposed to be made;
- (d) the conditions of eligibility for admission in a particular course or programme of study;
- (e) the educational qualifications specified by the university where no such qualifying standards have been specified by any regulating body;
- (f) the process of admission and selection of candidates, including all relevant information with regard to the details of test or examination for selecting such candidates for admission to each course or programme of study and the amount of fee to be paid for the admission test;
- (g) details of the teaching faculty, including therein the educational qualifications, teaching experience and indicating therein whether such member is a regular faculty member or is a visiting member;
- (h) information with regard to physical and academic infrastructure and other facilities including hostel accommodation, library and hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the university;
- (i) broad outlines of the syllabus specified by the appropriate statutory authority or by the university, as the case may be, for every course or programme of study, including the teaching hours, practical sessions and other assignments;
- (j) all relevant instructions with regard to maintenance of discipline by students within or outside the campus.

prohibition of ragging and consequences thereof for violating the provisions of any regulations in this regard made under the University Grants Commission Act, 1956 (Central Act 3 of 1956) or any other law for the time being in force.

- (k) any such other information which may be prescribed:

Provided that the university shall publish information referred to under this section on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in the different newspapers and through other media.

(2) Every university shall fix the price of each printed copy of the prospectus, not more than the reasonable cost of its publication, distribution or sale and its copy shall be sent to the Government for information.”.

17. For existing section 36 of the principal Act, the following section shall be substituted, namely:—

Amendment of
section 36 of
Haryana Act
32 of 2006.

“36. **Fee structure.**— (1) The university may, from time to time, prepare fee structure and shall send it for information to the Government, at least thirty days before the commencement of the academic session.

(2) The fee structure for the twenty-five per cent of the students who are domicile of Haryana shall be based on merit-cum-means and be as follows:—

- (i) one-fifth of the twenty-five per cent shall be granted full fee concession;
- (ii) two-fifth of the twenty-five per cent shall be granted fifty per cent fee concession;
- (iii) the balance two-fifth of the twenty-five per cent shall be granted twenty-five per cent fee concession.

(3) The university shall not charge any fee, by what ever name called, other than that prescribed as per sub-sections (1) and (2) above :

Provided that in case of the university having collaboration with reputed foreign or international universities or other institutions of other similar nature, the Government, may, approve different percentage of students eligible for hundred per cent, fifty percent or twenty-five per cent fee concession.”.

18. For section 40 of the principal Act, the following section shall be substituted, namely:—

Amendment of
section 40 of
Haryana Act
32 of 2006.

“40. The university shall obtain accreditation from the National Assessment and Accreditation Council, Bangalore or National Board of Accreditation within five years of its establishment and inform the Government and such other regulatory bodies which are

connected with the courses taken up by the university about the grade provided by the said accrediting bodies to the university. The university shall get renewed such accreditation at an interval of every five years thereafter or as per norms of the concerned accrediting bodies.”.

Amendment of
section 44 of
Haryana Act
32 of 2006.

19. For section 44 of the principal Act, the following section shall be substituted, namely :—

“44. Powers of Government to inspect university and academic and administrative audit.— (1) The Government may cause an assessment to be made, in such manner, as may be prescribed, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the university.

(2) The Government for ascertaining and ensuring quality at different levels of higher education in a university and for its continued sustenance shall conduct annual academic and administrative audit through Higher Education Department, Haryana or any other body or persons authorized by it, which shall scrutinize whether the university is complying with and functioning in accordance with the provisions of this Act, Statutes, Ordinances, Rules, bye-laws, instructions and the conditions of the Letter of Intent.

(3) Such persons or body shall give their report within three months to the Government with specific recommendations and deficiencies, if found. The Government shall consider the report and issue a show cause notice of thirty days to the Chancellor as to why action should not be initiated against the university for the deficiencies noticed.

(4) After considering the reply to the show cause notice, the Government shall have the power to impose penalty under the Act.”.

Insertion of
section 44A in
Haryana Act
32 of 2006.

20. After section 44 of the principal Act, the following section shall be inserted, namely:—

“44A. Penalties.— The following penalties may be imposed upon the university for maladministration, misinformation and for not maintaining standards, namely:—

- (i) stopping of admissions in one or more faculties;
- (ii) financial penalty of a minimum of ten lakhs and maximum of one crore;
- (iii) dissolution of the university in a phased manner:

Provided that no such penalty shall be imposed unless the university has been given a show cause notice.”.

Amendment of
section 46 of
Haryana Act
32 of 2006.

21. In section 46 of the principal Act,—

- (i) after sub-section (7) the following sub-section shall be inserted, namely:—

“(7A) The administrator shall meet day to day expenses from the income/assets of the university. If the same are not sufficient, then the administrator with the prior approval of the Government shall have the powers to dispose of the properties and assets of the university.”;

- (ii) for sub-section (9), the following sub-section shall be substituted, namely :—

“(9) On receipt of the report under sub-section (8), the Government shall make an amendment in the Schedule under section 6 by omitting concerned university therefrom and from the date of such amendment, all the assets and liabilities of the university shall vest in the sponsoring body:

Provided that the degrees, diplomas or awards granted under sub-section (8) shall not be invalid merely on the ground that the university has been dissolved.”.

22. After section 47 of the principal Act, the following section shall be inserted, namely :—

“47A. Power to make bye-laws.-The Government may, by notification in the Official Gazette, make bye-laws for carrying out the purposes of this Act.”.

Insertion of section 47A in Haryana Act 32 of 2006.

23. In the Schedule to the principal Act, after serial number 6 and entries thereagainst, the following serial numbers and entries thereagainst shall be added, namely :—

Amendment of Schedule in Haryana Act 32 of 2006.

“7.	Baba Mast Nath University	District Rohtak
8.	M.V.N. University	District Palwal
9.	Ansal University	District Gurgaon”.

MANJEET SINGH,
Secretary to Government, Haryana,
law and Legislative Department.