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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).20/2012/50. – The Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019 (Act No. 13 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 13 OF 2019

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

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**THE MEGHALAYA PRIVATE UNIVERSITIES (REGULATION OF ESTABLISHMENT
AND MAINTENANCE OF STANDARDS) ACT, 2019**

An

Act

to provide for regulation of Private Universities in the State and for matters connected therewith.

Whereas the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2012 (Act No.8 of 2012), though in place, requires to be repealed and a new law be put in place for regulating the Private Universities and to ensure conformity with the observations of the Supreme Court in Prof. Yashpal versus State of Chhattisgarh and others.

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows: -

**Short title,
Application and
Commencement.**

1. (1) This Act may be called the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019.
- (2) It shall apply to -
 - (a) all Private Universities established by or incorporated under a State Act passed by any State Legislature or Union Territory in India;
 - (b) operating in Meghalaya including those set up in collaboration with Foreign University/Universities;
 - (c) offering courses in the formal or non-formal; and
 - (d) in the distance education mode.
- (3) It shall come into force with effect from the date of notification.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) "Act" means the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2019;
 - (b) "application fee" means amount, referred to in sub-section (4) of Section 3, deposited by the sponsoring body along with the proposal and project report to establish a university in private sector;
 - (c) "off-campus center" means a center of the private university established by it outside the main campus (within or outside the state) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
 - (d) "off-shore campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "Private university" means university duly established through a State Act by a sponsoring body viz. a Society registered under the Meghalaya Registration of Societies Act, 1983 or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956;
 - (g) "State Government" means the State Government of Meghalaya;
 - (h) "study center" means a center established and maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education; and
 - (i) "Student" means a person duly admitted and pursuing a programme of study.

**Application for
Establishment of
Private Universities.**

3. (1) An application in the prescribed format along with the letter of intent for establishment of a private university shall be submitted to the Government in the Education Department well in time before the date on which the sponsoring body proposes to establish such private university.
- (2) The application shall be duly acknowledged by the Director of Higher and Technical Education, Meghalaya.
- (3) The application shall be signed by such persons authorized to authenticate instruments on behalf of the sponsoring body.
- (4) An application fee (non-refundable) of rupees ten thousand only shall be enclosed with the application through a crossed account payee bank draft in favour of the Government of Meghalaya through the Director of Higher and Technical Education, Meghalaya, payable at Shillong. The money received on account of application fee shall be deposited by the Director of Higher and Technical Education in current account in a nationalized bank to be operated jointly by the Director of Higher and Technical Education and the Finance and Accounts officer of the Directorate.
- (5) Application for the establishment of the private university shall contain the project report with all relevant particulars and report including soft copies in a format to be, prescribed by the Department at the appropriate time.
- (6) On receipt of such application, Government shall cause necessary inquiry into the (a) Financial Capacity (b) antecedent (c) record, (d) reputation, (e) credentials and (f) experience of the proposed sponsor as an education service provider especially in the field of higher education so as to ensure that only capable and competent sponsors are allowed to operate in the State.
- (7) The Government has the right to reject an application for reasons as it deems justifiable. The sponsoring body may, however, apply afresh for a new or a modified project along with application fee, not later than 6 months from the date of rejection of previous proposal.
- (8) The State Government reserves the right to allow or disallow any proposal for change of sponsorship of Private Universities keeping in view (i) the effect of the proposed change on the academic and employment prospects of the students of the University, (ii) the advantages and disadvantages of dissolution of the University as compared to change of sponsorship, (iii) the possible reflection of dissolution or change of sponsorship on the image and reputation of the State in the field of education and (iv) possible disruption of programmes of studies and inconvenience to the students.

**Establishment and
Representation in
Private Universities.**

4. (1) Each private university shall be established by a separate State Act and shall conform to the relevant provisions of such State Act.
- (2) For a Private University established by a State Act and which is non-functional within 2 (two) years of establishment, any land allotted, whether privately owned or on lease or otherwise, will revert back to the owners(s)/lessee(s) on terms and conditions agreed upon.
- (3) A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services with no power of affiliation.
- (4) The Board of Governors of each Private University shall include two representatives of the State Government, one of whom should be an educationist of repute.

- (5) The Board of Management of each Private University shall include one representative to be nominated by the State Government.
- (6) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.
- (7) All degrees awarded by the Private University shall only be issued from its main campus.
- (8) The teachers of Private Universities shall be designated as Assistant Professor, Associate Professor and Professor in accordance with the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for The Maintenance of Standards in Higher Education, 2010.
- (9) The Private Universities shall adhere to UGC Regulations in matters relating to pay and allowances.
- Programmes and Degrees.** 5. A private university established under a State Act shall operate ordinarily within the boundary of the State concerned, subject to the following conditions, namely:-
- (a) a private university shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability as laid down from time to time by the UGC and other concerned statutory bodies to which it applies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India(DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc;
- (b) the courses of studies prescribed for a first degree and/or the postgraduate degree/diploma programmes should have been formally approved by the respective academic bodies of the private university, such as Board of Studies, Academic Council or Governing Council or Executive Council;
- (c) the programme of study leading to a degree and/or a post graduate degree or diploma offered by a Private University shall conform to the relevant regulations or norms of the concerned Statutory Body as amended from time to time;
- (d) a Private University shall provide all the relevant information relating to the first degree or diploma programme(s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students to the Education Department, Government of Meghalaya on a Proforma prescribed by the UGC prior to starting of these programmes which the Government shall give due publicity by uploading the same on the Education Department Website, inviting representations and grievances, if any, from all concerned;
- (e) the Education Department, Government of Meghalaya on detailed examination of the information made available as well as representation and grievances, if any, received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various regulations and directions of the UGC and other Statutory Councils shall inform the concerned University about any such shortcomings in respect of conformity to relevant regulations for rectification. The University shall offer the programme(s) only after such rectification;

- (f) the admission procedure and fixation of fees shall be in accordance with the norms or guidelines prescribed by the State Government and other concerned Statutory bodies; and
- (g) relaxation of fees for poor SC/ST and meritorious students of the State is to be formulated by a separate policy of the private university in consultation with Government of Meghalaya.
- Acceptance and Rejection.**
6. (1) In case of acceptance or rejection of the application for establishment of a private university, the Government shall communicate the same formally.
- (2) In case of acceptance, the Government may take necessary steps to frame appropriate University Bill to be passed by the Meghalaya State Legislature.
- (3) When the formalities as per the relevant Act have been complied with, the sponsor shall procure land and have proper infrastructure including teaching staff as per the norms of the UGC or any other authority as the case may be without which they shall not start the University except with the specific permission given by the State Government.
- Endowment Fund.**
7. (1) The Endowment Fund in respect of each Private University in the form of an account payee cheque issued by a Scheduled Bank in favour of Director of Higher and Technical Education, Meghalaya shall be deposited by the concerned University with Director of Higher and Technical Education, Meghalaya.
- (2) The Directorate of Higher and Technical Education shall deposit the Endowment Fund received from the concern Private University in a scheduled Bank in a Fixed Deposit without delay and in any case not later than two working days after the receipt of the account payee cheque in his favour by the University.
- (3) Not exceeding 75% of the interest accruing from the Endowment Fund in the fixed deposit shall be used for the purpose of development work of the University, not less than 20% of such interest shall be reinvested in the Endowment Fund and 5% thereof shall be utilized by State Government for funding the Private Universities Regulatory Board set up as envisaged at Section 11 herein below.
- (4) In case the Private University or the sponsoring body contravenes any of the provisions of this Act, regulations or rules made there under, a part or the whole of endowment fund may be forfeited by the Government. However, before such forfeiture, the Government shall serve a show cause notice on the university or its sponsor and give them an opportunity to be heard.
- (5) The Government shall, among other things, duly consider the reply submitted by the sponsoring body or private university.
- (6) In case the reply to show cause notice issued under sub-section (4) is not submitted by the sponsoring body or by the Registrar of the university within 45 days of receipt of the notice, the Government may decide the case on an ex-parte basis.
- (7) The forfeited amount of endowment fund shall be used in the manner as specified in the relevant provisions of the governing Act.
- Inspection and Disclosure of Information.**
8. The State Government shall have the right to cause inspection of all records and premises of the university at any given time. In the event of the university violating conditions set forth in the relevant Act or in the event of the university deviating from norms and extant regulations laid down by the UGC, the State Government may call for all relevant information from the concerned private university in whatsoever form as may be prescribed at the relevant time.

Consequences of Violations.

9. (1) After inspection and assessment of a Private University providing first degree and/or post graduate degree / diploma courses, the Education Department, Government of Meghalaya may communicate to the private university any deficiency and non-conformity with the relevant Government regulations and give it reasonable opportunity to rectify the same. If the State Government, is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, it may pass an order prohibiting the private university from offering any course for the award of the first degree and, or the post-graduate degree or diploma, as the case may be, till the deficiency is rectified.
- (2) Any private university, which has been notified before commencement of this Act, shall comply with the provisions of this Act within a period of three months from the commencement of this Act and intimate the compliance to the State Government.
- (3) The State Government may take necessary action against a Private University awarding a first degree and or post graduate degree or Diploma which are not specified by the UGC or any other concerned Statutory Council.
- (4) No private university established by an Act of a State Legislature other than the Meghalaya State Legislature shall be allowed to open any off-campus centre, study centre, Regional centre and other similar centres by whatever name called in the State of Meghalaya without the prior approval of the State Government of Meghalaya to whom they may apply for such permission on payment of a prescribed fee of Rupees ten thousand only:
Provided that any such University already having an off-campus centre etc., in Meghalaya prior to the coming into force of this Act, shall immediately apply to the State Government for *expost facto* permission.
- (5) The State Government shall not grant permission to any such Private University to set up any such centre as specified at sub-section (4) of Section 9 above unless , -
- (a) the concerned University has been in existence for not less than a period of five years;
- (b) it has developed its main campus; and
- (c) it has obtained UGC's prior: approval to set up such centre in the State of Meghalaya.
- The State Government reserves the right to reject any such application keeping in mind the academic welfare of the students of the State.
- (6) The State Government may take appropriate action against an off-campus centre, study centre, regional centre, and other similar centres by whatever name called of any private university set up on the strength of an Act passed by State Legislature other than the State Legislature of Meghalaya, if such centre is found not to have fulfilled the conditions prescribed in this Act including direction for the closure of such centre.
- (7) The State Government on the recommendation of the Regulatory Board specified under sub-section (1) of Section 11, impose penalties on any private university which awards any degree that does not conform to extant government regulations:
Provided no such penalty shall be imposed unless such private university is given a reasonable opportunity of being heard.

- Constitution of Meghalaya Higher Education Council.** 10. There shall be a Higher Education Council to be called the Meghalaya Higher Education Council for the purpose of assisting the Government on the matters of policy relating to development of higher education and maintaining of standards in higher education in the State of Meghalaya enacted under the Meghalaya Higher Education Council Act, 2018 (Act No. 3 of 2018).
- Constitution of Regulatory Board.** 11. The State Government shall constitute a Regulatory Board consisting of Chairman and three members to be nominated by the State Government from eminent educationists of repute or eminent persons with the vast administrative experience to be specified under the rules. The terms of reference of the Board shall be as follows:-
- (a) to periodically inspect all Private Universities which have been set up in Meghalaya including study centre etc.;
 - (b) to requisition any specific information from the institutions indicated at (a) above;
 - (c) to call for reports from Directorate of Higher and Technical Education or directly from the Registrar of the concerned University which may be of academic nature and otherwise;
 - (d) to ensure that quality education is imparted by these institutions as per the guidelines of the UGC or any Statutory Body/Regulatory Body under the control of Government;
 - (e) the Regulatory Board shall have a permanent office with adequate staff with Headquarters at Shillong;
 - (f) the members shall be entitled to such Honorarium, travelling allowances and daily allowances as shall be prescribed separately;
 - (g) the Regulatory Board shall submit Annual Reports in respect of the Private Universities including those Universities having off campus centre/study centre/regional centre etc. functioning in the State. Such reports shall make specific recommendations for action/s to be taken by the Government including imposition of penalty as provided for any violation of relevant provisions laid down by Government; and
 - (h) the Board shall bring any important development in respect of any Private University as it arises, to the notice of the Government.
- Power to make Rules.** 12. The State Government may make rules for carrying out the purposes of this Act.
- Repeal and savings.** 13. (1) The Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 (Act No. 8 of 2012) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the repealed Act shall be deemed to have been done or taken under the provisions of this Act.

D. LYNGDOH,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.