# Regulatory Structure of Higher Education in India

**Centre for Civil Society**

**Submitted to International Growth Centre**

Table of Contents

# EXECUTIVE SUMMARY

## INTRODUCTION

This report analyses the current regulatory framework of higher education in India and highlights areas that require important policy reforms in order to encourage greater private participation. This participation would eventually lead to a more competitive environment in the higher education sector and foster growth, which is needed to achieve the target of 10% increase in Gross Enrolment Ratio (GER) set by the 12$^{th}$ Five Year Plan (FYP).

India has one of the largest higher education systems in the world, primarily dominated by private players who account for 60% of the total institutes and 64% of total enrolment of students. The higher education sector in India has a three-tier structure comprising the university, college and course. This forms a vital link with the regulatory structure, and with accreditation agencies playing the key role in maintaining quality and standards in this sector.

In addition to some new insights, this report validates the oft-repeated complaints against regulations that govern higher education research in India – that it is opaque, mired in complexity and tough to navigate. A number of recent studies have covered the broad contours of what needs to change, including the 2013 report 'Higher Education in India: Vision 2030' by FICCI and E&Y, and the 2006 study by Pawan Agarwal 'Higher Education in India: the need for change', conducted under the aegis of ICRIER. This report builds on the existing research and focuses on the following two areas:

1. The higher education landscape, in terms of the linkages and broad rules governing the three-tier structure of universities, colleges and courses
2. Specifics of reforms needed in the legislations studied for various kinds of private institutions in this sector. The comparative matrix should serve as a ready-resource on how three states, and the different university/college routes fare on entry, operations and exit barriers for private players.

## HIGHER EDUCATION LANDSCAPE

The regulatory framework of this sector in India is multi-layered. At the last chain of delivery – the classroom, three sets of regulations operate – University, College, and Council (as per the course). There are significant entry, operation, and exit barriers at each level, and studying the regulatory environment at each of these levels will provide the complete picture.

**Universities awarding their own degrees are classified into five types** based on their management – Central University, State University, Private University, Institutions-deemed-to-be-a-University and Institute of National Importance. Colleges award degrees in the name of the university to which they are affiliated. In addition, 15 professional councils (like MCI and AICTE) regulate the courses run by the colleges and universities. The University Grants Commission (UGC) acts as the over-arching regulatory body.

There are three routes for private players to **set up an institute of higher education in India**:

1. A private university in a state through the legislative route: Only 20 states have passed the required legislation facilitating the setup of a **private university**, with some states like Haryana having an umbrella Act for all private universities and others like Uttar Pradesh requiring a separate Act for each university. In addition, there are some states like Rajasthan that have both – an umbrella Act as well as a separate Act for each university.
2. A private institute granted the status of deemed-to-be-a-university by the Central Government on the recommendation of the UGC: There are two types of institutions which are granted the status of **deemed-to-be-universities** – the **general** category institutions and ***de-novo*** category institutions. General route applies to institutions with 15 years of standing and evidence of excellent academics and research. The *De-novo* route is adopted by new institutions that are subjected to comply with more stringent entry barriers in terms of infrastructural and academic requirements, while enjoying more operational and academic freedom than private universities.
3. A private college affiliated to a Government University: **Private colleges** affiliated to a government university enjoy the least freedom in terms of administration and academics. Each university has its own set of distinct rules for granting affiliation, though the process of doing so is fairly similar among all universities. Private colleges cannot start admission without first seeking affiliation.

Different **regulatory bodies** such as Medical Council of India (MCI), All India Council for Technical Education (AICTE) and the Bar Council India (BCI), among others, **manage** different professional courses. There are two **accrediting institutions**– namely National Board of Accreditation (NBA) established by AICTE and National Assessment and Accreditation Council (NAAC) established by UGC. UGC Regulations, 2012 mandate that all higher educational institutions be accredited by an accreditation agency.

## REGULATORY CHALLENGES

The **regulatory challenges** identified in this sector are:

1. Overlapping regulations at different layers – for opening a university/college; offering a course; getting accredited – which add to the time and cost of entering and operating in this sector;
2. High capital requirement to meet land norms, endowment fund and other such requirements. This is further aggravated by restrictions on the source of funding – only a Society or Trust or Section 25 company can be a sponsoring body, i.e., for-profit organisations cannot finance such ventures;
3. Outdated but rigid requirements with respect to faculty qualification/library norms/channel of delivery which serve little purpose while adding significantly to costs;

4. Lack of clear and easily accessible documentation of the requirements for a private institution to be setup – thereby allowing for high rent-seeking opportunities;
5. The accreditation limited to only two agencies, which do not have the capacity to process applications thereby resulting in large backlogs in accreditation;
6. Finally, neither of the agencies has recognised the need to move to outcome-based recognition norms and instead saddle applicants with input-heavy-norms.

Our study of the requirements for setting up a private university in three states (Rajasthan, Haryana & UP for setting up a deemed-to-be-university under UGC; and for opening three colleges within a state (Madhya Pradesh) (as summarised in the comparison matrix)clearly shows that these challenges are pervasive across India.

The review of international practices provides evidence to support the view that many of our input-centric norms only add to costs without contributing to the quality of outcomes of the higher education system. With far tougher requirements and norms than any of the countries studied, India still fails to figure in the Top 100 University rankings on most lists.

## RECOMMENDATIONS

There are many **options to solve the challenges** listed above, including:

1. Limiting entry norms to verification of the financial strength of the applicant rather than mandate land, facility or endowment fund requirements which contribute little to the outcomes of the institutions, as is the case in all three countries studied (USA, Australia and Malaysia);
2. Approving entry of for-profit institutions to substantially widen the pool of entrants into this critical sector which is currently restricted to non-profits; giving "infrastructure" status to attract investments; and permitting conversion of existing trusts and societies to Section 25 companies;
3. Allowing flexibility in meeting the norms, for example, students in the United States are allowed to access an external library that has an official arrangement with the college rather than require each institution to setup its own library;
4. Consolidating the regulatory structure of this sector by eliminating the over-lapping regulations that are currently defined at the university, college, course and accreditation levels.

Admittedly this sector has seen many reforms in the last two decades, but they have been unable to effectively address the regulatory problems that have crippled it. India achieved a GER of 17.8% from 12.3% during the 11$^{th}$ FYP, which could not have been possible without the private sector's aid. The 12$^{th}$ FYP aims to increase the GER further by at least 10%. This can only be attained by reforming the higher education sector in such a way that it clears the path for more private participation.

## NEED FOR THIS STUDY

Recent research has drawn attention to the huge demand for higher education that will be seen in the next decade in India if the GER target of at least 23% is to be achieved (UGC, 2011). This underscores the need for capacity building and quality improvement, private participation, forging a closer link between academia and industry, and investing in research. However, the regulatory constraints to enter and operate in this sector have not been studied in detail so far. This paper attempts to study the different routes of setting up a privately managed institution for higher education in India, and the barriers faced in doing so.

Higher educational institutions in India include universities, colleges, and other institutions. The universities award their own degrees, and colleges award degrees through the universities to which they are affiliated. Universities may affiliate other colleges or operate unitarily. In case of unitary universities, a school or a department will offer a certain course, whereas for affiliating universities, it is the college that offers the courses. The courses run at the college or university level are regulated by professional councils such as All India Council for Technical Education (AICTE), Medical Council of India (MCI) et cetera. The instruction delivered at the classroom level is affected by rules and regulations at the university, college, and course level.

These – the university, college and course – therefore form the key links in the higher education sector overall. There are significant entry, operation and exit barriers at each level and studying the regulatory environment at each level will provide a comprehensive view of the higher education landscape.

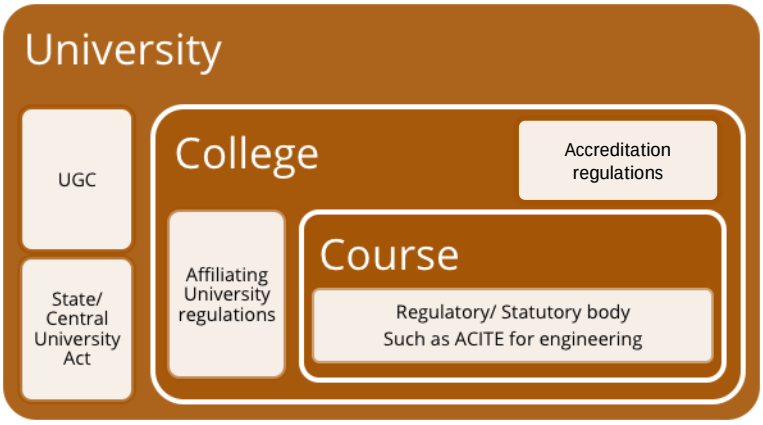



**Figure 1.1:** Supply chain of higher education

## SCOPE

- **UNIVERSITIES:** For the private sector to establish a university, private and deemed-to-be-universities are the available routes.

  Private Universities: Private universities until now have been established only under the State mechanism. Therefore, there is only a state component with a weak central component of UGC, which is constant for all private universities. For comparison, three different states (Rajasthan, Haryana, and Uttar Pradesh) were studied to compare entry, operation, and exit barriers. Both Rajasthan and Haryana have an umbrella Act for establishing private universities. In addition to an umbrella Act, Rajasthan also has individual acts for each private university that is established. Rajasthan has the maximum number of private universities. Haryana has been in news for the Rajiv Gandhi Education City project and also has an umbrella Act making it easier to compare with Rajasthan. Uttar Pradesh on the other hand does not have an umbrella Act but has separate Acts for each of the private universities, making it interesting to note the similarities and dissimilarities of legislative regulations among the three states. Choosing among individual universities, Amity University was a natural choice since it is one of the biggest and most diverse universities in Uttar Pradesh. Hence, Amity University Act, 2005 was studied.

  Deemed-to-be-Universities: Deemed universities are governed only by UGC regulations. Hence institutions are granted the status of deemed-to-be-a-university by the Central Government on the recommendation of the UGC. Therefore, there is only a central component and no state component to the regulatory structure and only one set of rules defined by UGC for such institutions exist.

- **PRIVATE COLLEGES:** Private colleges have to affiliate themselves to a government university. Private colleges have little entry and operational autonomy. They are mostly governed by regulations of the affiliating university. For comparison, three government universities that have the power to affiliate colleges were studied in the state of Madhya Pradesh. Differences in the three states yielded the inter-university differences within the same state.

- **COURSES AND PROFESSIONAL COUNCIL:** There are 15 professional councils, which regulate the delivery of certain courses. For example, AICTE regulates engineering, architecture, hotel management, pharmaceutical education, and many more. In our study, computer science engineering was chosen as the common denominator for the course-level study of entry, operation, and exit barriers. Since AICTE is the regulatory body governing this course, hence AICTE was chosen for a detailed study.

- **ACCREDITATION:** Two major accrediting bodies for technical education are National Board of Accreditation (NBA) and National Assessment and Accreditation Council (NAAC) in addition to several private accreditation bodies. Therefore, a study of the system of accreditation of colleges and courses was undertaken and the above-mentioned bodies were studied for the purpose.

- **INTERNATIONAL CASE STUDIES:** India is placed 48$^{th}$in the U21 Ranking of National Higher Education Systems 2012, which ranks the national higher education system of 48 countries. This is a matter of concern as it reflects India's need to learn from other countries. Three countries are chosen for such a study – USA, Australia and Malaysia.

- **CASE STUDY ON SETTING UP A LAW COLLEGE:** The final section of the report provides a case study explaining the process of setting up a law college in India. This section reflects that the challenges in the regulatory framework of the higher education sector are not confined only to engineering courses. Hence a discipline such as law was chosen as an example for such a study.

## METHODOLOGY

For all areas, the research methodology included a secondary research of regulations and primary research in the form of stakeholder interviews. For the secondary research, Acts, Rules, Ordinances, and other pieces of legislations and delegated legislations were studied to highlight the entry, operation, and exit barriers that exist in the higher education sector.

The key findings from secondary research were corroborated through primary research involving stakeholder consultation from the officials at the universities, colleges, and government. Based on these findings, commentary or recommendations were made to facilitate reforms in this sector.

## PRIVATE PARTICIPATION

Higher Education in India is defined as education obtained after completing 12 years of schooling or equivalent and is of the duration of at least nine months (full time); or after completing ten years of schooling and is of the duration of at least three years. The nature of education can be General, Vocational, Professional or Technical (MHRD, 2008 – 2009).

India has one of the largest higher education systems in the world, and in terms of number of students enrolled, is the second highest after China. There are two types of institutions in India: degree granting and non-degree granting institutions. The number of degree granting institutions has grown from 103 in 1970-71, to 692 in 2013-14. Table 2.1gives the types of degree awarding institutions in India.

**Table 2.1:** Types of University by Ownership

| Types of Degree Granting Institutions | |
|---|---|
| Deemed-to-be- University | 117 |
| Private University | 170 |
| State University | 311 |
| Central University | 43 |
| Institute of National Importance | 52 |
| **Total** | **692** |

Source: UGC website; last accessed on 26 February 2014

The number of non-degree granting institutions (colleges) has witnessed a Compound Annual Growth Rate (CAGR) of 5.6% between1970-71 to 2011-12. Table 2.2gives the types of colleges in India.

**Table 2.2**: Types of colleges by ownership

| Types of Colleges in India | |
|---|---|
| Private Colleges | 19630 |
| State Colleges | 13024 |
| Central Colleges | 669 |
| **Total** | **33023** |

Source: Compiled from data obtained from the Higher Education in India: 12th FYP 2012-2017 and beyond (FICCI Higher Education Summit 2012)

Private institutions account for almost two-thirds of the total higher education institutes in India. They also account for the majority of student enrolment. Moreover, the 11th Five Year Plan (FYP) period witnessed an increase in GER from 15% to 17.9% (FICCI Higher Education Summit 2012). Though, over the past couple of decades, the government has set up many new central level institutions, the share of

private sector in achieving this level of GER cannot be neglected. The share of private players in this sector has seen consistent growth since 2001(Figures 2.2 and 2.3).

**Figure 2.1:** Enrolment of Students in Higher Education Institutes Classified by Ownership of the Institution (2012)*

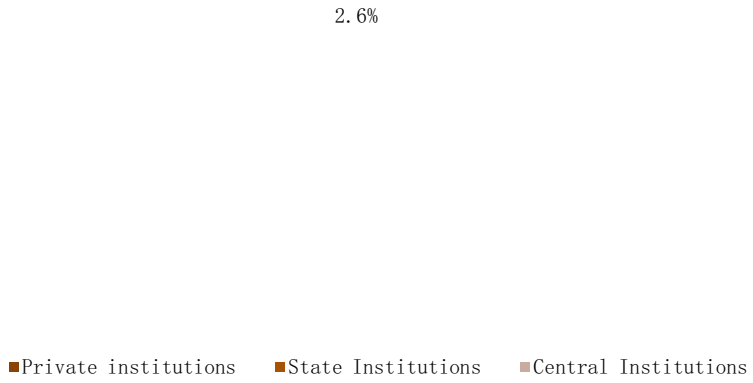



**Figure 2.2**: Share of Unaided Private Institutions as a Percentage of Total Institutions*

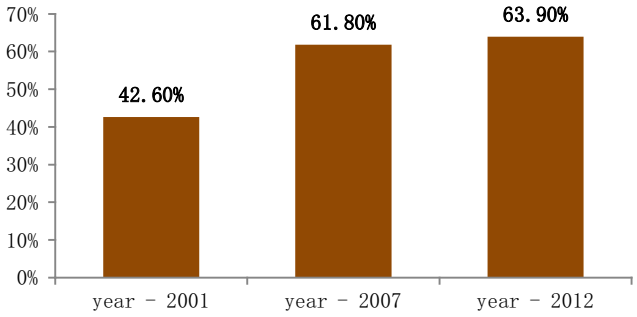
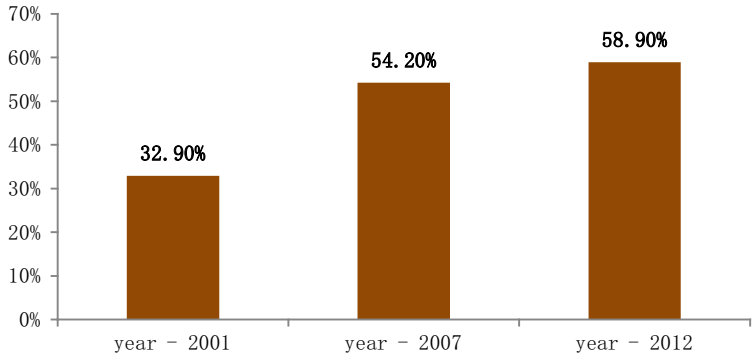



**Figure 2.3**: Enrolment in Unaided Private Higher Education Institutions as a Percentage of Total Enrolment*




*Source: Higher Education in India: 12th FYP 2012-2017 and beyond, FICCI Higher Education Summit 2012

Private share in total enrolment of students and number of institutions have increased to almost three-fifths, or 60% of the total share.

The higher education sector has been an important part of the 11thFYP, in which the planned expenditure was pegged to at INR 849.43 billion ($13.85 billion) and the 12th FYP has allotted a budget of INR 1847.40 billion ($ 30.11 billion). The government increased the budget by more than 117% (UGC, 2011).This shows the commitment of the government to increase the GER. According to the 12thFYP, the GER is targeted to increase by 10% (UGC, 2011).

The private sector has shown greater growth – both in the number of institutions (Figure 2.4) as well as in the enrolment of students, as compared to the government institutions (Figure 2.5).

**Figure 2.4:** Growth of Higher Education Institutions by Management*

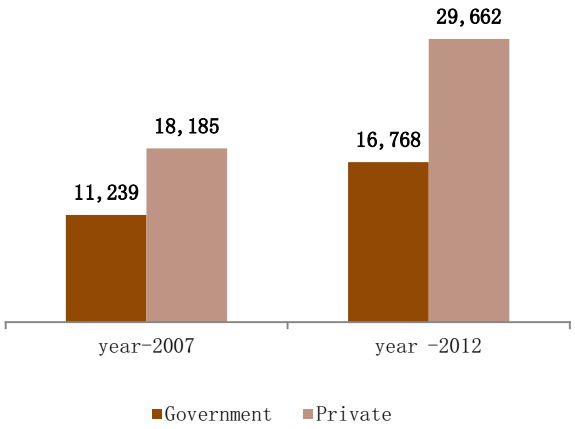
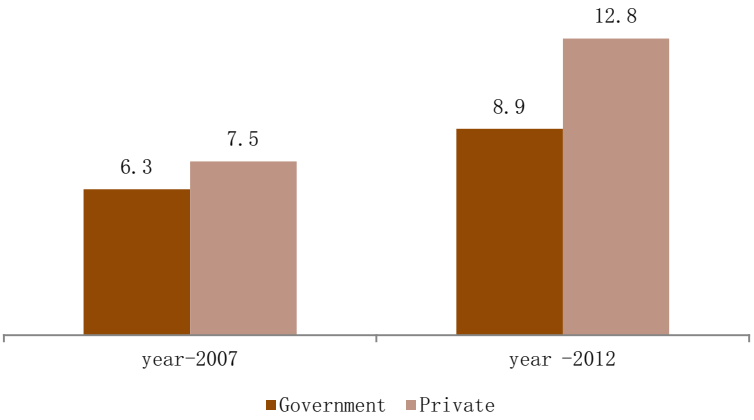



**Figure 2.5**: Growth in Enrolment in Higher Education Institutions(in millions) *

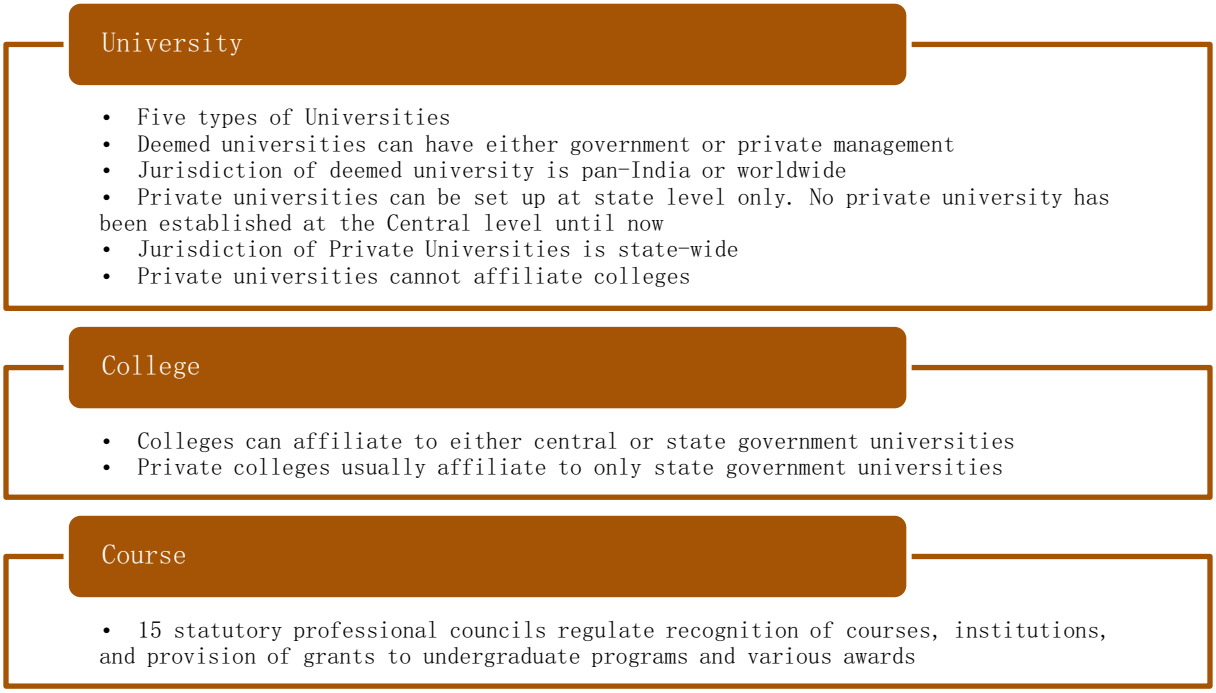



*Source: Higher Education in India: 12th FYP 2012-2017 and beyond, FICCI Higher Education Summit 2012

## MULTI-LAYERED REGULATORY STRUCTURE

The regulatory framework of this sector is multi-layered. At the last chain of delivery – the classroom, three sets of regulations operate – University, College, and Council (as per the course).

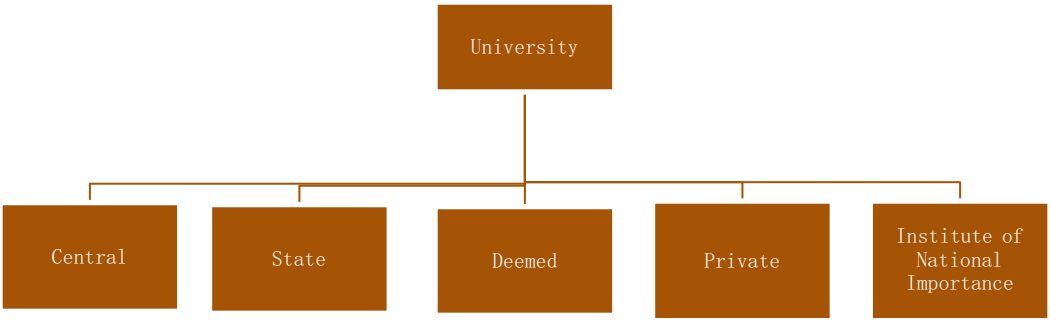
**Figure 2.6:** Supply Chain of Higher Education




## UNIVERSITIES

There are five types of universities (degree granting institutions) in India as shown in the Figure 2.7. Figures 2.8 and 2.9 show the types of universities and colleges by management.

**Figure 2.7:** Types of universities



### *Central University*

Central universities are established through an Act in Parliament and are funded by the Union Government. Older universities have been established through individual acts such as Delhi University Act. In 2009, the Central Government established a number of universities together through the Central Universities Act.

### *State University*

State universities are established through an Act in the State Legislature and receive funding from the respective State Government, and sometimes from the Central Government, usually via UGC.

### *Deemed-to-be-a- University*

UGC accords a deemed-to-be-a-university status to an institution. Upon receiving an application, the UGC committee forwards its recommendation to the Department of Higher Education, MHRD, which declares a university as deemed-to-be-a-university. Both government and private universities can be deemed universities. Gokhale Institute of Politics and Economics and Symbiosis International University are examples of government and private deemed universities, respectively.

Deemed university status allows greater autonomy in operations, syllabus, admission, and fees, than allowed by the above types of universities. Deemed universities are also eligible for funding from the UGC. Jurisdiction of deemed universities is pan-India and worldwide. For example, Birla Institute of Technology and Science, Pilani has an offshore campus in Dubai.

Since 2009, no university has been granted deemed university status. Furthermore, the Government of India announced that it is withdrawing deemed university status from 44 institutes in February 2010. The matter is *sub judice*.

### *Private University*

Private universities are established through an Act in State Legislatures. Until now, no private university has been established at the Centre through an Act in Parliament. The Private Universities (Establishment and Regulation) Bill was introduced in Parliament in 1995 to regulate the entry and operation of private universities, but it received strong opposition. Some states had contended that the bill was unconstitutional and challenged its constitutionality since Entry 32 of the State List confers the power to incorporate and regulate universities to the states. Subsequently, the bill was withdrawn by the Central Government in 2007.

Private universities also have to obtain recognition from the UGC. They do not have the power to affiliate colleges that are run by a different trust.

### *Institute of National Importance*

Institutes of National Importance are institutes accorded power to grant degrees because of their strategic and economic importance for the country. These include institutes such as IITs, AIIMS' and NITs. These institutes have been established at both Central and State level.

Based on this, there are only two types of universities that can be under private management: Deemed and Private Universities.

### COLLEGES

Colleges can be affiliated to either central or state universities. Private colleges are usually affiliated to state universities as it appears that affiliation requirement or regulatory requirements are much easier under state universities.

Colleges have to follow the entry, operation, and exit requirements as defined by the university. Additionally, they have to be recognised by one of the 15 professional councils regulating the courses. In 2013, The Supreme Court ruled that AICTE has only directory or recommendatory control over MBA and MCA (Master of Business Administration and Master of Computer Application) courses run by colleges; it cannot superimpose regulations over the university (Association of Management of Private Colleges v. All India Council for Technical Education 2013, 271).

#### *AUTONOMOUS COLLEGES*

'Autonomous' colleges have autonomy with respect to the curriculum, examination, and admission. Since they are not allowed to grant degrees, they are affiliated to a government university, which grants the degree.

Usually colleges of repute are granted autonomy to manage their own affairs. Most of the older and established colleges are autonomous in nature and are financed either by the Central or State governments. Examples include Madhav Institute of Technology & Sciences financed by the Madhya Pradesh Government or Shri Govindram Seksaria Institute of Technology and Science, Madhya Pradesh.

## SETTING UP A PRIVATE UNIVERSITY

### OVERVIEW

Setting up a private university is one of the three routes of setting up a private higher education institution, the other two being setting up a private college or a private deemed university. A private university exercises autonomy in curriculum, pedagogy, and examinations similar to a deemed university. It is one of the two routes of setting a private degree-granting institution. However, due to an unexplained moratorium in granting "deemed-to-be-university" status to private institutions since 2009, the private university route has become very attractive.

## History

Private universities are a relatively new phenomenon.The first private university was setup less than two decades earlier in the year 1995, Sikkim Manipal University of Health, Medical and Technological Sciences, and began operations by 1997. Before 1997, all private universities were of the "deemed" type.

## Demand

Most private universities in India, like elsewhere in the world, primarily impart professional education. There is a demand shift from liberal education towards professional education and private sector is fulfilling this demand. Table 4.1 depicts the rapid growth of professional education in the past six to seven years across a range of disciplines. In case of engineering, pharmacy, dentistry and physiotherapy, growth has been high and private share is as much as 90 percent in terms of number of institutions (universities and colleges).

**Table 3.1:** Professional higher education institutions: Growth and private share

| Name of Course | 1999-00 | 2006-07 | % Increase | Private sector share |
|---|---|---|---|---|
| Engineering | 669 | 1617 | 142% | 91 |
| Pharmacy | 204 | 736 | 261% | 95 |
| Hotel Management | 41 | 80 | 95% | 94 |
| Architecture | 78 | 116 | 49% | 67 |
| MCA | 780 | 999 | 28% | 62 |
| MBA/PGDM | 682 | 1150 | 69% | 64 |
| B.Ed. | 1050 | 5190 | 394% | 68 |
| MBBS | 174 | 233 | 34% | 50 |
| BDS | 45 | 189 | 320% | 59 |
| Physiotherapy | 52 | 205 | 294% | 92 |
| **Total** | **3775** | **10515** | **179%** | **80** |

Source: PawanAggarwal (2009); Indian Higher Education

As quoted by PawanAggarwal, Advisor, Higher Education in the Planning Commission of India,in Indian Higher Education (2009):

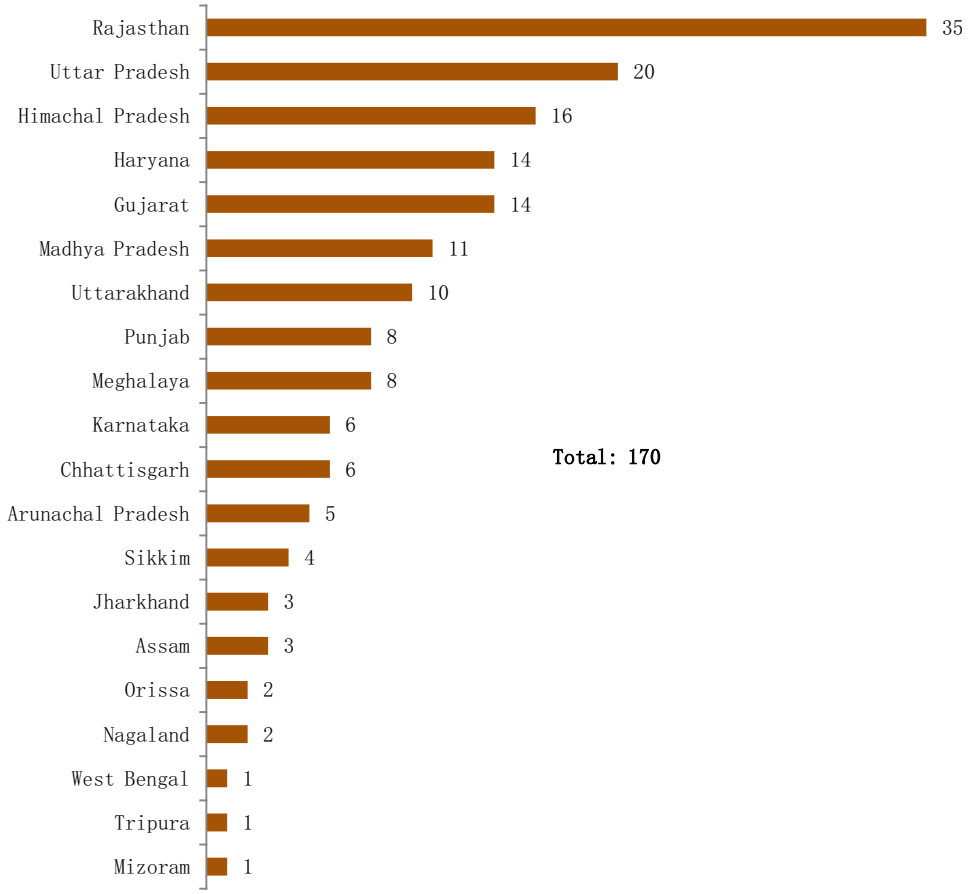
*"The demand for higher education has grown far more rapidly than what public institutions can accommodate, and the government is not able to increase capacity to meet the growing demand.*

*Private education has played a positive role in expanding access and is considered more efficient than its public counterpart but its impact on quality and equity is debatable. Most private institutions are commercially oriented and prepare graduates for the job markets. Private higher education is here to stay, destined to grow, bring in competitive merit and force periodical changes in curriculum, pedagogy, examination and governance across the entire education sector."*

## MARKET SIZE

Actual spurt in establishing purely private universities came in the post-2000 period. Several states have gone ahead and established private universities as can be seen in the Figure 4.1. As of 24 January 2013, there are a total of 170 private universities. Eight states have not established any private universities; prominent among theseinclude Kerala, Bihar, Maharashtra, Delhi, Tamil Nadu, and Andhra Pradesh. Bihar has only recently enacted the Bihar Private Universities Act in 2013 and it is expected that new universities would come up in the state soon. Maharashtra has passed a similar Bill and the first university is expected to come up as early as 2014-15(Ganjapure 2013). Tamil Nadu, having a large number of private deemed universities, is in no hurry to pave the way for setting up of private universities. Similarly, Andhra Pradesh, having a large number of private colleges, has yet shied away from allowing private universities to be set up. Delhi too does not have such an Act and hence no private universities have been established in the capital so far.

**Figure 3.1:** Number of private universities by state




Source: Compiled from UGC website; last accessed on 24 January 2014

### Establishing a Private University

Private universities can be established only through the legislative route. Since Parliament does not have an enabling legislation, no private university has been established at the central level. At the state level, all states do not have their respective enabling legislation for setting a private university.

The private university is required to approach the State Government and submit an application in accordance to the norms of the state private university Act or any other guideline issued by the state. The format of the application and details required vary from state to state. There is variation in the process as well as timeline for responding to applications.

After the completion of the application process, a bill to establish the university is introduced in the legislative assembly. Once the bill is passed and receives governor's ascent, the private university gets a legal existence subject to compliance of several other conditions that may be required. After establishment, the university starts accepting applications for enrolment and begins offering courses.

## KEY CHALLENGES

### ENTRY

*ESTABLISHMENT*

At the Centre, a Private Universities (Establishment and Regulation) Bill was introduced in Parliament in 1995. The Bill received strong opposition from both academics, and the private sector, and its constitutionality was challenged in the apex court. Subsequently, the Bill was withdrawn by the Central Government in 2007 and as a result no private university has been established by Parliament so far.

At the state level, Entry 32 of the State List enables state governments to enact laws regarding incorporation, regulation, and winding up of universities. Several states have warmed up to the idea of private universities and enacted umbrella Acts over the last two decades, bringing clarity on the process and requirements for setting up of private universities. However, few states such as Uttar Pradesh still don't have an umbrella Act and hence requirement and the process remain unclear.

UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003, govern the establishment and regulation of private universities, and require a university to be setup only through a separate Act rather than an executive order. It also restricts the jurisdiction of private universities to the state in which the university was incorporated.

In the state of Chhattisgarh, close to 100 private universities were set up in a short span of time through an executive order (Agarwal, 2009). Many of these universities setup offsite centres to award degrees or diplomas and opposed the UGC regulations, by claiming to be outside the ambit of UGC since they received no funding from it. Subsequently, many of these universities ran into trouble due to dubious operations and the Supreme Court struck down the Private Universities Act of Chhattisgarh and upheld

the validity of the UGC regulations. It became clear that UGC regulations are binding even if the university does not receive funding from UGC.

The requirement of using the legislative route to establish private universities is constraining and lengthy. While the legislative route is meant to promote discussions among MLAs regarding the merits of the Bill, data from PRS Legislative Research shows that the state legislatures functions quite poorly. While the ten-year trend in Rajasthan shows that the state legislature sits on an average for 28 days in a year, the Delhi legislature sits for only 22 days.

*"Bills are passed with little or no discussion. While in Parliament, referring bills to the standing committees is the norm, most state legislatures do not have standing committees. The only examination of a bill, if any, happens on the floor of the House. And if data from the Delhi assembly is anything to go by, the average debate on a bill before it is passed is a little over half hour. There are many numbers of instances where bills are introduced and passed in state assemblies on the same day – so there is not even a pretence of the need for MLAs to read, understand and deliberate on the provisions of legislation they are supposedly passing."*(Madhukar, 2010)

If the private universities are to be regulated more effectively or strongly, expressly requiring them to be established through the legislative route is not going to yield any benefit. The same objective can be achieved by putting in place a scrutiny process to screen applications and transparently laying down the criteria for entry and operation of private universities. If the state government considers itself inadequate to setup and administer such a process, UGC recognition can be made mandatory instead of requiring just a "fulfilment of conditions and provisions of UGC" as specified in the respective Acts of Haryana and Rajasthan.

### *Clarity on Process of Establishment*

Some states such as Rajasthan, Haryana, Assam and Gujarat have passed an umbrella Act specifying in detail the process and requirements for setting up a private university. In such states private universities are either setup through a separate Act for each of them, or by appending to a list of universities. While the former process is followed in Rajasthan, the latter is followed in Haryana.

Other states do not have such an umbrella Act and hence the process and requirements are opaque. In Uttar Pradesh for example, each university is established through a separate Act. The requirements keep increasing over the years and that creates a distorted and discriminatory field for private players who established universities at different points in time. The new players cannot be sure about the requirements until they approach the government directly, making it a cumbersome and time-consuming process.

For the sake of clarity, each state desirous of incentivising private players to enter the university space must pass a law putting in place the necessary requirements and the approval process.

### *Not-for-profit Nature*

By virtue of the definition of "sponsoring body", anyone who wants to setup a private university can only do it through a non-profit entity – a society, trust, or a Section 25 company. Education in India

(including school and higher education) is a not-for-profit sector, open only to philanthropists and religious organisations that intend to run without making any profits. However, many of these institutions are *de jure* not-for-profit and *de facto* for profit.

The not-for-profit nature of higher education creates significant hurdles in raising finances. The equity route of raising finance is unavailable since dividends cannot be distributed and the investor cannot exit at a higher valuation. Only the debt route, through loans from banks, remains open. However, as per discussions with a private university official in Haryana, banks are inexperienced in lending to educational institutions since they demand cash flows equivalent to other for-profit industries and charge a high interest rate.

Allowing for-profit institutions will allow profits to be made legally, rather than forcing the promoters to follow a circuitous route to plough back surplus and indulge in creative accounting. It will also open up the sector to equity financing and financial markets can then be used to raise finance in case of listed companies. Allowing companies to establish universities will subject them to the Company Law Board and relevant laws of Consumer Protection Act. Moreover, it will also enable levy of taxes. This will strengthen rather than weaken the higher education sector.

Internationally, several countries such as South Africa, Brazil, Philippines, Malaysia, Ukraine and several Gulf states legally allow for-profit institutions (Kinser and Levy, 2005).

### *Land Norms*

Land norms are a contentious issue, since land constitutes the majority of the initial capital expenditure incurred to establish a university. The greater the minimum requirement of land, the more unattractive it becomes to the private players. It is tough to buy contiguous land near cities, where it is most feasible to setup universities. Hence, land has to be acquired through the government route by land acquisition and the process takes a very long time to consummate. For example, a university in Haryana nearly took three and a half years to acquire land and begin construction.

Moreover, an official who was interviewed pointed out that the land acquisition department wanted the construction to begin immediately after possession, but the founders wanted to wait until they received the letter of intent so as to be sure about the invested amount.

Uttar Pradesh had the requirement of a contiguous land of 50 acres for Amity University, much larger than the 30 acre requirement in Rajasthan and the 10-20 acre requirement in Haryana.

Since land acquisition is a contentious issue, the land-norm requirement needs to be re-visited. Fulfilling this norm creates high entry barriers. One possible reform could be to do away with the requirement of contiguous land and exploring other avenues of minimising costs.

### *Prior Experience and Expertise*

Rajasthan and Haryana include a requirement of prior experience and expertise in the field of education. This restricts entry of new players and breeds a monopolistic environment, which could be

counter-productive. Interactions with stakeholders show that this requirement is not very stringent and states are willing to waive off this clause if the founders seem to be genuine.

However, possibility of such waiver is subjective and may or may not lead to a desired outcome. This increases opportunities for rent seeking. It is recommended that this requirement be modified to "good-to-have" rather than being a "must have".

*JUSTIFICATION FOR ESTABLISHMENT*

Rajasthan and Haryana have a clause requiring the sponsoring body to justify the establishment of the private university in the project report that has to be submitted to the government. This brings back memories of the Licence-Permit-Quota Raj.

Such a subjective requirement increases the potential of rent seeking. The private player gauges the market demand and invests millions of rupees to establish a university. In doing so, the player bears the entire market risk and the responsibility to enrol students and impart education. There is no greater justification than a management's accountability to the shareholders.

*BOOKS & JOURNALS AND INFRASTRUCTURE REQUIREMENT*

Universities in Rajasthan and Haryana are required to spend at least INR 1 million on books and journals and give an undertaking to spend at least INR 5 million on library facilities in the first three years. There is also a requirement to purchase movable and immovable assets of at least INR 2 million and give an undertaking to spend at least INR 10 million in the first five years. Uttar Pradesh similarly required Amity University to install equipment worth INR 50 million in laboratories and offices.

In both cases it has been mentioned that the norms of regulatory bodies shall be followed if they are at a higher minimum.

These requirements seem arbitrary and the logic behind selecting the floor values is hazy. In today's digital age, students would prefer a digital library through which all can access soft copies of the required books, rather than a few hard copies in the physical library, which have restricted access. Such a facility is convenient as well as cost effective and should not only be allowed but also encouraged. It is interesting to note that many government institutions such as Gokhale Institute of Politics and Economics, Pune are digitising their libraries to catch up with the digital age. In light of such advancements and modern day needs, norms such as library requirements should be revisited by the regulatory bodies.

*ENDOWMENT FUND*

A minimum requirement of endowment fund has been specified in each of the Acts of the three states. This fund is for the purposes of keeping a substantial amount handy with the state government, so that in the event of dissolution of the university, this amount can be used to run the university until the last batch of students complete their courses.

While Rajasthan and Haryana have specified in detail the manner in which endowment fund is to be invested, Uttar Pradesh has left it to Amity University.

Another feature of the endowment fund is that income that is derived out of the fund is to be used only for capital expenditure and not for recurring expenditure.

The Acts does not specify a sunset clause specifying if and when the endowment fund would be returned. AICTE has a provision of returning the endowment fund after a period of ten years. State governments can learn from AICTE and provide a clear sunset clause for such a regulation under their Acts. Moreover, autonomy to spend the income derived from the endowment fund would reduce the cost of opening private universities and, in turn, lead to a lower fee bracket for students.

### *Factors for Rejection or Acceptance of Proposal*

Factors that are considered for rejection or acceptance of a proposal include financial soundness, background of sponsoring body, and potentiality of courses.

While the first factor is onerous without contributing to outcomes, the other two are widely subjective. Background includes expertise, reputation and commitment to follow norms. It is unrealistic to assume that "commitment to follow norms" can be measured. Perhaps the most peculiar factor is "potentiality of courses offered as per requirements of contemporary demands". This indicates traces of our excessively centrally planned economy.

In order to encourage participation and discourage rent seeking activities, such arbitrary and subjective factors for consideration of proposals need to be replaced with objective and reasonable criteria.

## Operations

### *Accreditation*

Rajasthan and Haryana specify that universities need to obtain NBA or NAAC accreditation within the first three years of their operation.

This requirement is welcome since regulation needs to move away from barriers to grading. Grading allows weaker players to improve and provides information to the general public about the competence of a program.

Uttar Pradesh does not specify criteria for accreditation for Amity University. However, Amity University has been accredited by NAAC with Grade A in 2010.

### *Fee Structure*

Rajasthan requires universities to seek prior approval from a committee constituted for purposes of regulating the fee. The decision of the committee would be valid for three years.

Haryana on the other hand does not require prior approval but mandates the private university to intimate the government about the new fee structure before the commencement of the academic session. However, Haryana mandates a different fee structure for domicile students. For the 25% students who are mandated to be domiciles of Haryana, fee concessions need to be provided. The first

20% are to be granted full fees exemption; the next two segments of 40% are to be granted 25% and 50% fee exemption respectively.

Uttar Pradesh specifies that fee structure should be as per the laws in force in the state.

In case of Rajasthan, freezing the fee structure for three years seems counter-intuitive as inflation will lead to a rise in costs but the moratorium on price would lead to a deficit. This would lead the private player to increase the fees in bulk so as to account for future price increases during the next three years and the batch of students admitted during the first year of increase will end up subsidising the next two batches of students.

Haryana's fee structure for domiciles seems to be very political in nature. It ends up making students from other states cross-subsidise the students from its own state. Haryana incidentally has the third highest per capita income after Delhi and Sikkim and such a waiver seems unwarranted. Moreover, the requirement of granting a waiver to all students including those from rich families may incentivise the players to artificially raise the fees.

Fee structure is a highly politicised issue. There needs to be a transparent mechanism to increase the fees on a yearly basis. A fees hike of a percentage amount equal to or less than the CPI of the previous year, or the estimated CPI for the next year, could be allowed, without government approval. For extraordinary events such as Sixth Pay commission hike, a government review could be subjected. The students need to be sensitised about the possibility of future fee increases and range in which it could fluctuate. This would help set expectations with students accordingly.

### *Admissions*

Admissions are strictly based on merit. For purposes of admission, entrance tests, test scores obtained in qualifying examinations, or curricular and extra-curricular activities can be used as a yardstick. Entrance examinations are the mandated process for admissions to professional and technical courses.

Rajasthan and Uttar Pradesh specify a reservation policy that is to be followed, as per the laws in the respective states. Haryana specifies a reservation of at least 25% of students from its own state. Ten percent of these seats shall be reserved for the Scheduled Castes.

The fees of private universities are usually much greater than those in the government universities or government colleges. Students who are able to pay such high private institution fees can safely be assumed to belong to the creamy layer. Provision of reservation for students belonging to the creamy layer of any caste does not lead to greater inclusiveness. It is more apt for the government to provide income based reservation or scholarships to the deserving students.

### *Granting of Affiliation to Colleges*

Private universities are not allowed to affiliate colleges, thus restricting upcoming private colleges to seek affiliation from only government universities no matter how burdened these government universities may be. This also hinders the expansion of private universities even if they are providing quality education.

The government universities are not growing, whereas private universities are growing rapidly. Government universities are burdened with the load of managing private colleges and deterioration in quality of the latter is primarily due to weak oversight of the former.

Removal of the ban on affiliation of colleges to private universities is necessary, otherwise, it would lead to further burdening government universities, assuming that they experience the same stagnant growth rate in the future.

### EXIT

Dissolution of a private university has been codified in the respective laws. The procedure is fairly simple; with the sponsoring body giving notice to the state government at least six months to a year in advance and waiting until the last batch of students have completed their courses.

Upon dissolution, the assets and liabilities rest with the sponsoring body. In case of Uttar Pradesh, the clause of assets and liabilities is missing from the Act. The exit barrier is reasonable and low and therefore, should be continued as such.

The biggest challenge of following this route by all states is the lack of proper legislation. States such as Tamil Nadu and Andhra Pradesh do not have the necessary legislation and this has been a concern raised by private trusts in these states.

## OVERVIEW

The second route for setting a private degree granting institution is by applying for a deemed status. According to the Ministry of Higher Education, an Institution of Higher Education, other than a university, working at a very high standard in specific area of study, can be declared'deemed' by the Central Government on the advice of the UGC as an Institution 'Deemed-to-be-University' (MHRD 2014). These Institutions enjoy academic status and privileges of a university. Such an institution can be under both private as well government management.

There are two routes to attain the 'Deemed-to-be-University' status. The first is the general route, where institutions with 15 years of standing and excellent research in the concerned field can apply for the deemed status. The second route is applying under the *de-novo* category.

## HISTORY

The 'Deemed-to-be-a-University' status was initially given to leading institutions offering programs at advanced level to facilitate it to award degrees. Indian Institute of Science at Bangalore and Indian Agricultural Research Institute at Delhi were the first two institutions to be declared as 'Deemed-to-be-Universities', in 1958, for education and research at advanced level in the field of basic sciences and agriculture respectively.

Earlier, this status was granted only to government and government-aided institutions. The first privately managed and self-financed institution to be declared as Deemed-to-be-University was the Manipal Academy for Higher Education (MAHE) in 1976 (Agarwal, 2009).

In the year 2000, the UGC simplified and liberalised the guidelines for granting 'Deemed-to-be–a-University' status, so as to encourage the participation of private players in the higher education sector. The provision of granting this status to *de-novo* institutions was also introduced for the first time, so that the institutions which may not be fulfilling the conditions laid down under the guidelines but have promise of excellence, could be considered for the status[1]. For instance, The Energy and Resource Institute (TERI) is declared deemed under the *de-novo* category, while Symbiosis International University is declared as such under the general category. From 2000-2005, 26 privately sponsored institutions got the deemed status and many more till 2009. Currently there are 117 institutions 'Deemed-to-be-Universities', in India. Only 17 States and two Union Territories have institutions 'Deemed-to-be-Universities', of which Tamil Nadu has the highest number of such institutions, followed closely by Maharashtra. There are no deemed universities in many states such asAssam, Chhattisgarh, Goa, Himachal Pradesh, Jammu and Kashmir, Mizoram, Manipur, Nagaland, Sikkim or Tripura.

[1] Minutes of the meeting of the Review Committee held on 14th March 2005, UGC

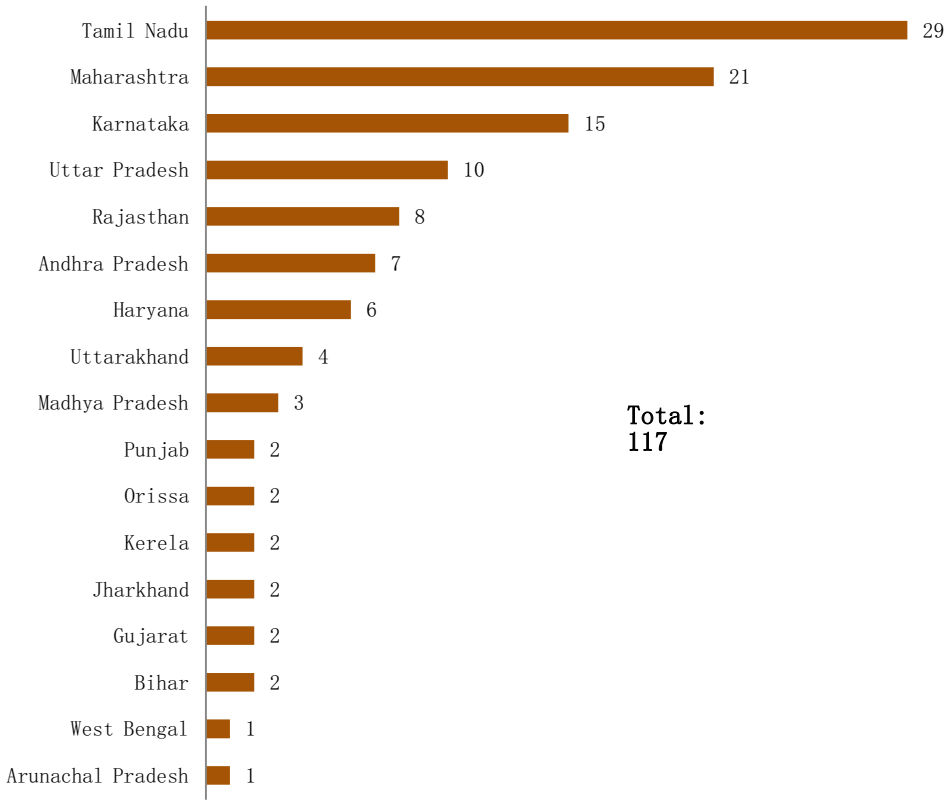



**Figure: 4.1:** Number of Institutions Deemed-to-be-Universities in India

Source: Compiled from UGC website; last accessed on 8 February 2014

## Study

Unlike private universities, institutions that are 'Deemed-to-be-Universities' come under the direct jurisdiction of the UGC. Higher education departments of states have no role in granting approval or monitoring the working of these institutions. One of the objectives of this report is to closely study the UGC regulations of this type of institution, concentrating on the entry, operational and exit norms associated with these Institutions.

## Key Challenges

The rules and norms of entry and operation for a 'Deemed-to-be-a-University' are specified under the UGC (Institutions Deemed-to-be-Universities) Regulations, 2010. This UGC notification is homologous to the umbrella Act for private universities for different states.

### Eligibility Criteria

An institution, to be declared as an Institution Deemed-to-be-University under General Category, has to fulfil certain eligibility criteria. It has to have been in existence for at least 15 years and acquire characteristics of a university, which will be demonstrated by the diversity of its programs of study, proven contribution to innovation in teaching and verifiable high quality of research output. The institution should include well-established, broad-based and viable academic programs with firm inter-disciplinary linkages, and engage in quality research. The institution must also possess the highest grade of accreditation offered and should not offer conventional degrees.

An institution under the *de-novo* category needs to be registered as a not-for-profit society or trust and possess the highest grade on the assessment certificate. *De-novo* institutions are defined as those that are devoted to research in 'emerging areas of knowledge'. Such areas of knowledge are those that are regarded as important for the development and raising the standards of education in India.

Some of the criteria such as 'proven contribution to innovation in teaching' and 'verifiable high quality of research output' are vague in their definition. To qualify for *de-novo* status, the discipline offered should also possess the criteria of being 'emerging areas of knowledge', of which the definition is unclear. Assessment of such criteria is subjective and may lead to rent-seeking and lobbying opportunities. Eligibility criteria should contain comprehensible quantitative parameters that will provide an objective judgement.

The entire list of eligibility conditions are given in Section 4 of the UGC Regulations, 2010 (Appendix 5.1).

### Land and Infrastructure Norms

Land norms play an integral part of the compliance cost. However the land requirement for a deemed university, specified by the UGC, is for the provision of a single course. As the number of courses increase, the land requirement is the aggregate of the land prescribed by the Statutory Council like the Medical Council of India, Bar Council of India, etcetera, for each course.

Section 7 of UGC Regulations specifies a minimum of five acres of land if the campus is located in a metropolitan area, seven acres in a non-metropolitan urban area and ten acres in a non-urban area or as per the norms of the statutory/regulatory body concerned. The institution also needs to offer diversity in its programs of study, which implies that it should have more than one course, and hence, more land.

The statutory councils also specify the land requirement and therefore, it is redundant for UGC to mention the same under the deemed university regulations. This leads to misunderstanding among the applicants when they face different sets of regulations from various regulating bodies. Uniformity in land requirement norm would avoid such confusion.

### Corpus Fund

All nongovernment-funded institutions must create and maintain a corpus fund permanently in the name of the institution, through government securities or other forms approved by UGC. This amount is INR 250 million for institutions under the *de-novo* category. Existing institutions under the general category, running successfully, and which have fulfilled the eligibility criteria, also have to create a corpus fund, which varies with the offered discipline. This amount ranges from INR 80 million for professional courses to INR 40 million for others.

This fund acts as an assurance to the UGC that the management of the institution will fulfil its commitment to provide quality education and research. Any violations of UGC norms, or those specified by the respective statutory/regulatory council, would lead to an upward appraisal or fortification of this fund amount. The interest recurred on the fund can be used for capital expenditure on the development of the institutions only. The purpose of this fund is to meet liabilities by the UGC, in case of withdrawal of deemed status.

UGC does not specify the date or circumstances, if any, under which the fund will be returned to the applicant. This is a sunk cost bore by the owners. However the AICTE, on the other hand, has a provision of returning the endowment fund after a period of ten years. This is a provision that can be imitated in other similar legislations.

### Academic Infrastructure

The institution should offer at least five post-graduate departments, with a minimum of six faculty members per department, or as specified by the respective statutory council. An institution is granted deemed status under the *de-novo* category only if it commits to provide education and research in upcoming and niche fields, which are not offered or explored by other existing institutions. For instance, TERI located in Delhi focuses on courses related to environment and natural resources; Tata Institute of Social Sciences (TISS) Mumbai has its concentration on Social Work courses, etc.

Institutions under the category of *de-novo* are required to focus on a particular field and not offer courses in any other area. The UGC allows increase in intake as well as introduction of new courses, as long as it is covered under the objectives for which the institution was declared deemed at the time of setup. However, the UGC intervenes when such an institute desires to offer a course, which is fundamentally different from its goal. For instance, TERI may be allowed to offer a course such as MBA in Disaster Management but not MBA in Retail.

Equipment, books, journals and other infrastructure, such as broadband connectivity of appropriate speed, printers, etcetera, have to be obtained as per the norms specified by the respective statutory council.

Institutions 'Deemed-to-be-Universities' are allowed to open a maximum of four campuses in the country. However, such institutions are also allowed to open off-shore campuses, provided that the institution has been operating successfully for at least three years, has earned a reputation for excellent and innovative teaching methods, achieved the highest grade of accreditation, and many other

conditions as laid down in Clause 3 of section 12 of the UGC Regulations, 2010. Nevertheless, the applicant has to seek UGC's approval, as well as apply separately each time it wishes to begin a new campus. Also UGC disallows affiliation of any other institution with a deemed university, which is run by a different trust and has not been subjected to the same scrutiny as the parent institution to achieve the deemed status.

Private institutions that have been granted deemed status are not mandated to follow the reservation or fee policy as prescribed by the government.

Granting of deemed status to an institution implies that the institution has been recognised as playing a vital and successful role in the higher education sector, or is expected to do so in the future (for *de-novo* category). Such institutions are allowed to confer degrees and are appreciated highly for their contribution to research. The UGC trusts these institutions to maintain their high standards of learning and therefore allows much freedom in operations. As reflected by the registrar of a popular deemed university, UGC allows them to operate with immense academic and administrative freedom under some minimum criteria, to ensure quality. However, the registrar also asserted that the criteria are the bare minimum, and any institute aiming to provide good education will be easily able to meet them.

### Consequence of Violation of Regulations

UGC assesses the working of the institutions 'Deemed-to-be-Universities' either by conducting inspections on its own, or based on reports received from other credible sources. After considering the explanations provided by the institution, if it is established that the institution has violated any of the provisions mentioned in the UGC Regulations, the UGC can direct the concerned institution to withhold admission for a certain period. Continuous violation of these regulations can lead to withdrawal of the deemed status by the Central Government on the recommendation of the UGC. In such a case, actions would be taken to protect the interests of the current students as determined by the specific situation.

However, all movable and immovable properties of the institution shall be fortified by UGC. This implies that the institution would lose the land, building and all other infrastructural material as well as the corpus fund to the government causing immense loss to the owners. Since an institution of higher education has to be not-for-profit, there is no way for it to earn back its investment. Hence, it is recommended to revisit the penalty of violation. For instance, the UGC can define a process for re-applying for deemed status, or affiliate the institution to an existing university, which will supervise the compliance of norms and maintain quality.

## Procedure to be Declared an Institution Deemed-to-be-a-University

### Under General category

An institution that meets the minimum criteria must send an application to the Secretary, Department of Higher Education, Ministry of Human Resource Development, along with a certificate of approval from the concerned statutory/regulatory body (such as AICTE, BCI), and other relevant documents such as a certificate from the respective statutory body which mentions that the courses offered are

approved by them, a certificate from the affiliating university ensuring that the students already admitted will continue to be a part of the University, etcetera. After scrutinising the application with the help of an expert committee, and incorporating comments from the state/ Union Territory government if any, the UGC will advise the Central Government whether or not to grant the deemed status.

The state/UT government recommending the proposal would have to indicate its willingness to safeguard the interest of the students admitted in the proposed deemed university if the institution ceases to exist. This ensures that the state/UT government has an additional interest on the institution and accepts responsibility for its functioning.

In case of rejection of the application by the UGC or Central Government, review of decision is allowed on the request of the institution after a minimum standing of one year from the date of rejection.

### UNDER DE-NOVO CATEGORY

An institution applying for deemed status needs to provide evidence (in terms of detailed syllabus) that it is devoted to unique and emerging areas of knowledge (not pursued by existing/conventional institutions). These areas must particularly be fields of study which are regarded as important for strategic needs of the country, or for preserving the cultural heritage, as determined by a laid-out process of wide consultations with eminent experts in the academic community. This is in addition to the required land and infrastructural norms.

After scrutinising the application with the help of an expert committee, including a member from the concerned statutory council, the UGC will advise the Central Government whether or not to grant deemed status provisionally to the institution. After five years of operation, the Central Government, on the advice of the UGC will make the decision of confirmation of the deemed status.

## PROCESS OF WITHDRAWAL FROM DEEMED STATUS

An institution wishing to withdraw itself or its constituents from the deemed status can do so with prior permission of the Central Government. Such withdrawal can only take place after the last batch of enrolled students have graduated from the institution.

## Difference Between a Private University and an Institution Deemed-to-be-University

1. Private universities are setup either through a separate Act, for instance the Sharda University Act 2009; or through an amendment of the State Private University Act, for instance amendment of Haryana Private University Act each time a new Private University is setup in Haryana. However, an institution is only granted the Deemed-to-be-University status by the Central Government on the advice of the UGC.
2. The minimum standards of infrastructural requirements as well as expected quality of output in terms of research are much higher for an institution that has been granted the deemed status.
3. Unlike deemed universities, private universities have a limited geographical scope, and expansion is limited to the approved campus area as mentioned in their Act. They are not allowed to set up an off-campus centre or an offshore campus, unless as a separate university under a separate Act.
4. Institutions that are granted the deemed status are not allowed to use the term 'University' in their name. However, private universities are subjected to no such proscription.
5. Deemed-to-be-Universities are not allowed to offer courses in distance mode, while private universities do not have any restrictions in this regard.

The major challenges of setting up higher education institutions through the first two routes are: high cost, in terms of expenditure on land, infrastructure and corpus fund; and absence of required legislation. It can be inferred that setting up universities are a hurdle.

The next section focuses on the third and final route for setting a private institution in the higher education sector.

## AFFILIATION OF A PRIVATE COLLEGE TO A STATE UNIVERSITY

The third route of setting up a private institute of higher education in India is to establish a college that is affiliated to a State University. Compared to the previous two routes discussed, this route is less expensive and no specific legislation is required. However, not all state universities affiliate private colleges. For instance, National Law Institute University, Bhopal and Bundelkhand University, UP do not affiliate private colleges. Every university in each state has its own set of rules, fulfilment of which leads to the grant of affiliation. For the purpose of this study, the report concentrates on the affiliation process adopted by three state universities in Madhya Pradesh.

## OVERVIEW OF THE HIGHER EDUCATION SYSTEM IN MADHYA PRADESH

The State of Madhya Pradesh is home to 34 universities; of which 11 are private, 18 are state universities, three are deemed-to-be universities, and two are central universities. In the last two decades, the state has become an education hub and has witnessed tremendous growth in the number of institutes of higher education and students therewith. In terms of students enrolled, some of the state's universities are often ranked the largest in India.

The regulatory framework of these universities is determined by the UGC along with the respective State Universities Act and the Madhya Pradesh Universities Act, 1973, which establishes a certain common structure to be followed by State Universities. The specialised councils established by the Central Government are also empowered to regulate institutions within the state. In the field of technical education, engineering and architecture, the All India Council on Technical Education (AICTE) is specially empowered under a central law to regulate relevant institutes. Apart from the aforementioned regulatory structure the Madhya Pradesh Private University Regulatory Commission also regulates the state's private universities. The Commission was established in 2007 under the Madhya Pradesh Private Universities (Establishment and Operation) Act, 2007.

For a private entity to run a higher education institution within the state, there are two separate regulatory mechanisms:

1. Establish a private university recognised by the State Government under the Madhya Pradesh Private Universities Act, 2007, and by the appropriate specialised agency of the Union Government, for the particular fields of education; or
2. Establish a private institution with affiliation from one of the affiliating state universities. Once again, the approval of the specialised Union agency is mandatory. It must be noted that the Government of Madhya Pradesh may, by law, change the affiliation of an institute within the universities; an institute affiliated to one university may be transferred to another university for administrative purposes.

The process of affiliation is different for each university and is subject to the specific statutes made by the concerned university with regards to the grant of affiliation. Uniformity in the regulation and the quality standards across the state is not maintained.

The affiliation of the state university is usually territorial; the Act establishing the university lays down the territorial limits within which the university may grant affiliation to an institute of higher education. For example the Jiwaji University at Gwalior is empowered to grant affiliation only in six districts of the state. However, such territorial limits are not imposed on all universities. The Rajiv Gandhi Technical University, Bhopal is authorised to grant affiliation to any institute of higher learning all throughout the territory of the state. The jurisdiction of a university may also be restricted to only one district, which has been the case with the Devi Ahilya University at Indore. This section gives a brief description of the affiliation procedures and requirements for three Madhya Pradesh Universities.

### JIWAJI UNIVERSITY

Situated in Gwalior, in the north of Madhya Pradesh, Jiwaji University is empowered to grant affiliation within six districts; namely, Gwalior, Morena, Bhind, Guna, Shivpuri and Datia. For the grant of affiliation, an application has to be made to the University before 28 February of the preceding academic year; implying that the administrative procedure may take up to five months for the grant of affiliation. The application in this regard may be made only by a not-for-profit entity, as the National Policy on Education does not allow education to be a for-profit activity.

A fixed fee is charged with the application, depending upon the number of courses and faculties for which affiliation is sought. Essential details regarding the foundation society or the trust establishing the institute also must be provided. A requirement for setting up a corpus fund and building fund may be imposed by the university, if it so desires.

Consequent to the application, the university forms an inspection committee to make an inquiry into the suitability of the institute. At this stage, the adequate facilities with respect to library, laboratory, physical education, sanitation, and teaching staff must be shown. The University has not provided any pre-defined criteria as to what 'adequate' entails. The inspection committee is responsible for determining this criterion based on the number of courses and the faculties for which the affiliation is required. The university also requires that an endowment fund be maintained with it; the amount of this endowment fund is specified in advance every year.

The Madhya Pradesh Universities Act, 1973, which governs the Jiwaji University, lays down that, after careful examination of the report of the inspection committee, the applicant has to be informed of the decision and should be given an opportunity to be heard in case the application is rejected. Whether the application can be challenged in the court of law is doubtful; the subjective satisfaction of the inspection committee may not be amenable to the known standards of judicial inquiry.

After affiliation is granted, many specific procedures and requirements have to be met with by the affiliated institute. Any change in management, fees, teaching staff etc. has to be notified to the University within the stipulated time period. The University also decides the curriculum, examination dates, and teaching hours. The institute functioning under the University is not free to grant admission to any student without the prior approval of the University; often a lengthy counselling procedure is undertaken at the University level to allot seats to the deserving candidates in different institutes.

Affiliation is first granted for a specific period only, and after a period of ten years, an institute can claim permanent affiliation to the University.

An annual nominal affiliation fee is charged to the institutes, and they are required to furnish information regarding their finances at regular intervals. The University may cancel the affiliation at any time if its rules are not followed; in such a case the administration of the institute is taken over by the University and the maintenance requirements are charged against the endowment fund which has to be kept with the University for the grant of affiliation. The general administration of the institute has to be in line with the requirements laid down by the University.

### RAJIV GANDHI TECHNICAL UNIVERSITY

The Rajiv Gandhi Technical University was established by the State of Madhya Pradesh in 1998 with a view to establish a common university for all the technical institutes, chiefly for engineering and pharmacy colleges. Over the years, the University has grown to be the 26$^{th}$ largest university in the world in terms of the number of students enrolled in the University, which is about 260,000. After the establishment of the University, the Government of Madhya Pradesh asked most of the existing institutes to change their affiliation from other universities to the new university to bring uniformity to the system of technical education across the state. With the exception of a few institutes, most of the engineering and technology institutes within Madhya Pradesh are affiliated with this University.

The process for affiliation with the Rajiv Gandhi Technical University is similar to that of Jiwaji University. An application is required at the first instance, outlining the form and structure of the applicant society or trust. The application should be inclusive of the details of the foundation society, availability of the infrastructure and the proof of financial adequacy to operate the institute. Application is required to be made on or before 31 December of the preceding academic year. Thus, the administrative process for the rant of affiliation may take about six to seven months.

Following the application, a team from the University carries out an inspection. The institute must satisfy necessary conditions with regard to library, laboratory, sports, teaching and other related facilities. An endowment fund is also required to be maintained with the University as security in case of emergency or in the event of closure of the institute. There are no fixed criteria for meeting the adequate requirements of the aforementioned facilities; it is to be decided by the inspection committee. After the procedure of inspection is done, the applicant is notified as to whether the affiliation is given or not; a reasonable opportunity is given to meet the adequate requirements so that the affiliation may be granted.

The institute of higher learning, after obtaining the status of an affiliated institute, functions directly under the University administration. Some functional autonomy is given to the institute to manage its day-to-day affairs; however, the rules regarding admission of students, fees, employment of the teaching staff etc. are made by the University and have to be strictly followed. The University charges an annual fee for affiliation and the institute may also be asked to maintain a building fund in case it has taken the campus on lease. It is pertinent to note that the institutes are not allowed to keep a

competitive fee structure; the guidelines of the University explicitly mention that the fees of an institute may not be of a nature to attract the students of the neighbouring institutes.

The grant of affiliation is temporary at first and may become permanent after a period of ten years. The University is free to withdraw the affiliation at any time if strict adherence is not maintained to its rules.

**DEVI AHILYA VISHWAVIDYALAYA**

The affiliation procedure for the Devi Ahilya University is a bit more stringent in comparison with the two universities discussed so far. The jurisdiction of the Devi Ahilya University is limited to the Indore division in Madhya Pradesh, comprising seven districts. However, very few colleges are granted affiliation in order that they may maintain the high status of the University.

The authorised persons of the foundation society must make the application for the grant of affiliation from the University. A detailed description must be made along with the application regarding infrastructure, academic and sports facilities available at the institute. The application is to be made before 31 December of the preceding academic year. A minimum five acres of land is required for an institute to be affiliated to the University; the requirement is relaxed to three acres in case of rural areas. The application is also required to contain the financial projections of the society for the next five years. The permission from the Commissioner of Higher Education of the State is mandatory to be included with the application.

The University, upon receiving the application to judge the suitability of the college, undertakes an inspection. A genuine need requirement is also mentioned, meaning that the burden lies on the applicant to prove that there is a genuine need of the institute in the area where the same is being established. The procedure is detailed, right down to the inspection of the water and gas lines for supply to the laboratory.

On the grant of affiliation, all rules made by the University must be complied with. The University has established rules of conduct for the affiliated institutes, which regulate the admission of the students to the institute, the fees which may be charged, the qualifications of the academic staff and the terms and conditions of their employment etc. The University also regulates the ratio between students and teaching staff, the length of lectures, timing of the institutes and the class-size. Requirements as to the number of journals and CDs the institute must make available are also within the purview of the University. University authorities must be informed of any change in management of the teaching staff of the institute within one month.

The accounts and registers of the institute are to be maintained as per the guidelines of the University, and a report regarding the same is required be provided at regular intervals. Failure to comply with any direction of the University may lead to cancellation of the affiliation.

As the requirements of the Devi Ahilya University are much more stringent than the other universities of the state, a large number of institutes seek to affiliate themselves with the Rajiv Gandhi Technical University or other state universities which grant affiliations more easily.

## KEY CHALLENGES

For establishment and functioning of higher educational institutions in Madhya Pradesh, several key challenges are observed:

1. Land requirement within the jurisdiction of the affiliating university
2. Lack of a transparent regulatory environment and the existence of 'adequate' and 'genuine need' norms which are not clearly defined, and are subjective
3. Cumbersome, time-consuming and confusing norms of affiliation
4. Lack of autonomy for the educational institutions

The reputation of an educational institution depends upon the university it is affiliated to; for example, the institutions affiliated to the Devi Ahilya University at Indore are regarded as high quality. Since the Universities have fixed jurisdictions as defined under the founding Act, it is not possible for institutions all across the state to obtain good reputation. The land requirements in the reputed universities forces institutions to be affiliated to a university of low reputation and thus results in a plethora of institutions affiliated to a low grade university, which hurts the growth of quality higher education in the State.

As explained in the next section, the process of affiliation is long and cumbersome. Numerous inspections, infrastructure requirements and lack of transparency largely results in either no grant of affiliations to institutions, as in the case of Devi Ahilya University; or too many affiliate institutes, as under Rajiv Gandhi Technical University.

The regulation of the operation of the institutes is also prohibiting the growth of quality higher education institutions in the State. The institutes are not allowed to choose their own syllabus, the examinations are conducted by the university; only a little administration is left with the institutes. In such an environment, creativity and competitiveness are killed for sake of uniformity.

## RECOMMENDATIONS

First and foremost, autonomy of the institutions is paramount in promotion and quality higher education. A strong need exists for grant of more independence to the institutes to be allowed to decide upon the syllabus and the curriculum of particular courses. The university could outline certain compulsory modules, which have to be taught and leave the rest to the institutes, as long as they keep the university informed about the content of the syllabus. A more open and trusting environment for private educational institutions is required along with administrative freedom and ability to moderate the curriculum, so that these institutes may compete with each other and lead to improvement in quality and reduction in cost.

The focus of quality assurance should also shift towards educational outcomes of the students, rather than the inputs into education. There is no guarantee that an institution with five acres of land can produce better engineers or lawyers than an institute with three acres. Such input norms discourage

edupreneurs from starting good quality educational institutions, as the capital cost for entry in the sector becomes a substantial burden.

Transparency of affiliating norms should be emphasised; a rule requiring the sponsoring body to prove that there is 'genuine need' of an institute of higher education in the particular area is superfluous and there are no predetermined criteria to prove the same. Moreover, the norms must be clear and precise and refrain from using 'adequate' to describe requirements, which results in unnecessary delays and confusion.

Colleges are also affected by the regulations at the course level, which is provided by regulatory bodies such as AICTE, BCI, etc.

The following section focuses on the next layer of regulation.

## ALL INDIA COUNCIL OF TECHNICAL EDUCATION

### OVERVIEW

The main governing body at the tertiary sector is the University Grants Commission (UGC). It has a dual function of providing grants as well as coordinating and maintaining the standards of higher education institutes. All public universities are governed by the UGC, as well as funded by it. The UGC Act of 1956 specifies the entire step-by-step administration of the University it governs, ranging from the number of working days, to number of lecture hours per subject, as well as the minimum qualification required for students to enrol and for teachers to teach a course. Powers and functions of UGC include allocation as well as disbursement of funds from the Central/State Government for development, maintenance as well as for research purposes, inspection of universities, conferring of degrees, etcetera.

Supporting the UGC, accreditation for higher learning over Universities is overseen by the following fifteen autonomous regulatory and statutory institutions:

**Table 6.1:** List of the Regulatory and Statutory Bodies in India

| | | |
|---|---|---|
| All India Council for Technical Education (AICTE) | Indian Council of Agricultural Research (ICAR)* | Central Council of Homoeopathy (CCH) |
| Distance Education Council (DEC) | Medical Council of India (MCI) | Central Council of Indian Medicine (CCIM) |
| Rehabilitation Council of India (RCI) | Pharmacy Council of India (PCI) | National Council for Rural Institutes |
| Bar Council of India (BCI) | Indian Nursing Council (INC) | Council of Architecture |
| National Council for Teacher Education (NCTE) | Dental Council of India (DCI) | State Councils of Higher Education |

*Not a statutory body

To summarise, these above councils are responsible for the recognition of courses, promotion of professional institutions, regulating the course syllabus, providing grants and other awards to various fields of education. These bodies play an important role in the setting up of an institution imparting a degree or diploma course in higher education.

Each council has its own set of rules and mandates for the concerned institutions. On closer analysis of these councils, one views a major predicament in their working. There is a large overlap of their functions with the functions of UGC as well as other regulatory bodies from the list.

### HISTORY

AICTE is the statutory body and the national level council for the regulation of technical education in India. The Council was set up in November 1945 based on the recommendation of the Technical Education Committee of the Central Advisory Board of Education (CABE) of 1943. Its main functions were to stimulate, coordinate and control the provisions of educational facilities and industrial

development of the post war period. At that time, the mandate of AICTE covered only programs in Engineering and Technology.

AICTE is vested with statutory authority for planning, formulation and maintenance of norms and standards, quality assurance through accreditation, funding in priority sectors, monitoring and evaluation, maintaining parity of certification and awards, and ensuring coordinated and integrated development and management of technical education in the country. (The entire list of responsibility and functions is given in the AICTE Approval Process Handbook, 2013-2014)

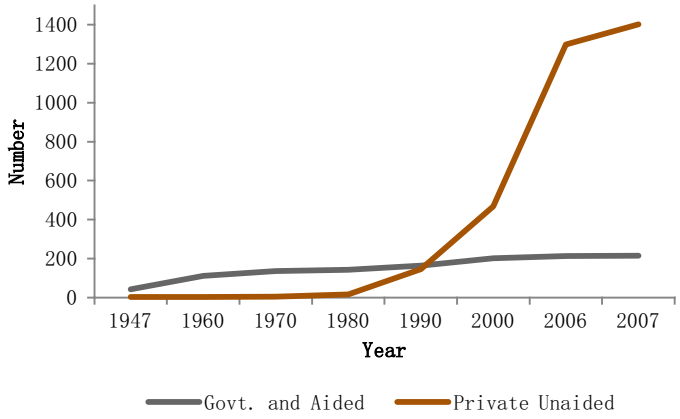
The growth of technical education before independence in the country had been very slow. The number of engineering colleges and polytechnics (including pharmacy and architecture institutions) in 1947 was 44 and 43 respectively, with an intake capacity of 3,200 and 3,400 respectively. However, due to efforts and initiatives taken during successive Five Year Plans and particularly due to policy changes in the eighties to allow participation of private and voluntary organisations in the setting up of technical institutions on self-financing basis, the growth of technical education has been phenomenal. The intake in technical institutions has increased by almost 200 percent between 2006 and 2013, while the number of technical institutions increased by more than 90 percent in the same period (AICTE Approval Process Handbook, 2013-2014). Table 7.2 shows the growth of engineering colleges from 1947 to 2007. The total number of engineering institutions has increased by 131 percent since 2006-07.

**Table 6.2:** Growth of Engineering Colleges in India

| Type | 1947 | 1960 | 1970 | 1980 | 1990 | 2000 | 2006 | 2007 |
|---|---|---|---|---|---|---|---|---|
| Government and Aided | 42 | 111 | 135 | 142 | 164 | 202 | 212 | 215 |
| Private Unaided | 2 | 3 | 4 | 15 | 145 | 467 | 1,299 | 1,402 |

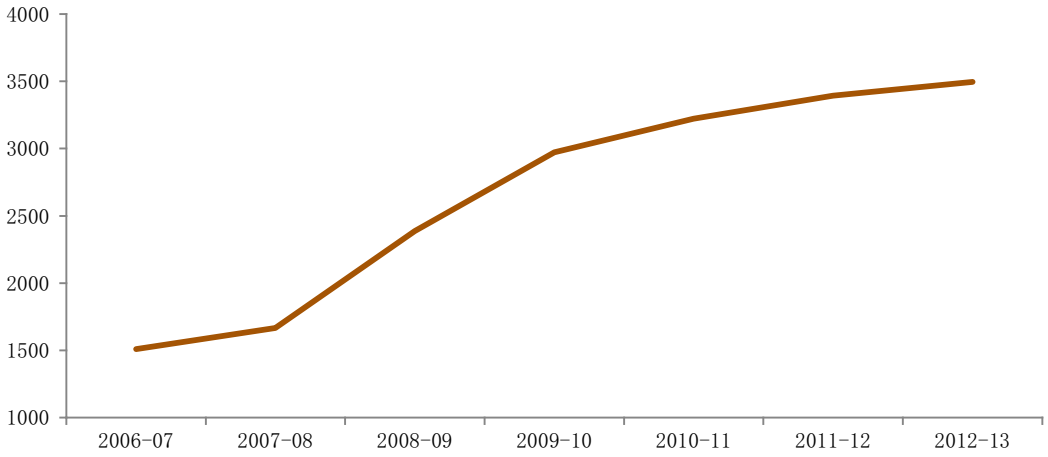
Source: Agarwal (2009)

**Figure 6.1:** Growth of Engineering Colleges in India




Source: Agarwal (2009)

**Figure 6.2:**Growth of Engineering Institutes since 2006




Source: Data compiled from AICTE Approval Process Handbook (2012-13)

Universities are exempt from AICTE approval. Technical institutions can also operate without AICTE approval. However, AICTE publishes a list of un-approved institutions on its website.

The AICTE Approval Process Handbook mentions the entire process of setting up a technical institution, along with the infrastructural standards that are assumed to be a minimum requirement necessary for providing technical education.

## PROCEDURE TO SEEK APPROVAL FROM AICTE FOR STARTING A TECHNICAL INSTITUTE

Existing technical institutions have to obtain approval every year from AICTE by maintaining the infrastructural standards as specified. All applications are processed and the decisions are declared by 30 April of each year.

Following is the process for seeking approval from AICTE[2]:

[2]All India Council for Technical Education Approval Process (2012-2013), AICTE, Government of India


New institutions granted Letter of Approval shall comply with appointment of teaching staff and Principal/Director as the case may be, as per the policy regarding minimum qualifications, pay scale and other technical supporting and administrative staff as per the schedule prescribed in the Approval Process Handbook. Unless the appointment of all teaching and other staff is completed, the institute cannot start the approved technical courses.

### Summary of Some Key Norms and Challenges Faced

*Corpus Fund: INR 10Million*

The purpose of this fund, as per AICTE, is to check the fund position of the applicant. However, the applicant is already willing to spend much more on the construction of building and other expenditures involved in setting up the institution. This fund amount only adds to the financial burden of the

applicant. Hence the purpose of a corpus fund is redundant as the fund position and the willingness to commit to the new institution can be examined by the expenditure already incurred by the applicant. The AICTE also does not specify the rationale behind the amount. However, this amount is refundable after ten years if the institution maintains a clean record.

*Approved Nomenclature*

AICTE allows the institutions to name their course as per the approved nomenclature only. Existing courses recognised by the government, for example computer science, information technology, biotechnology, etc. has to be named as per the nomenclature specified. Institutions are not allowed to name courses as per will.

The courses offered should also be in-line with the same approved nomenclature. Institutions desirous of offering a new course, which is not mentioned in the nomenclature or previously offered by any Indian institution, would need to provide justification regarding the need for such a course and its difference from the approved courses. AICTE officials will then consult with a group of experts in the concerned field and then take a decision as per their recommendations.

*Intake*

Not more than 60 students are allowed in one division and only five divisions are allowed in the first year of operation. Intake can increase in subsequent years with prior approval from AICTE. Given a dynamic job market, new firms are coming up every year and thus creating new jobs. Students are attracted to the field, which provides the most lucrative career.

*Land and Building space*

Appendix 4 of the handbook specifies the exact size of rooms, laboratories, toilets, administrative building etc. that an institute must have. Such specification is unnecessary and cumbersome both, for the applicant since they have to comply with it, and the inspection officials who must examine them.

*Books and Journals*

A total of 100 titles per course and 500 books per division are mandated, as well as some additional compulsory journals for each institution. Violation of this norm as identified could lead to the rejection of applications. In the digital age of today, students prefer a digital library over a physical one. This is cheaper for the institutions and convenient for the students as well. Provision for such flexibility should be allowed.

*Faculty*

Qualification and salaries are specified by the AICTE as well as UGC. Institutions have to comply with them to obtain approval. Professionals from relevant fields are not allowed to hold permanent faculty positions if they do not acquire the relevant degrees. Appraisal of faculty is also hampered due to lack of degrees. The lead engineer of the R&D department of Hyundai Motors would be more suited for as a teacher in an engineering institute then a PhD holding professor with no practical knowledge.

## KEY CHALLENGES

There are two major challenges that applicants face while seeking approval from the AICTE

### *FINANCIAL BURDEN*

Most of the norms (infrastructural as well as academic) have to be fulfilled beforehand. The infrastructural regulations are very detailed and inflexible. Fulfilling them is difficult for an individual without very deep pockets. The applicant has to undertake a huge financial risk to cover the compliance cost. Rejection of application can lead to enormous monetary loss.

The final aim of an educational institute is to provide quality education to its students and prepare them for a possible career in this sector. However, it is still hard to say if the value of books in the library or the size of principal's room is correlated to the learning outcomes of its students. These norms only play the role of entry barriers for academicians and other potential applicants who may have the skill and spirit to produce fine quality employees but lack the financial backing to set up a college.

### *ABUNDANCE OF EXCESSIVE NORMS*

This sector is characterised by a surfeit of regulations that have been established to ensure minimum input standard to ensure quality. However, this has only been successful in curbing the regulatory autonomy of the institute. The overall list of the norms is more complex, defining everything from the actual size of the building to the size of every room in the building along with specification of the usage of every room and further more.

Also, the above mentioned procedure gives the simplest method to start a college, provided that there is no rejection of application at any stage, application is specific for only one course and without any foreign collaboration. As soon as one of these additions creep in, the steps and the cost amplifies. The most common source of rise in cost is the rejection of application. The regulations are input based and the focus of the inspections is subjective and not objective.

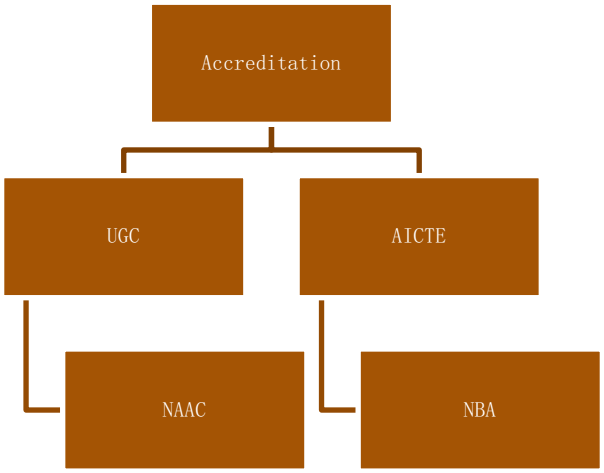
Some norms such as the faculty qualification requirement are redundant and place excessive focus on formal qualifications while not recognising the value of professional experience. The institute should be allowed to decide the mode of information transfer that they find optimum, since the final aim is student-learning outcomes. Similarly, regulations specifying the number of books, titles, subscription of specific journals, PC-student ratio, number of colour printers, internet speed, etc. are unnecessary. Their contribution to learning outcomes is insignificant, but to cost, is phenomenal.

The layered regulatory framework of this sector has multiple disadvantages, leading to a reduction in efficiency of both – the regulatory authorities (UGC, AICTE, et cetera) and the private institution owners. The extant rules and regulations in place impose a significant entry and operational barrier for private institutions, as the same indicators/ factors are being regulated and monitored by numerous departments of the government, leading to inefficient use of resources. In order to truly transform the higher education sector, focus should be on reducing entry and operation barriers and moving towards effective regulation. One such move could be towards grading of institutions i.e. accreditation. This is a means of achieving quality. The following section focuses on accreditation in India.

## OVERVIEW

The National Policy on Education in 1986 initiated the idea of quality assurance in higher education in India. It was after this that the National Board of Accreditation (NBA) was formed under the All India Council for Technical Education (AICTE) and the National Assessment and Accreditation Council (NAAC) under the UGC. The goal of the accreditation bodies is to inform interest groups such as students, parents, and employers about the standard of an institution, and to encourage quality improvement of education through self-assessments and recommendations administered by the bodies.

**Figure 7.1:** Accreditation in India




The University Grants Commission (Mandatory Assessment and Accreditation of Higher Educational Institutions) Regulations 2012 mandates that all universities, institutions, and colleges be accredited by an accreditation agency. This mandate does not apply to technical institutions, however, it does include technical universities and universities offering technical programs. Accreditation agencies include the NAAC, NBA, or an agency that has been established under an Act of Parliament. The incentive of abiding by this regulation is that an institution with a high accreditation grade may be eligible for more funding. If an institution does not comply with the regulation, a college's recognition status granted by the UGC may be repealed, the Commission will recommend that the Central Government revoke the notification recognising a Deemed-to-be-University, action may be taken against private institutions, additional grants awarded for good performance that the UGC is not required to give, may be withheld, institutions may be declared ineligible for assistance under the UGC, and it will be advertised in the media and UGC website that the institution is not accredited. Higher education institutions have many incentives to gain accreditation.

## National Assessment and Accreditation Council (NAAC)

### History

The NAAC was established as an independent body under the UGC in 1994 with the objective of maintaining quality higher education in India. Specifically, the NAAC accredits central, state, private, and Deemed-to-be-Universities, institutions of national importance, and affiliated and autonomous colleges. Higher education institutions are eligible for accreditation only after they have had two rounds of graduates, or have been in existence for six years; whichever comes first.

### The process of accreditation under NAAC

To start the process of accreditation, the institution must submit a Letter of Intent, which requires background information about the institute, such as the programs it offers, its history, and recognition by the UGC. Institutions seeking accreditation by the NAAC for the first time are required to submit an Institutional Eligibility for Quality Assessment form. This form requires background information on the program, staff, faculty, students, and facilities. Once these forms are submitted, a peer team visits the institution and an accreditation decision is made after the team's reports and grade sheets have been assessed. The institution can appeal the accreditation grade if it is not satisfied with the result.

Evaluation by the NAAC is based off seven criteria:

1. Curricular Aspects
2. Teaching-Learning and Evaluation
3. Research, Consultancy, and Extension
4. Infrastructure and Learning Resources
5. Student Support and Progression
6. Governance, Leadership, and Management
7. Innovations and Best Practices

Accreditation grades are A, B, C, or D and based on the cumulative grade point average (CGPA) of the scores received on the criteria listed above and sub-sections known as Key Aspects. The CGPA is derived by taking into account a weighted score of the key aspects and criteria, and a weighted average of the criteria points. A grade of A, B, or C, means that the institution has been accredited. They stand for 'very good', 'good', and 'satisfactory', respectively. A grade of D is unsatisfactory and is not accredited by the NAAC.

The points for each of the criteria are allotted differently for universities, autonomous colleges, and affiliated colleges accounting for the difference in the way each functions. More points are allotted to the Teaching, Learning and Evaluation criterion for autonomous and affiliated colleges, than for

universities, whereas universities are allotted more points for the Research, Consultancy, and Extension criterion.

## National Board of Accreditation (NBA)

### History

The NBA was established by the AICTE in 1987 with the purpose of evaluating technical programs. It became an autonomous accreditation body in January 2010, with a mission to ensure that technical and professional institutions, including those in the engineering, technology, architecture, pharmacy, and hospitality fields, are providing relevant and quality education. Technical institutions volunteer to be accredited by the NBA.

### Process of Accreditation Under NBA

The accreditation process starts with a Self-Assessment Report (SAR) which is to be filled out by the institution for the programs that are applying for accreditation. The SAR covers the following criteria:

1) Vision, Mission, and Program Educational Objectives
2) Program Outcomes
3) Program Curriculum
4) Students' Performance
5) Faculty Contributions
6) Facilities and Technical Support
7) Academic Support Units and Teaching-Learning Process
8) Governance, Institutional Support and Financial Resources
9) Continuous Improvement

Once the SAR is completed, the NBA constructs a team of one chairperson and two evaluators to evaluate the program. The team prepares a pre-visit report based on their observations of the SAR. A three-day visit to the program is set-up for the evaluators to note the strengths, weaknesses, concerns, and deficiencies of the program based off of the criteria. The reports and notes of the evaluators are passed to the NBA to draft a report, which is also sent to the institution to check for any factual errors. The report is once again looked over by the NBA and a final accreditation status is granted. The institution can appeal the granted status if it is unsatisfied.

There are two different evaluation rubrics for undergraduate engineering programs. The Tier-I rubric is for constituent colleges of universities and programs offered by autonomous institutions and university departments. Tier-II is offered to non-autonomous institutions, those affiliated to a university. The evaluation criteria is the same for both tiers; however, Tier-I gives more importance to outcome-oriented criteria such as the vision, mission, program educated objectives, and program outcomes. The

Tier-II rubric has less of a focus on these outcome-oriented criteria and a greater focus on inputs such, as facilities, students' performance, and technical support.

The NBA assigns the institution one of three possible statuses for accreditation: Accredited, Provisionally Accredited, or Not Accredited. The institute receives a status of Accredited for five years,if it gets a minimum of 750 points and a minimum of 60 percent in each of the nine criteria. A status of Provisionally Accredited is received for two years if the institute receives a score of at least 600 points irrespective of the percentage received in each criterion. Finally, the status of Not Accredited is assigned if the institute gets less than 600 points in the evaluation.

## OTHER ACCREDITATION BODIES

Other accreditation bodies operating in India include the Washington Accord, ratings agencies, and the Accreditation Board.

The Washington Accord is an international agreement amongst engineering accreditation bodies in fifteen countries – Australia, Canada, Chinese Taipei, Hong Kong China, Ireland, Japan, Korea, Malaysia, New Zealand, Russia, Singapore, South Africa, Turkey, United Kingdom, and the United States. Members of the Accord agree to recognise the degrees of graduates of engineering programs that are accredited by the respective accreditation body in that country. India, represented by the NBA, has been a provisional member of the Accord since 2007. Provisional member status has put the NBA's accreditation criteria under the scrutiny of the Washington Accord to ensure that the accreditation criteria and implementation meet the members' standards. India is expecting to gain the vote of two thirds of members to become a full member of the Washington Accord in June of this year. Once India becomes a member, degrees from programs that are accredited by the NBA will be recognised as equivalent to degrees from engineering programs of member countries. This will allow graduates of NBA-accredited programs to more easily pursue job opportunities in member countries.

In the private sector, ratings agencies such as ICRA, CRISIL, and CARE Ratings grade educational institutes; however, this is done on a very small scale. ICRA Limited grades management education institutes, maritime institutes, and started grading engineering colleges and universities in 2013. So far, ICRA has graded ten management institutions and 24 maritime institutions. The company's engineering grading line of business has been operating for one year and has yet to publish any grades. One of CRISIL's key tasks is to grade business schools. It has graded 31 institutions. CARE Ratings have only graded four institutes ranging from maritime studies to management studies.

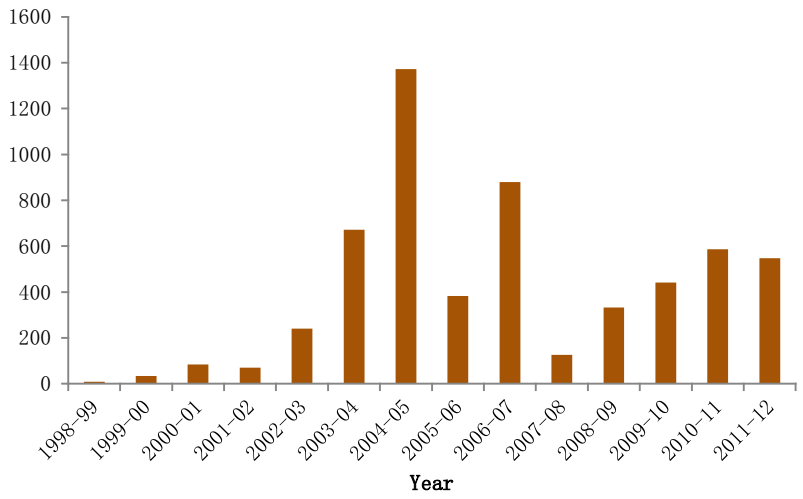
The Accreditation Board (AB) was formed under the Indian Council of Agricultural Research (ICAR). The Board serves as an accreditation body to inform students, educational institutions, professionals, employers, government, and other interest groups, which agricultural related institutions meet the standards prescribed by ICAR. AB also gives recommendations to institutions to develop additional programs.

## GAPS

### COVERAGE PROBLEM

The accreditation industry in India is highly concentrated, with the NAAC and NBA operating as the two main players. However, they lack full coverage of higher education institutions. The UGC Regulation 2012, requiring institutions (except for technical institutions) that have been in existence for six years, or have passed two batches, to gain accreditation by a recognised body such as the NAAC and NBA, will result in a large inflow of applicants that the accreditation bodies seem to lack the capacity to handle. In 2011, the NAAC accredited 548 institutions resulting in a total of 5,780 accredited institutions out of more than 35,500 institutions in India. While many of these institutions may not yet be eligible for accreditation as per the NAAC requirements, the Council has accredited an average of about 410 institutions per year since its first accreditation 14 years ago. At this rate, it would take the NAAC about 42 years to accredit only half of the institutions in India. The reasons for spikes in number of accredited institutions in fiscal years 2004 and 2006 are not known, but could be due to changes in the accreditation process, which the NAAC undergoes often. The Council will not have the capacity to accredit all non-technical institutions within a reasonable time period.

**Figure 7.2:**Number of Institutions Accredited by NAAC




Source: NAAC Annual Report 2011-2012

The NBA also has limited coverage in the field of technical education. The table below shows that between 1998 and 2009, the NBA only accredited about 50 percent of the applications it received. If the NBA was unable to meet the demand for accreditation before the UGC Regulation was mandated, the Board will have a difficult time accommodating additional applications that the UGC requirements might bring. While it is possible that a portion of these applicants may not have followed through with the entire application process, a 50 percent turnover rate for accrediting programs is very low. As Pawan Agarwal, Higher Education Advisor of the Planning Commission said of the NBA, "The coverage being poor, there is doubt if NBA accreditation serves any useful purpose in the overall context". In addition,

the Accreditation Board for Agricultural Universities had accredited, or extended the accreditation of only eight universities from 2010 to 2011 out of a total of 56 agricultural universities operating in India. The effectiveness of the accreditation bodies is limited by their capacity.

**Table 7.1:** NBA Accreditation Application Turnover

| Year | Applications Received | Accredited Programs | Percentage of Programs Accredited out of Applications Received |
|---|---|---|---|
| 1998 | 9 | 51 | 567 |
| 1999 | 28 | 16 | 57 |
| 2000 | NA | 13 | NA |
| 2001 | 244 | 96 | 39 |
| 2002 | 270 | 149 | 55 |
| 2003 | 550 | 207 | 38 |
| 2004 | 1,373 | 213 | 16 |
| 2005 | 440 | 269 | 61 |
| 2006 | 816 | 330 | 40 |
| 2007 | 1,161 | 576 | 50 |
| 2008 | 1,226 | 989 | 81 |
| 2009 | 1,142 | 834 | 73 |
| **Total** | **7,259** | **3,743** | **52** |

Source: Compiled from AICTE and NBA. (http://www.aicte-india.org/accreditation.htm, http://www.nbaind.org/Files/MonthWiseApplicationsLookup.aspx#sthash.97KBskSb.dpbs)

### Innovation Restrictions

Both accreditation bodies encourage traditional campus learning for higher education and leave little room for innovation in the higher education sector. The accreditation bodies take into account facilities, classroom sizes, library sizes, the number of faculty rooms, etc. These physical requirements restrict the opportunity for open and distance learning (ODL) and other non-traditional systems to easily gain accreditation, and even deter such programs from seeking accreditation, realising that it could result in a lower grade. ODL is when learning takes place outside of a classroom setting and the student and teacher may be in different locations. Students are free to choose when to start a program and at what pace they want to go. The student can receive instruction through the mail, radio, internet, etc. According to the UGC, about 25 percent of higher education students in India are enrolled in an ODL system. According to the Ernst and Young Higher Education Summit Report (2012), since the 1980s there has been a CAGR of 7.6 percent in distance education institutes, as well as a CAGR of about 11 percent in student enrolment in such institutes. The Distance Education Council, which was regulating and approving ODL systems, has been dissolved and this responsibility is now under the UGC. However, there is no body accrediting such programs.

The NAAC and NBA should adapt their criteria by removing provisions for infrastructure, classrooms, libraries, and facilities in order to accredit ODL systems and other innovations in the education sector. The United States has several distance learning accreditation agencies. Some agencies, such as the Distance Education and Training Council Accrediting Commission, solely accredit distance-learning programs, whereas the Middle States Commission on Higher Education accredits programs that are both traditional and online. The Middle States Commission adapts its criteria for different programs.

### Shift Towards Outcome-based Assessments

The NBA has recently adopted an outcome approach to accreditation, which is modelled after a U.S. based engineering accreditation body, ABET's Criteria. The criteria include the students' ability to apply their mathematics, science, and engineering skills, aptitude in design, ability to communicate and work in teams, and many others. When evaluating the attainment of these objectives, the NBA looks at whether the program is getting feedback from alumni, professional bodies, and industries; how the program is portrayed in the media; and faculty achievements. These are all important factors to measure student outcomes and effectively evaluate a program, as it aims to measure different interest groups' satisfaction with the program.

The NAAC's evaluation process also places importance on measuring outcomes; however, the NAAC does not demand a specific process for this measurement such as specifying that the institution talk to employers, alumni, and other interest groups. The NAAC solely checks whether the institution has a system in place to measure outcomes.

The NAAC has a separate Key Aspect, which evaluates a student's progression after graduating from a program. This category takes into account the percent of students that received job offers upon graduation through campus selection or elsewhere; the number that were accepted into post-graduate programs, the number who completed the program on time, the scores of those taking exams for post-graduation, and the number who had a thesis published. The measurement of student outcomes can be improved by incorporating qualitative data and taking into account whether students were placed in full or part time positions, whether their job was related to their degree, or their post-graduate opportunities were up to their expectations, given the education they had invested in. This would help to better gauge the success of outcomes.

**Figure 7.3:** NAAC and NBA Accreditation of Top 25 Engineering Colleges

| India Today Engineering College Ranking and NAAC, NBA Accreditation | | | | |
|---|---|---|---|---|
| Rank | College | City | NAAC* | NBA* |
| 1 | Indian Institute of Technology Delhi | New Delhi | No | No |
| 2 | Indian Institute of Technology Kanpur | Kanpur | No | No |
| 3 | Indian Institute of Technology Kharagpur | Kharagpur | No | No |
| 4 | Indian Institute of Technology Chennai | Chennai | No | No |
| 5 | Indian Institute of Technology Roorkee | Roorkee | No | No |
| 6 | Birla Institute of Sciences and Technology | Pilani | 2000 (5); 2009 (A) | No |
| 7 | Indian Institute of Technology, Banaras Hindu University | Varanasi | 2006 (A) | No |
| 8 | Vellore Institute of Technology | Vellore | 2003 (B+); 2009 (A) | No |
| 9 | Delhi Technological University | New Delhi | No | No |
| 10 | Indian Institute of Technology | Guwahati | No | No |
| 11 | PSG College of Technology | Coimbatore | No | Yes |
| 12 | S.R.M. Engineering College | Kanchipuram | 2006 (B+); 2013 (A) | Yes |
| 13 | National Institute of Technology | Tiruchirappalli | No | Yes |
| 14 | National Institute of Technology Karnataka | Surathkal | No | No |
| 15 | College of Engineering (Pune) | Pune | No | Yes |
| 16 | MS Ramaiah Institute of Technology | Bangalore | No | Yes |
| 17 | Netaji Subhash Institute of Technology | New Delhi | No | Yes |
| 18 | Thapar University | Patiala | 2002 (B++) | Yes |
| 19 | National Institute of Technology | Calicut | No | No |
| 20 | VeerMata Jijabai Technological Institute (VJTI) | Mumbai | No | Yes |
| 21 | International Institute of Information Technology | Allahabad | No | No |
| 22 | National Institute of Technology | Warangal | No | Yes |
| 23 | International Institute of Information Technology | Hyderabad | 2011 (A) | No |
| 24 | Birla Institute of Technology, Mesra | Ranchi | 2003 (B+) | Yes |
| 25 | JNTU College of Engineering | Hyderabad | 2004 (A) | Yes |
| * Accreditation is valid for 5 years after accreditation is received | | | | |
| ** "Yes" indicates that the college has programmes that were in the past or currently are accredited by the NBA | | | | |

Source: India Today Engineering Rankings
http://indiatoday.intoday.in/bestcolleges/2013/ranks.jsp?ST=Engineering&LMT=2&Y=2013

While the accreditation bodies are adopting ways to evaluate student outcomes, currently, the NAAC and NBA ratings do not appear to have much of an influence on students' perceptions of programs. Out of the top 25 engineering colleges in India in 2013, published by India Today, only three of these were accredited by the NAAC in 2013 and eleven of the colleges had programs accredited by the NBA currently and in the past. These colleges, shown in the table below, are also the most highly regarded in India, and the lack of an accreditation seal from the NAAC or NBA does not deter the 500,000 students applying to the Indian Institutes of Technology. As Pawan Agarwal says, there is little evidence to show that accreditation has had an effect on the quality of higher education in India.

## OVERVIEW

A nation's economic development is crucially influenced by an educated and skilled workforce. This led nations to focus on building a stable and diverse sector of higher education, which would be able to supply a pool of skilled workers and initiate innovation. In a globalised world, an internationally well-connected, quality higher education system can facilitate the innovation of new ideas, and integration not only in trade and technology but also in research and learning.

This section attempts to provide a brief overview of the higher education systems of three countries: USA, Australia and Malaysia; focusing on some keys aspects which are assumed to be of significance for the quality of higher education sector, such as teacher qualification and pupil-teacher ratio.

## UNITED STATES OF AMERICA

The United States was chosen as a case study because of its world-renowned higher education institutions. According to the *Times* Higher Education World Reputation Rankings 2014, the United States is home to 46of 100 of the world's best universities, including the top five universities in the world. The U.S. also ranks 14$^{th}$ in the world in the percentage of people in the 25-34 year age bracket having completed higher education (42 percent).

### HIGHER EDUCATION LANDSCAPE

There are 2,823 private institutions operating in the U.S., which accounts for 40 percent of all higher education institutions in the country. The private sector enrols about 28 percent of students, or 5.6 million. From 2000 to 2008, the enrolment in for-profit institutions increased from three to eight percent.

The government has assisted the private sector by allowing for-profit institutions to raise capital through private equity funds and public markets. The Higher Education Act in 1972 increased aid to for-profit institutions.

The presence of these institutions has also increased competition in higher education. The U.S. Federal Government provides loans to students to choose the institution they wish to attend. Therefore, public, non-profit, and for-profit institutions are competing for students.

### FEDERAL REGULATIONS

Regulation of higher education comes under the Higher Education Act (HEA) of 1965, reauthorised as the Higher Education Opportunity Act (HEOA) of 2008. Regulations at the federal level primarily deal with funding provided to higher education institutions. The Act covers the following purposes:

- Providing funding for extension and continuing education programs

- Allocating money to enhance library collections
- Provisions for strengthening developing institutions
- Providing student assistance through scholarships, low-interest loans, and work-study programs
- Provisions for improving the quality of teaching
- Provisions for improving undergraduate instruction

### Establishing an Institution of Higher Education and Program in the United States

The regulations and procedures for establishing an institution of higher education in the United States are determined by each state. An institution of higher education is a post-secondary education institution that offers programs that will lead to an associate's degree or higher. This includes two and four-year, public and private, colleges and universities. The State of Maine, which is considered one of the more difficult states to obtain a license in, has a clear, uniform, and very feasible process to gain recognition for establishing a higher education institution and/or course or program.

Maine has the same requirements for obtaining initial degree authorisation (for an institution) and for course/program offerings by out-of-state institutions. First, an institution must inform the Commissioner of the Department of Education in the State of Maine that the institution intends on obtaining legislative authorisation to grant degrees at or above the Associate level. The Commissioner will inform all other presidents of higher education institutions in the state about the intended entry of another institute. This is to get their comments on the need for the new institute/ program. The institution then provides a detailed report covering the following topics:

1. Organisation and Governance
2. Institutional Objectives
3. Degree Requirements
4. Additional Requirements
5. Academic Programs
6. Faculty
7. Student Services
8. Library and Learning Resources
9. Facilities
10. Financial Resources

The Commissioner will then set up a review committee to evaluate the report and visit the institution, if necessary. The Committee's report is sent to the Commissioner and State Board of Education to discuss. Finally, the State Board of Education will make a recommendation which will be transferred to the Joint Legislative Committee on Education.

## Key Requirements

The institution must meet the required hours of course instruction per semester depending on the degree level a student is pursuing. For example, to obtain an associate degree, there must be a minimum of 60 hours of work per semester, a bachelor degree requires a minimum of 120 hours per semester, and so on.

Faculty members must meet certain educational qualifications. A faculty member at the undergraduate level is required to have at least a master's degree from an accredited institution.

With regard to the Library and Learning Resources section, the Department of Education requires that the library and its resources play a large role in students' education, have an up-to-date, diverse, and accessible collection of resources, with a system of acquiring new resources in place. The library must be of adequate size to cater to the needs of the student body and must have qualified staff. The requirement also gives institutions the option of giving students access to an outside library, rather than having a personal library, as long as there is a detailed plan and agreement on how it can be used by the students.

With regard to finances, the institution must provide a five-year plan including a list of all projected expenses and sources of income. Projected expenses include instructor, administrator and support service, and other expected expenses. Projected sources of income include tuition, funds from fundraising, gifts and grants, borrowed amounts, and other expected expenses. The application must show that the institution has the resources to continue the program/s for a minimum of five years.

The requirements to obtain recognition for a coordinated course or program are much shorter and simpler. A coordinated course or program is administered by a Maine degree-granting educational institution, which has been approved by the State Board of Education. To gain approval, the Board needs to understand the responsibilities of the institution of higher education, the arrangement of the program or course with the institution, the content, goals, and objectives of the program, administrative responsibilities, and proof of support from a Maine degree-granting institution of higher education.

The licensing process in the State of Maine, similar to the processes in the rest of the U.S., does not stipulate burdensome land, finance, or facility requirements, but instead is a process to ensure that a new institution has acceptable standards in place to become an institute of quality. This system is in contrast to the multi-layered and bureaucratic system in India.

## Accreditation

Accreditation is not mandatory for institutes of higher education, but funding from the federal government is dependent on whether the institute has been accredited. Some states may require thatan institution be accredited before obtaining a license. Independent, regional bodies carry out accreditation; however, the U.S. Department of Education regulates these agencies and accreditation is only recognised from certain agencies.

## AUSTRALIA

Australia was chosen as a case study because of its well-established higher education system. Australia is the fourth most represented country (tied with Japan) in the *Times* Higher Education World Reputation Rankings 2014.

### HIGHER EDUCATION LANDSCAPE

Education providers in Australia include universities, self-accrediting providers, or non-self-accrediting providers. There are 39 universities (37 public and 2 private), 40 self-accrediting and about 130 non self-accrediting higher education institutions.

Self-accrediting higher education institutions consist of private, public, and overseas universities, and colleges of specialisation. Self-accrediting institutions are given the right to accredit their own programs. Many of these institutions voluntarily gain accreditation from external bodies in addition to their internal accreditation processes.

Non self-accrediting higher education institutions are primarily private and have their programs accredited by state and territory accreditation agencies. Non-accrediting institutions are required to continually re-apply for accreditation.

### ESTABLISHING AN INSTITUTION OF HIGHER EDUCATION AND PROGRAM IN AUSTRALIA

The application process to establish an institution of higher education in Australia consists of a preliminary assessment to inform the applicant if the provider category applied under is appropriate, or if the applicant should apply under a different category. The second stage is the substantive assessment, which may include site visits, meetings with staff members, stakeholders, and third parties, and requests for additional information.

An entity must apply to the Tertiary Education Quality and Standards Agency (TEQSA) to become registered as a higher education provider in Australia. TEQSA is responsible for regulating and ensuring the quality of higher education in Australia.

The application process requires information on the following:

1. Applicant details
2. Provider standing: applicant ownership and corporate structure
3. Provider standing: applicant history
4. Corporate and academic governance
5. Financial viability and sustainability
6. Academic quality and integrity
7. Management systems and human resources
8. Responsibilities to students
9. Physical and electronic resources and infrastructure

### KEY REQUIREMENTS

Academic staff must have demonstrated knowledge and continuous engagement in their subject area. There is a stress on academic staff being up-to-date with their field and engaging in relevant professional activities.

In order to become a higher education provider, the applicant must prove that the institution has the physical and electronic resources and infrastructure to support learning and research. This includes classrooms, libraries, offices, research areas, laboratories, and recreation areas. TEQSA requires detailed information on these facilities including floor area, descriptions, plans for updates and improvements.

TEQSA requires detailed information on the current and projected finances of the applicant. This includes a business plan, projected income and expenditure statement, projected cash flows, and projected balance sheet. In addition, an independent and qualified auditor must audit the provider. The provider is required to submit a detailed business plan as well as have a business continuity plan. This plan will ensure that if a provider closes down, the student can complete the course with another provider or receive a refund of the fees. The applicant must also have insurance arrangements in place and a system to detect and prevent fraud.

The application for establishing a higher education institute is quite extensive and the regulators require information on every aspect of the institution, including student outcomes, finances, management systems, human resources, fees, facilities, personnel, and potential corporate risks. However, TEQSA does not set specific caps or ceilings for each of these areas, instead it applies a method of "proportionate regulation", the term TEQSA uses to describe its evaluation of applications, which is based on the circumstances and scope of each applicant.

### ACCREDITATION

In order to become a registered higher education provider, the provider must have at least one accredited course. Therefore, an application for registration must include an application for accreditation of a course.

In order to be recognised, the Australian Qualifications Framework (AQF) must accredit new higher education courses of study. The AQF is the body that sets the standard of quality for Australian education.

## MALAYSIA

Malaysia was chosen as a case study to demonstrate the relative ease of opening a higher education institute in a neighbouring country of India. Malaysia's 2007 National Higher Education Strategic Plan envisions making the country an educational hub to attract students from around the world. Therefore, the government has taken many steps to increase access to USA quality of higher education in

Malaysia. Recent loans made available to the private sector from government agencies have encouraged a growth in the number of students attending private higher education institutions (PHEIs).

### Higher Education Landscape

Higher education in Malaysia consists of public institutions and private higher education institutions. Public institutions are those, which are funded by the government and include public universities, polytechnics, and community colleges. Private higher education institutions (PHEIs) include private universities, private university colleges, foreign branch campus universities, and private colleges. As of 2011, there were 25 universities, 22 college universities, 5 branch campuses, and 403 colleges registered with the Private Higher Educational Institution Management Sector (PHEIMS).

### Establishing an Institution of Higher Education and Program in Malaysia

There are different processes for registering and establishing a higher education institution. One is by applying for the status of university/college, university/foreign university branch campus, and the other is without such a status. Applying with the status of a university/college university/foreign university branch campus requires more steps and an additional approval from the Minister of Education. However, the requirements are similar for both processes.

### Key Requirements

The application for the establishment of a PHEI requires information about the applicant's finances, institution constitution, facilities and areas etc. There are no specific requirements; however, the application for establishment may be rejected by the Registrar General if the applicant cannot prove that it is capable of providing adequate educational facilities, providing efficient management and administration, determining and maintaining educational standards, establishing a sound system of governance; or that the applicant or anyone who is to hold a position at the institution is of good standing.

A separate application must be completed for the approval to conduct courses of study. This application requires information on the course, teachers, facilities, management, and rationale for providing such a course.

After establishing a PHEI and obtaining approval for a course of study, an applicant must register the institution. Part of the registration process includes gaining approval from the local, fire and rescue, and health departments. The Registrar General may refuse an application for the registration of a private higher education institution if it is found that the area is unsuitable for any health or safety reasons, does not have an adequate recreation area, the registration will prove detrimental to the national interest of Malaysia, the name under which the institute will be registered is undesirable, or the fee structure is unreasonable.

Like both the United States and Australia, Malaysia does not specify land, recreation, library, or financial requirements but prefers that the institution have adequate resources and facilities.

### Accreditation

Malaysia has a centralised system of accreditation, where the Malaysian Qualifications Agency (MQA) oversees quality assurance and accreditation of all higher education in Malaysia. Accreditation by the MQA brings many benefits to the students and the program. Graduates can only be eligible for a government job if they have a degree from an MQA accredited program. Certain professional bodies such as the Board of Engineers Malaysia, requires graduates to have a degree from an accredited university in order to be registered as a professional engineer. There are more opportunities for students to be funded if they are attending an accredited program. Transferring credits between MQA accredited programs is easier. Finally, institutions are more easily able to franchise their accredited programs to other institutions.

## CASE STUDY: SETTING UP A LEGAL EDUCATIONAL INSTITUTION IN INDIA

Indian higher educational institutions offer many disciplines of study. This report has, so far, focused primarily on the private route of setting up an institution concentrating on the course of engineering. The processes and the barriers are seen to be traditional and stringent, and there is a need for more modern reforms. However, the landscape of regulations is similar in their norms and rules across the disciplines. The differing factor is the regulatory body. Taking the example of the discipline of law, this section shows that research and reforms are needed in other courses as well.

The following section comprehensively examines the steps to open a private law college in India. It focuses on the different norms and regulations, which are mandatory to follow, and the key challenges that are faced by the applicant in such a process.

### LEGAL EDUCATION IN INDIA

In India, legal education has been traditionally offered as a three years graduate degree. Degrees that were conferred were LL.B. (Bachelor of Laws) or B.L. (Bachelor of Law). Applicants registering for these courses were required to have a Bachelor's degree in any discipline. However, the structure has been co-existing with modern five-year integrated law degree after higher secondary qualification based on the suggestions made by the Law Commissions of India. In 1987, the first specialised law university was established at Bangalore. The BCI created a charitable trust known as the National Law School of India Society, in Karnataka. This society had requested the state government of Karnataka to establish the National Law School of India University, Bangalore by passing the National Law School of India University Act, 1986. It was solely devoted to legal education and to raise the level of standards of academics in this course. These law universities (followed by one in Bhopal in 1997, Jodhpur in 2001 and Delhi in 2008) were meant to offer a multi-disciplinary and integrated approach to legal education. It was therefore for the first time that a law degree (as an undergraduate programme) other than LL.B. or B.L. was granted in India. NLS offered a five year law course upon the successful completion of which an integrated degree with the title of "B.A., LL.B. (Honours)" would be granted.

Courses offered in India today are as follows:

1. **Bachelor of Laws (LL.B.)** - The LL.B. is the most common law degree offered and conferred by Indian universities, which is for a period of three years.
2. **Integrated undergraduate degrees** - B.A. LL.B., B.Sc. LL.B., BSL LL.B., BBA. LL.B., B.Com. LL.B. These degrees are mostly offered in the autonomous law schools have a duration of five years.
3. **Master of Laws (LL.M.)** - The LL.M. is the most common postgraduate law degree, which has duration of one/two years.
4. **Master of Business Law**
5. **Doctor of Philosophy (Ph.D.)**

6. **Integrated MBL-LLM/ MBA-LLM.** -Generally a three-year double degree integrated course with specialisation in business law.

Law degrees in India are granted and conferred under the provision of the Advocates Act, 1961, which is a law passed by the Parliament both on the aspect of legal education and also regulation of conduct of legal profession. Under the Act, the Bar Council of India is the supreme regulatory body to regulate the legal profession in India and also to ensure compliance with laws and maintenance of professional standards by the legal professionals in the country.

### BAR COUNCIL OF INDIA

The Bar Council of India (BCI) is a statutory body that regulates and represents the Indian Bar. Its main functions are to set standards of professional conduct, etiquettes for the advocates and to exercise disciplinary jurisdiction over the Bar. It also sets standards for legal education, and grants recognition to Universities whose degree in law shall be a qualification for enrolment as an advocate. For that purpose, the Bar must visit and inspect Universities and their curriculum. A detailed list of 13 functions is given in Section 7 of the Advocates Act, 1961.

### Procedure to Start a Private Unaided Law College in India

There are broadly three steps, which need to be followed to start a law college in India, namely:

1. Register under the Societies Act
2. Apply to the BCI to set up a college
3. Get affiliation from a recognised university

First and foremost, anyone who wishes to open any educational institute in India is required to get the society sponsoring the new private college registered as an Educational Society under the Societies Registration Act, 1860, by submitting an application form with a fee as prescribed by the concerned department in a given year, for registration, processing and inspection. The Society shall next submit hard as well as soft copies of a detailed application form (available on the website www.barcouncilofindia.org) to the BCI for seeking recognition as a Centre for Legal Education, along with the documents listed herein Appendix 10.1, and the fee prescribed by the Council. At the same time, the college must also apply to the university it wishes to affiliate with.

After the submission of the application, BCI will take 12-16 weeks to process and move to the next step, provided that the applicant gives "correct and honest" statements of facts supported by appropriate documents (verbatim from the application form). On receipt of the proposal, the application is scrutinised and on fulfilment of the conditions stipulated with regard to the facilities, as laid down by the inspecting educational agency, the Head of the college and the Registrar of the university providing affiliation will receive the date and time of the inspection. The head of the institution must be prepared with the documents as listed in Appendix 10.2 on the day of the inspection from the BCI, along with an inspection fee of INR 150,000.

Once these documents are in place, the inspection team consisting of four to six members, appointed by the BCI (including a senior professor of law and other subjects from a nearby university), will inspect the new college based on a pre-defined schedule specified by the BCI (Inspection Manual, 2010).

The inspection shall take two procedural forms – firstly, the committee shall thoroughly scrutinise the documents in their possession, supported with explanations from the institution. The committee may ask for additional documents during the inspection. The deficiencies, if any, would be identified and noted.

**Some Norms and Regulations**

A new college has to pass many 'general standard' prescriptions to get a nod from the inspection committee. These norms and rules cover minute details of physical as well as academic infrastructure. Following are some examples (Inspection Manual, 2010):

**Table 9.1:** General Standard for Building Construction

| Particulars | Size |
|---|---|
| General Classroom Size(max. class size of 60) | 30 ft x 50 ft |
| Moot Court Size | 30 ft x 50 ft |
| Special Classroom/Honours Classroom | 20 sqft per student |
| Faculty Room/Work Station | 100 sqft per room/work station |
| Principal/Head /Dean's Room with Meeting Facilities | 500 – 600 sqft |
| Common Room Facility for Students | 10 sqft per user |
| Assembly Hall | 10 sqft per student + 40ft x30 ft |
| Toilet Strength | 10 units per 100 student |

The educational society should provide, in total (including the area space for the above), one acre of own land for student strength up to 1,000, two acres of own land for student strength above 1,000.

**LIBRARY NORMS**

Library is one of the most important features of an educational institution. A well-equipped library with adequate reading space forms the highlight of an institute. The BCI's inspection manual has an entire section on library norms. Following are examples of some such norms.

**Table 9.2:** Some Library Norms

| Particulars | Size |
|---|---|
| Librarian's Room & Accession Room | 300 sq feet |
| Documentation Room | 150 sq feet |
| Computer Terminals | 600 sq feet |
| Legal Aid | 150 sq feet |
| Consultancy Room | 150 sq feet |

| | |
|---|---|
| Books Investment | INR 500,000 for the first 60 students |
| Language Lab[3] | 150-200 sq feet |
| Reading Room | 20 sq feet per student (totalling at least50 percent of total enrolments) |

### FACULTY QUALIFICATION NORMS

1. Full-time members of the faculty shall possess at least Master of Laws (LL.M.) degree or as prescribed by the UGC along with NET qualification.
2. Members of the faculty teaching clinical programs may be drawn from retired judicial officers or from the Bar.
3. Visiting faculty from the profession, judiciary or academia shall have a minimum experience of ten years.
4. There shall be sufficient number of full-time faculty members who shall be, if necessary, supported by part-time and visiting faculty.
5. Members of the faculty shall be paid according to UGC pay scales.

### OTHER NORMS

1. Number of library books to student ratio must be 5:1
2. At least one leading Law Journal with back volumes under each head such as Company Law, Labour Law, Tax Law, Criminal Law, et cetera, along with All India Reporters.
3. Qualified library staff
4. At least five sets of professional dress in the Moot Court Room facility.

After the inspection of the physical infrastructure, the inspection committee next moves to academic infrastructure. Colleges are dictated to adopt the syllabus and examination pattern of the affiliated university. Though the BCI allows universities to design their academic program, courses stipulated under BCI Education Rules, 2008 are mandatory. In addition, the UGC, in alliance with the BCI, also provides a model syllabus for both three-year as well as five-year courses (Curriculum Development Committee Law Report, 2001). It is also mandatory for an advocate to pass the All India Bar Examination for practicing a legal profession. The syllabus for this examination is specified by the BCI. Hence colleges have to keep this in consideration while designing their own syllabus.

Before these procedures, the educational society has already approached the concerned university to obtain affiliation for the college. Before according temporary affiliation, the university shall send an affiliation committee to inspect whether college has provided facilities as per the BCI norms and the

[3]Language is a software which is mandatory for the law course. It is purchased from the BCI and costs INR 150,000.

rules of the university. Further, the educational society should obtain grant of approval of affiliation from Bar Council of India, before starting admissions. The new educational institution is also required to follow all academic and administrative rules and regulations of the university.

This entire process to set up a college of legal education (provided the building is prepared at the time of inspection), takes a minimum of one year. This is primarily due to the inability of BCI to follow its own self-specified timeline. Scrutinising the application, field inspection, and further inspections (if required) takes much longer time than they mention.

## KEY CHALLENGES

### *ENTRY BARRIERS*

Most of the norms (infrastructural as well as academic) have to be fulfilled even before the private trust gets the permit to establish a 'college' of legal studies. The infrastructural regulations are very detailed and inflexible. Fulfilling them is difficult for an individual without very deep pockets. The applicant has to undertake a huge operating and business risk to cover the compliance cost, even before they acquire the permit to set up the college. Rejection of application can lead to enormous monetary loss.

The aim of an educational institute is to provide quality education to its students and prepare them for a possible career. These norms that regulate their setup are input-based and play the role of entry barriers for academicians and other potential applicants who may have the skill and spirit to produce fine quality lawyers, but lack the financial backing and patience to set up a college.

### *APPROVAL AND AFFILIATION*

A start-up college must acquire affiliation from an existing university as well as approval from the BCI to start admission. Both, BCI and the university, appoint an inspection committee each, to ensure the fulfilment of all requirements before approving the application. However, approval from either one of them should be enough to provide the stamp of credibility to the institute. The affiliating university will make the required inspection and scrutinise the college before hand and therefore, the BCI need not inspect the same documents again. On the other hand, if the BCI has already given its approval marking the college fit to start admissions, to have the university re-examine the same documents seems fruitless. However, the current process makes it mandatory to obtain both – BCI approval and university affiliation, wasting valuable resources in terms of both time and money of all three parties involved.

### *NORMS OF SUPERFLUOUS NATURE*

While the BCI has specified all the norms and steps for setting up a new college, it has left enough scope for vagueness and ambiguity. This allows the inspection committee to find loopholes which may lead to rejection of the application. Following is the list of some such norms:

- The BCI specifies the exact size of 'general' and 'specific' classroom, but does not specify the difference between the two.

- Concerning the expenditure on library books, the BCI fails to take into consideration that a college owner can possibly buy the required number of books at a cheaper cost.
- The BCI asks for 'adequate' faculty but does not specify adequate. It also does not take into consideration that one professor can be qualified and willing to teach more than one subject, while more than one professor may be required to cover a single subject. This is a decision, which should be left to the college owner.
- The library book-student ratio must be 5:1. However, instead of buying so many books, the college owner may get access to soft copies of the required books. Since the BCI mandates the provision of a computer laboratory, the students can access the same material online. Salary of faculty can be left to the college's discretion. Also faculty qualification norms (specifying the number of years of experience etc.) are unnecessary, since students might prefer a teacher who has worked in the field, to highly qualified teachers with no field experience.

These 'unclear' norms are subject to interpretation and can lead to rent-seeking activities.

*Curriculum Monitoring*

The BCI has a two tier monitoring system to ensure that only the best students have the privilege of practicing law in India. The first tier is at the institution level, where they monitor the curriculum; and the second is at the student level through the compulsory All India Bar Examination for all potential lawyers. This is an additional burden on both, the student as well as the college. The BCI examines the curriculum before approving it, however, the BCI-set curriculum may not reflect the market demand and they may also be unable to update the syllabus at the required rate to meet the needs of the market. Their curriculum may also not reflect what constitutes the 'best' in terms of legal competency, for the market. Colleges will be able to judge these parameters more efficiently and consistency across institutions can be ensured through the All India Bar Examination.

## Conclusion

In this paper, a regulatory mapping of the current higher education landscape of India was carried out. The paper analyses the different routes of establishing a private institution of higher education, the different regulatory and statutory bodies governing and monitoring these institutions, and the accreditation of these institutions using the discipline of engineering as an example.

The private sector's role in provision of higher education has grown significantly in the last decade. They are responsible for nearly 59 percent of the current total enrolment of students. It is found that due to a large number of regulations and numerous regulatory bodies, there is an excess and overlap of regulations faced by these institutions to enter, operate in and exit this sector. In brief, the challenges are:

1. For private universities:
    a. Entry norms – lack of clarity on process of establishment; requirement of not-for-profit nature; land and infrastructure norms; endowment fund requirement
    b. Operating norms – restrictions on accreditation; fee norms; admissions; granting of affiliations
2. For a deemed university:
    a. Entry norms – eligibility criteria; land and infrastructure norms; corpus fund requirement; academic infrastructure.
3. Affiliation of a private college to a state university: land requirement within the jurisdiction of the affiliating university; lack of a transparent regulatory environment and the existence of 'adequate' and 'genuine need' norms; cumbersome, time-consuming and confusing norms of affiliation; lack of operational autonomy
4. AICTE norms for offering an engineering course – corpus fund of INR 10 million; restrictions on intake; land, building space and infrastructure requirements including for library; faculty qualification requirements
5. Challenges in accreditation – including capacity problem; restrictions on innovations and the use of input-based recognition norms

The existing rules and regulations in place impose a significant entry barrier for private institutions.

Institutions, which are granted deemed status, are subject to greater entry barriers, but lower operational challenges. However, the UGC has not granted such a status to any private institution since 2009, thereby closing that route for the private players. Several of the eligibility criteria for applying for such a status are observed to be subjective and predictive in nature. One such example is that the institution shall engage in quality research activity and scholarly work. The regulatory body for the specific discipline is already covering some of the other requirements, such as those of land and infrastructure.

The paper enlists numerous requirements and difficult procedures, which become major entry barriers for private persons to establish and operate educational institutions within the state of Madhya Pradesh. The difficulty arising out of land norms and other requirements under the affiliation process to old universities were slightly relaxed under the Rajiv Gandhi Technical University Act of 1998, which has, in fact, been instrumental in the development of the state as a technical education hub. It should be noted that even after establishment of the educational institution, the smooth functioning of the same is dependent upon the whims of the university authorities, which are empowered to control every administrative function of the colleges affiliated to them.

The affiliated colleges are subjected to rules and regulations by four different authorities; namely; the University Grants Commission, the affiliating university, Central Government's quality assurance body (AICTE for example) and the State Government. The four simultaneous layers of regulations hurt the growth of quality higher educational institution. Further, as the affiliated institutions are not free to choose their own syllabus and teaching methods, maintenance of quality standards becomes highly improbable.

A college of technical education is also subject to the regulations imposed by AICTE. AICTE is the main regulatory body for technical education. The role of AICTE is only advisory and recommendatory, and institutions can operate without its recognition. However, AICTE publishes a list of unapproved institutions, which may act as negative publicity for these institutions as it reduces their credibility. However, there are institutions, such as the Indian School of Business, which is considered among the best business schools in India, which have chosen not to seek recognition from AICTE.

It is noted that all the regulations discussed in the papers are input-based and there is little room for outcome-based assessment. Shifting from a strict regulatory framework to an efficient accreditation framework is more suited. Analysing the progress made on accreditation, it is notice that both NAAC and NBA have been unable to meet the demand for accreditation. Primary reason for this can be attributed to the lack in capacity of these bodies. The coverage of accreditation bodies in India must be expanded—and incorporating private rating or accreditation agencies – both domestic and international – into the system is an effective way to do so. There are private bodies that have taken an interest in evaluating the quality of higher education, and these initiatives should be encouraged and recognised by regulatory bodies such as the UGC and AICTE, in order for the accreditation and quality assurance to be more effective in India.

The study of requirements for setting up a private university in three states (Rajasthan, Haryana and UP), for setting up a Deemed-to-be-University under UGC, and for opening three colleges within a state (Madhya Pradesh) – as summarised in the comparison matrix in Annexure 10.1 – clearly shows that the challenges mentioned are pervasive, and there are few exceptions to the observations made above.

The paper also briefly looks at the higher education landscape of some foreign countries, namely USA, Australia and Malaysia. USA and Australia boast of providing two of the most well-established higher education sectors on the globe. These countries harbour some of the top universities of the world and

they entertain many foreign students looking for good quality education. Malaysia, on the other hand, has undertaken many recent measures to boost its higher education sector and improve quality.

Finally, this paper notes the steps of establishing a private institution imparting education, taking the example of the discipline of law. Legal education is one of the oldest disciplines offered in India. The summary of the norms and regulations reflects the extent of effort put by the management of the institution, in order to comply with the norms; and by the Bar Council of India in monitoring and regulating.

There are many options to solve the challenges listed above, including:

1. By limiting entry norms to verification of financial strength of the applicant rather than mandating land, facility or fund requirements, which contribute little to the outcomes of the institutions, as is the case in all three countries studied (USA, Australia and Malaysia)
2. Approval for entry of for-profit institutions, to substantially widen the pool of entrants into this critical sector which is now restricted to non-profits which have the financial wherewithal to meet the steep entry norms; according of "infrastructure" status to this sector to attract investments; permit conversion of existing trusts and societies to Section 25 companies
3. Flexibility in meeting the entry norms – for example, students in the United States of America are allowed to access an external library which has a recognised arrangement with the college, rather than requiring each institution to setup a library
4. Consolidation of the regulatory structure of this sector by eliminating the overlapping regulations that are currently defined at the university, college, course and accreditation levels.

The higher education sector of India has not received enough exploration. Unlike primary and secondary education, the regulatory framework is much more complex here, with multiple levels of governance. Since the 11$^{th}$ FYP, this sector has witnessed an increase in government attention and funding. The UGC, in alliance with the other regulatory bodies, has attempted reforms in curriculum, teachers' salary and qualifications, infrastructure requirement, accreditation, etcetera. However, all these reforms have been very little in favour of the private sector. This paper opens further scope of research in terms of posing many questions such as why certain states, such as Tami Nadu and Andhra Pradesh, have shied away from the private university route and preferred the deemed university route, and other states such as West Bengal and Mizoram have not been able to perform better in terms of the number of private universities set up there. It is also worthwhile to explore the policy environment offered by states like Rajasthan and Haryana, which attract more private players. Given the complexity of the Indian higher education sector, the next stage of reforms should be directed at the state level and, if possible, at the course level as well.

It can be concluded that a more open and trusting environment for private educational institutions is required, along with administrative freedom and ability to moderate curriculums, so that they may compete with each other and their government counterparts and lead to an improvement in quality and reduction in cost.

## APPENDIX 4.1

### RAJASTHAN PRIVATE UNIVERSITIES ACT, 2005

| Section | Title | Description |
|---|---|---|
| **Section 4 sub-section 2** | Contents of the project report to be submitted by Sponsoring Body to the Govt | Application fee: INR 0.1 million |
| | Sponsoring body | a) Details of Sponsoring body: Can be society, trust, or a section 25 company<br>b) Registration certificate<br>c) Constitution<br>d) Bye-laws<br>e) Name, location and headquarters of the proposed university |
| | Financial Resources | Financial Resources, information for last five years |
| | Objectives of the university | |
| | Land | a) Availability of land and details of infrastructure<br>b) Building plan and phased programme for first five years |
| | Capital expenditure | Phased outlays of capital expenditure for the next five years and source of income |
| | Recurring Expenditure | a) Estimated recurring expenditure, course-wise or activity-wise<br>b) Source of finance<br>c) Estimated expenditure per student |
| | Source of finance | a) Scheme of mobilising resources<br>b) Cost of capital<br>c) Repayment plan |
| | Internal generation of funds | a) Fee from students<br>b) Revenues from consultancy<br>c) Other incomes |
| | Types of programs of study | Relevance in development goals of the State and the phasing of such programs in the next 5 years |
| | Experience | Experience and expertise in the courses at command of the sponsoring body |
| | Facilities | a) Academic facilities including teaching and non-teaching staff<br>b) Nature of facilities, course of study and research proposed to be started. |

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| | Fee structure | a) Proposed fee structure<br>b) Extent of fee concessions for poor or backward students including SC/ST/OBC and disabled |
| | Admissions | Process of admissions |
| | Appointment of teachers | a) Process of appointment of teachers<br>b) Give undertaking to appoint at least:<br>i) One professor<br>ii) Two readers<br>iii) Adequate lecturers<br>and necessary support staff in each dept./discipline to be started |
| | Distance education | Details of study centres for distance education programmes if applicable. |
| | Playground | Details of playground and other facilities for games and sports |
| | Academic auditing | Arrangements proposed to be made for academic auditing |
| | Essentiality | Justification regarding the necessity of establishing the university |
| | Others | a) Details of programmes related to local needs (if applicable)<br>b) Details of programmes for benefit for farmers, women and industries (if applicable)<br>c) Commitment to follow the norm of the Regulating Bodies<br>d) Any others details sponsoring body would like to provide<br>e) Any others details as may be prescribed |
| **Section 4 sub-section 3 & 4 (Amended)** | Submission of proposal | a) Govt. to setup committee to examine the proposal<br>b) Committee to submit recommendations by end of one month<br>c) No deadline mentioned for the govt. to act on the recommendations of the committee. |
| | Factors for rejection/acceptance of proposal | a) Financial soundness<br>b) Background of sponsoring body- expertise, reputation, and commitment to follow the norms<br>c) Potentiality of the courses offered as per the requirements of contemporary demands |

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| **Section 5 sub-section 1** | Issuance of letter of intent | If the Govt. is satisfied with the report of the committee, it will issue a letter of intent asking the sponsoring body to fulfil the following conditions |
| | Endowment fund | a) From INR 7.5million to INR 20million depending on distance from urban areas<br>b) Income from endowment fund to be only used for capital expenditure but not for recurring expenditure<br>c) Manner of investment of endowment fund specified in detail |
| | Land norm | a) 30 acres<br>b) Construction a minimum of 10,000 square meters of covered space |
| | Books and journals | a) Purchase books and journals of at least INR 0.1million or as per norms of regulatory bodies, whichever is higher<br>b) Give an undertaking to invest at least INR 5million In library facilities in the first three years |
| | Infrastructure requirements | a) Purchase movable and immovable assets (other than building) worth INR 2million or as per norms of regulatory bodies, whichever is higher<br>b) Give an undertaking to invest at least INR 10 million in movable and immovable assets within the first five years |
| | Co-curricular activities | Give undertaking to conduct a number of co-curricular activities |
| | PF and Welfare programmes for employees | Give undertaking for establishment of provident fund and take up welfare programmes for employees of university |
| | Fulfil regulatory norms | Fulfil the condition and provisions of UGC, AICTE and other relevant bodies |
| **Section 5 sub-section 2** | Compliance report | a) Upon fulfilling the above conditions, sponsoring body shall submit a compliance report to the Govt. within one year from issue of letter of intent<br>b) The Govt. shall constitute a committee to examine the report which shall submit its report within one month. |
| **Section 5 sub-section 3** | Rejection of application | If sponsoring body fails to comply with the provisions, the proposal will be rejected and the |

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| | | letter of intent will be withdrawn |
| **Section 6** | Establishment of private university | a) If the Govt. is satisfied with the report of the above committee, it shall establish the private university through an Act in the state legislature<br>b) No deadline specified |
| **Section 8** | Self-financing | The university shall be self-financed and not entitled to receive any grants from Govt |
| **Section 10** | General fund | A general fund to be established to credit any fees, charges, contributions and other incomes |
| **Section 11** | Use of general fund | The general fund can be utilised for objects mentioned under section 11 |
| **Section 3** | Admissions | a) Admission to be done on the basis of merit<br>b) Admission to professional and technical courses only on the basis of entrance tests |
| **Section 33** | Reservation in admissions | a) For minority quota, zone of consideration to be limited to students belonging to the minority community<br>b) Reservation for SC/ST/OBC/Women/Disabled as per the policy of State Govt |
| **Section 34** | Fee structure | a) Fee structure to be sent for approval to a committee constituted for this purpose<br>b) Approved fee structure to remain in place for at least three years |
| **Section 38** | Accreditation | University shall obtain accreditation from NAAC or NBA within three years of establishment and renew it every five years. |
| **Section 42** | Power to inspect universities | a) State Govt may cause an assessment to be made in the prescribed manner<br>b) State Govt may issue recommendations which the university shall adopt<br>c) Upon failure, State Govt may give necessary directions |
| **Section 43** | Dissolution of university | a) Sponsoring body may dissolve the university by giving notice to employees and students at least one year in advance in the prescribed manner<br>b) The dissolution of the university shall have effect only after the last batch of the students have completed their courses<br>c) Dissolution shall not have any adverse effect on |

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| | validity of degrees, diplomas or awards<br>d) Upon dissolution, all assets and liabilities shall vest with the sponsoring body |

## HARYANA PRIVATE UNIVERSITIES ACT, 2006

| Section | Title | Description |
|---|---|---|
| | Contents of the project report to be submitted by Sponsoring Body to the Govt | |
| **Section 4 sub-section 2** | Sponsoring body | a) Details of Sponsoring body: Can be society, trust, or a section 25 company<br>b) Registration certificate<br>c) Constitution<br>d) Bye-laws<br>e) Name, location and headquarters of the proposed university |
| | Financial resources | Financial Resources, information for last five years |
| | Objectives of the university | |
| **Section 4 sub-section 3 & 4 (Amended)** | Land | a) Availability of land and details of infrastructure<br>b) Building plan and phased programme for first five years |
| | Capital expenditure | Phased outlays of capital expenditure for the next five years and source of income |
| | Recurring Expenditure | a) Estimated recurring expenditure, course-wise or activity-wise<br>b) Source of finance<br>c) Estimated expenditure per student |
| | Source of finance | a) Scheme of mobilising resources<br>b) Cost of capital<br>c) Repayment plan |
| | Internal generation of funds | a) Fee from students<br>b) Revenues from consultancy<br>c) Other incomes |
| | Types of programs of study | Relevance in development goals of the State and the phasing of such programs in the next 5 years |
| | Experience | Experience and expertise in the courses at command of the sponsoring body |

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| | Facilities | a) Academic facilities including teaching and non-teaching staff<br>b) Nature of facilities, course of study and research proposed to be started. |
| | Fee structure | a) Proposed fee structure<br>b) Extent of fee concessions for poor or backward students including SC/ST/OBC and disabled |
| | Admissions | Process of admissions |
| | Appointment of teachers | a) Process of appointment of teachers<br>b) Give undertaking to appoint at least:<br>i) One professor<br>ii) Two readers<br>iii) Adequate lecturers<br>and necessary support staff in each dept./discipline to be started |
| | Distance education | Details of study centres for distance education programmes if applicable. |
| | Playground | Details of playground and other facilities for games and sports |
| | Academic auditing | Arrangements proposed to be made for academic auditing |
| | Essentiality | Justification regarding the necessity of establishing the university |
| | Others | a) Details of programmes related to local needs (if applicable)<br>b) Details of programmes for benefit for farmers, women and industries (if applicable)<br>c) Commitment to follow the norm of the Regulating Bodies<br>d) Any others details sponsoring body would like to provide<br>e) Any others details as may be prescribed |
| | Submission of proposal | a) Govt. to setup committee to examine the proposal<br>b) Committee to submit recommendations by end of six months<br>c) No deadline mentioned for the govt. to act on the recommendations of the committee. |

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| | Factors for rejection/acceptance of proposal | a) Financial soundness<br>b) Background of sponsoring body- expertise, reputation, and commitment to follow the norms<br>c) Potentiality of the courses offered as per the requirements of contemporary demands |
| **Section 5 sub-section 1** | Issuance of letter of intent | If the Govt. is satisfied with the report of the committee, it will issue a letter of intent asking the sponsoring body to fulfil the following conditions |
| **Section 5 and 9** | Endowment fund | a) Minimum INR 50 million<br>b) Income from endowment fund to be only used for capital expenditure but not for recurring expenditure<br>c) Manner of investment of endowment fund specified in detail |
| **Section 5 and 9** | Land norms | a) a minimum of 20 acres of land outside municipal limits<br>b) a minimum of 10 acres of land within municipal limits<br>c) Minimum 10,000 square metres of covered space |
| | Programs | a) Provide information related to each UG/PG/Diploma programme to a committee headed by Commissioner and Principal Sec. to Govt.<br>b) University shall offer the programme only after approval from the committee |
| | Books and journals | a) Purchase books and journals of at least INR 1million or as per norms of regulatory bodies, whichever is higher<br>b) Give an undertaking to invest at least INR 5 million In library facilities in the first three years |
| | Infrastructure requirements | a) Purchase movable and immovable assets (other than building) worth INR 2million or as per norms of regulatory bodies, whichever is higher<br>b) Give an undertaking to invest at least INR 10million in movable and immovable assets within the first five years |
| | Co-curricular activities | Give undertaking to conduct a number of co- |

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| | | curricular activities |
| | PF and Welfare programmes for employees | Give undertaking for establishment of provident fund and take up welfare programmes for employees of university |
| | Fulfil regulatory norms | Fulfil the conditions and provisions of UGC, AICTE and other relevant bodies |
| **Section 5 sub-section 2** | Compliance report | a) Upon fulfilling the above conditions, sponsoring body shall submit a compliance report to the Govt. within one year from issue of letter of intent<br>b) The Govt. shall constitute a committee to examine the report which shall submit its report within one month. |
| **Section 5 sub-section 3** | Rejection of application | If sponsoring body fails to comply with the provisions, the proposal will be rejected and the letter of intent will be withdrawn |
| **Section 6** | Establishment of private university | a) If the Govt. is satisfied with the report of the above committee, it shall establish the private university through an Act in the state legislature<br>b) No deadline specified |
| **Section 8** | Self-financing | The university shall be self-financed and not entitled to receive any grants from Govt |
| **Section 10** | Affiliation | University cannot affiliate any college or institution |
| **Section 12** | General fund | A general fund to be established to credit any fees, charges, contributions and other incomes |
| **Section 13** | Use of general fund | The general fund can be utilised for objects mentioned under section 11 |
| **Section 34A (amended)** | Authorisation to start a new course | a) University has to apply for authorisation to Govt before starting a new course<br>b) Application for authorisation shall be given within 120 days beyond which it will be deemed to be authorised |
| **Section 34B (amended)** | Cancellation of course | The Govt may cancel the permission to continue a course if it is satisfied after conducting an enquiry that the university is unfit to run a course |
| **Section 34C (amended)** | Compulsory disclosure of information | University shall publish a prospectus containing details outlined under section 34C |

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| **Section 35** | Admissions | a) Admission to be done on the basis of merit<br>b) Admission to professional and technical courses only on the basis of entrance tests |
| **Section 35 sub-section 3** | Reservation in admissions | a) For minority quota, zone of consideration to be limited to students belonging to the minority community<br>b) Minimum 25% reservation for students from Haryana out of which 10% shall be reserved for SC students from Haryana |
| **Section 36 (amended)** | Fee structure | The university may prepare the fee structure and send it to the Government at least 30 days before the commencement of the academic session |
| | Fee structure for 25% domicile students | a) 20% shall be granted full fee exemption<br>b) 40% shall be granted 50% fee exemption<br>c) 40% shall be granted 25% fee exemption |
| **Section 40 (amended)** | Accreditation | University shall obtain accreditation from NAAC or NBA within three years of establishment and renew it every five years. |
| **Section 42** | Power to inspect universities | a) State Govt may cause an assessment to be made in the prescribed manner<br>b) State Govt may issue recommendations which the university shall adopt<br>c) Upon failure, State Govt may give necessary directions |
| **Section 44A** | Penalties | For maladministration, misinformation and not maintaining standards, following penalties may be imposed:<br>a) stopping of admissions in one or more faculties<br>b) financial penalty of min INR 1 million, max INR 10million<br>c) dissolution of university in a phased manner |
| **Section 45** | Dissolution of university | a) Sponsoring body may recommend to the Govt. to dissolve the university by giving notice to employees and students at least one year in advance<br>b) The dissolution of the university shall have effect only after the last batch of the students |

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| | | have completed their courses<br>c) Dissolution shall not have any adverse effect on validity of degrees, diplomas or awards<br>d) Upon dissolution, all assets and liabilities shall vest with the sponsoring body |

### AMITY UNIVERSITY UTTAR PRADESH ACT, 2005

| Section | Title | Description |
|---|---|---|
| **Section 4** | Land norm | a) Possess title rights for 30 years or more<br>b) Min 50 acres of contiguous land |
| | Building norm | Building of at least 24,000 sq. metres carpet area out of which at least 50% shall be reserved for academic and administrative purposes |
| | Equipment | Install equipment in labs and offices worth INR 50million |
| | Establish schools | Appoint teachers and establish infrastructure in at least seven subjects as per UGC standards |
| | Other conditions | Fulfil such other conditions as may be required by the State Govt |
| **Section 5** | Letter of authorisation | State Govt will issue letter of authorisation after all conditions in section 4 are fulfilled and necessary documents are submitted. No deadline is specified |
| **Section 8** | Admission | Admissions shall be done in accordance with the current laws in force |
| | Academic Standards | Academic standards to be as per the guidelines of UGC |
| | Teacher-student ratio | Teacher student ratio to be as per the guidelines of UGC |
| | No discrimination | No test of religious belief shall be administered for admitting any employee |
| | Reservation | Reservation in posts and recruitment shall be as per the laws and orders of State Govt |
| **Section 28** | Admission | Admission of students and enrolment can be regulated through an ordinance |
| | Fees | Fee to be charged can be regulated through an ordinance |
| | Appointment and emoluments of employees | Can be regulated through ordinance other than those for which provisions have been made in the statutes |
| | Terms and conditions of | Can be regulated through ordinance other than those prescribed in the Statutes |

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| | service | |
| **Section 31** | Condition of service of the employees | a) Any dispute between employee and university shall be referred to the Executive Council for decision<br>b) An appeal may be filed to the Chancellor whose decision shall be final |
| **Section 33** | Employee PF and welfare | University may constitute for its employees a PF or an insurance scheme as may be prescribed |
| **Section 40** | Endowment fund | Permanent endowment of at least INR 10 million which may be increased by the State Govt from time to time |
| | Power to invest the endowment fund | University may invest the endowment fund in such manner as may be prescribed |
| | Transfer to endowment fund | University may transfer any amount from general fund or development fund to the endowment fund |
| **Section 41** | General Fund | A general fund to be established to credit any fees, charges, contributions and other incomes |
| **Section 42** | Development Fund | A development fund to be established to credit any development fees charged from students, sums received for purposes of development, incomes derived from endowment fund |
| **Section 45** | Fee Structure | Fees charged for different courses shall be in accordance to the laws in force |
| **Section 47** | Dissolution of university | a) University shall give at least six months' notice to the State Govt for proposing its dissolution<br>b) State Govt shall make arrangements for administration of University from date of dissolution until last batch of students complete their courses |
| **Section 48** | Expenditure of university during dissolution | a) Expenditure of dissolution shall be met out of the permanent endowment fund<br>b) If the fund is insufficient, the State Govt may dispose of assets of the university |
| **Section 49** | Derecognition of university | a) State Govt may issue a show cause notice to the University if it is satisfied on the basis of a complaint that it is not functioning in accordance to the laws<br>b) Upon receipt of the notice, the State Govt may order an enquiry if it is satisfied that prima facie a case exists<br>c) Upon receipt of the enquiry report, if the State Govt is satisfied that the university has violated any provision of the Act, it may derecognise the university with prior approval from UGC |

## APPENDIX 5.1: UGC REGULATIONS, 2010

| UGC (Institutions Deemed to be Universities) Regulations, 2010 | | | |
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| **Section** | **Clause** | **Title** | **Description** |
| **2** | | Definition | |
| | 6 | | 'De-novo Institution'- means an institution devoted to innovation in teaching and research in unique and 'emerging areas of Knowledge', so determined by eminent peers of the academic community in the concerned disciplines. |
| | 7 | | 'Emerging area of knowledge' – means such area of knowledge as may be notified from time to time by the UGC on the recommendation of a committee of experts constituted by the UGC for the purpose, and such committee shall make its recommendation having regard to the stage of development of studies and research in relevant disciplines as the potential and need for raising standards of study and thereof, in India |
| **4** | | Eligibility Criteria for an Institution to be declared as an Institution Deemed-to-be =university | |
| | 1 | a)Eligibility criteria | Has been in existence for at least 15 years (except in case of institutes seeking declaration under the 'de-novo' category) |
| | 2 | | The institution has acquired characteristics of an University as demonstrated by the diversity of its programs of study, contribution to innovation in teaching, verifiable high quality of research output |
| | 3 | | Have a record of having undergone periodic reviews and assessments by recognised external accrediting / assessment agencies. For de-novo category applicant institutions, mandatory assessment of its suitability for declaration. |
| | 4 | | Has well established, broad based, viable UG, PG and research programs in several disciplines |
| | 5 | | Shall not be an institute imparting education leading to conventional degrees only. |
| | 6 | | Shall not be an institute engaging mainly in offering training programs for in-service personnel, or conducting only skill-oriented programs |
| | 7 | | Shall be engaged in quality research activity, publications and |

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| | | | scholarly works, and strong doctoral and post-doctoral programs |
| | 8 | | Shall have adequate number of full time fully qualified faculty for research and teaching with few being acclaimed leaders in their discipline. |
| | 9 | | Possess necessary infrastructure for quality research |
| | 10 | | Possess proven record of securing merit based extramural research funding from various agencies |
| | 11 | | Shall generate IPR in the form of patents, copyrights and transfer of technology as a desirable attribute |
| | 12 | | Possess demonstrable and proven record of extension services and societal engagement |
| | 13 | | Each constituent unit shall have accreditation with the highest grade offered from an accreditation agency recognised by the UGC, or a valid certificate of assessment where the institution is seeking the deemed status under de-novo category |
| | 14 | | Shall undertake not to offer any program in distance mode |
| | 15 | b)Conditions | Once an institution is declared as an institution deemed to be university, no other institution can be annexed to it unless the new institution fulfils all the criteria independently |
| | 16 | | Mandatory intensive review of every deemed university once in 5 years |
| | 17 | | Applicant shall be non-profit organisation |
| | 18 | | Possess a track record for not violating any provisions of the statutes/ guidelines of any statutory authority in the last 5 years of applying |
| **5** | 1 | Governance System for an Institute to be declared as an Institution Deemed-to-be-University | The institution shall be registered either as a not-for profit society under the society registration act , or as a not for profit trust under the public trust act with the society/trust |
| **6** | 1 | Admissions and Fees Structure | Admission strictly on Merit basis |
| | 2 | | NRI/PIO/ foreign student admission shall be governed by the guidelines framed by the commission |
| | 4 | | Fee to be fixed in accordance to the fee regulations framed by the government or the UGC. |

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| | 5 | | Level of fee charged shall have a reasonable relation with the cost of running the course |
| | 6 | | No commercialisation of education |
| **7** | 2.1 | Infrastructure and Other Facilities | Land and buildings |
| **7.2.1** | i) | | 5 acres at its main campus if located in metropolitan area; 7 acres if non- metropolitan urban area; 10 acres is located in non-urban area or as per the norms of the statutory/ regulatory body concerned. For multi-disciplinary institution, agg. land req. would be the sum of the land are prescribed by Statutory council for all courses |
| | ii) | | Administrative building >= 1000 sq m |
| | iii | | Academic building (including library, lecture theatres and laboratories)>= 10000 sq m; including library size being 2000 sq m |
| | iv) | | Some residential accommodation for teachers, guest house and hostel accommodation shall be in existence at the time of applying. Hostel accommodation to increase to >=25 % of the students within 3 years of existence of the institution |
| | v) | | Norms and standard of the statutory body respective to the course offered shall be applicable in addition to the above. |
| | vi) | | Equipments, books, journals and other infrastructure – as per respective Statutory body; broadband connectivity of appropriate level |
| **7** | 3 | Academic programs | Under graduate and at least 5 post graduate departments; Min permanent faculty in each dept (For general courses)- 1 professor, 2 readers & 3 lecturers ; For other courses- as per the norms of the respective statutory council |
| | 4 | | Financial viability verifiable by the audited statements of accounts of the accounts for the last 5 years preceding the date of application |
| | 5 | | Corpus fund |
| | 5.1 | | Non-government funded institute will create a corpus fund and maintain it permanently in the name of the institution through govt securities or other forms approved by the commission |
| | | | a) Professional programs (like engineering, medicine)- INR 80 million |
| | | | b) Programs such as management, law, education- INR 50 million |

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| | | | c) Other programs- INR 40 million |
| | | | d) Institutions conducting both professional and other programs- INR 100 million |
| | | | e) Institutions under de-novo category- INR 250 million |
| | 5.2 | | Corpus fund will not be liquidated without prior permission of the UGC |
| | 5.3 | | Upward revision of the corpus fund allowed by UGC |
| | 5.4 | | Interest accrued on the corpus fund may be only used for the purpose of development of the institution |
| | 5.5 | | In case of closure of the Institute, corpus fund stand fortified by the UGC for meeting liabilities |
| | 5.6 | | Corpus fund clause is applicable to privately managed institutes only |
| | 7 | | Income/ property of the institution cannot be sold for profit or any other reason except development |
| **8** | 2 | Procedure for being declared as an institution Deemed-to-be-University (general category) | Certificate proving that the professional programs conducted by it have the approval of the respective statutory/regulatory body (AICTE, BCI, etc); essential certificate from the state govt |
| | 3 | | Certificate form affiliating university (for general category) assuring that the current students will remain a part of the university till they pass out |
| | 5 | | UGC will scrutinise the application and send it to state/UT govt for their comments |
| | 11 | | State/UT govt will send back with comments within 60 days of receiving the application from the UGC; the application will proceed if no comments reach within that time |
| | 12 | | After being satisfied with the institution, the Central Government may issue a notification under section 3 of the Act, declaring it a deemed-to-be-institution |
| | 13 | | On advice of UGC, central government may inform the Institution if it does not qualify to be declared as a deemed to be a university |
| | 14 | | The decision to deny the deemed status to an institution shall be considered for review not before 1 year from the date of earlier decision only on the request of Institution after incorporating the deficiencies pointed by the central govt (such |

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| | | | review is allowed only once) |
| | 17 | | The decision taken on such a review (as mentioned in 8.14) shall not be reconsidered or reviewed again. However, the institution is allowed to re-apply after 3 years of receiving the decision of the review. |
| **9** | 1 | Institution Deemed-to-be-University under de-novo category | Provide evidence (in terms of detailed syllabus) of being devoted to unique and emerging areas of knowledge (not pursued by existing/conventional institutions)- regarded as imp for strategic needs of the country, preserving cultural heritage as determined by peers in the academic community |
| | 1.1 | | Under De-novo category, Expansion to new courses is allowed after the institute's declaration as deemed is confirmed by the Central Govt after 5 years of operation |
| | 4 | | Central govt confirm the declaration of de novo category institutions after completing 5 years of operation |
| **10** | | | Source of funding remains same prior to declaration |
| **11** | | | Quality standards to be maintained higher than the minimum as stated by regulatory/ statutory body |
| **12** | 2 | | New depts. (not allied with the field of specialisation) can be opened if it is covered under the objectives for which the institution was declared as deemed |
| | 3 | | Such Institution can open offshore- campuses and beyond its approved geographical boundary if |
| | 3.1 | | Institute existed for >= 3 years |
| | 3.2 | | Conducting post-graduation programs and research |
| | 3.3 | | Earned a reputation for excellent and innovative teaching methods |
| | 3.4 | | Good track record with the regulatory bodies |
| | 3.5 | | Prior approval of regulatory body |
| | 3.6 | | Highest grade offered by NAAC |
| | 3.7 | | Adequate financial resources for starting the new dept/ off shore campus/ off shore campus centre |
| | 3.8 | | Not entered into franchise agreement with any organisation |
| | 4 | | New dept only by the prior approval of UGC |
| | 6 | | For off shore campus- permission from the host country is essential along with Central govt permission |
| | 7 | | Apply six months prior to the proposed date of starting the new off campus centre/ off-shore campus |
| | 9 | | In case of rejection of application for new campus, re- |

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| | | | application is allowed not before 2 years since the date of rejection |
| | 10 | | Off-campus centre/ off shore campus will follow the norms and regulations of the regulatory/statutory body |
| | 13 | | For off shore campus, the remittances of funds will governed by the RBI rules |
| | 14 | | UGC shall monitor the performance of off-campus centre/ off shore campus biennially for 6 years and then subsequently once every 5 years |
| | 15 | | UGC can shut down the institute if performance found unsatisfactory for two consecutive assessments (after the current batch pass out) |
| **13** | | | Inclusion of existing institutions under the same management under the ambit of the deemed university is allowed only if the new institution fulfils all the criteria given in section 8 (highest NAAC accreditation, infrastructure, etc) |
| | 15 | | Institutions under different trust can become a part of the deemed university by becoming a part of the deemed university trust |
| | 16 | | On rejection of application, re-apply is possible only after 2 years |
| **14** | | | Deemed university can collaborate with other universities in India and abroad for joint programs |
| **16** | | | No affiliation of another institute |
| **17** | | | Admission reservation policy of the government to be followed |
| **18** | | | No course allowed in distance mode |
| **20** | | | Institution cannot use the word "University" |
| **21** | | | Prohibition of the use of words "Indian/National Institute" by private deemed university |
| **22** | | Consequence of Violation of Regulations | |
| | 1 | | Central Govt and UGC can conduct inspections of the institution if considered necessary. |
| | 2 | | If the UGC is satisfied that the institution has violated any of the provisions of these Regulations, the UGC can direct the concerned institution to withhold admission for a decided period. Continuous violation of these Regulations can lead to withdrawal of the deemed status by the Central Govt. |

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| | 3 | In case of withdrawal of the deemed status, actions would be taken to protect the interests of the students |
| | 4 | An institution wishing to withdraw itself from the deemed status can do so with the prior permission of the Central Govt. Such withdrawal can take place only after the last batch of students then enrolled have passed out. |

## Annexure 9.1: Documentary Requirements for setting up a Legal Educational Institution in India

1. A copy of certificate of registration of sponsoring society under societies act along with constitution and byelaws of the Educational Society.
2. A copy of fixed deposit receipt (FDR) showing financial resources (FR) of INR 1 million of the Society for a period of six months in favour of Secretary of the Society.
3. A copy of registered ownership document specifically for the Law College building for the prescribed carpet area of 11500 sq feet.
4. Copy of the building plan drawn to scale and drawn by a licensed architect. Note: The building plan should contain the details of the property along with the dimensions of each room and the purpose for which it will be utilised.
5. Copy of the letter of affiliation from the BCI which the University (to which the new institute wants to get affiliated with) obtained during its affiliation.
6. An Affidavit affirmed before a First Class Magistrate in the manner as required and specified by the Bar Council of India, by the person authorised by the Institution and also the Registrar of the affiliating University concerned or by a person so authorised by the Registrar in writing.
7. A copy of the Compliance Report prepared by the applicant.
8. A copy of permission letter from the concerned authorities (fire, land development, environment, etc.) to construct the above building(s) along with approved plans.
9. A copy of sanitary certificate in respect of the building issued by the competent authority.

## Annexure 9.2: Documentary Requirements for Setting up a private College in India

1. Project Report and five years expected cash flow statement
2. Deed of the Trust/Society/Non-Profit entity for examining whether the Institute is a Trust or Soci ety or any Non-Profit entity or being run by a Trust/ Society/ Non-Profit Entity.
3. Land Deed for the land available to the Institution
4. Building Plan and certificate of completion
5. Appointments of required number of faculty:
   Copies of Employment letters sent to Head of the Institution (Principal), faculty members and als o to administrative staff or evidences for such appointment and the joining letters
6. Copy of University Affiliation Certificate from the Affiliating University/ Application for affiliation / Affiliation Committee's (from the University) report for the college
7. List of Faculty members with qualification, experience and conditions of service.

8. Composition of the Managing Trustee Committee/ Executive Committee of the Society/ Board of Governors with detail particulars.
9. Evidence of school funds: Statement of Accounts up to date with the Statement of Assets and Liabilities, bank account statements.
10. Adequate Library Facility (Accession Registrar/ Classified Registrar and Issue Registrar to be prod uced)
11. A copy of the Affiliation Rules of the University

## ANNEXURE 10.1: COMPARISON OF RULES FOR HIGHER EDUCATION

Detailed comparison matrix available here: Comparison of Rules for Higher Edu

| | Rajasthan Private Unversities Act, 2005 | Haryana Private Universities Act, 2006 | Amity University Uttar Pradesh Act, 2005 | Deemed Universities (General Category) | Deemed Universities (De-Novo Category) | College affiliated to Jiwaji University, Gwalior | College affiliated to DAVV, Indore | College affiliated to RGPV, Bhopal |
|---|---|---|---|---|---|---|---|---|
| **Entry** | | | | | | | | |
| **Establishment route** | a) Through legislative route<br>b) Separate Act for each private unversity | a) Through legislative route<br>b) Same Act is amended to append each new private unversity to a schedule | a) Through legislative route<br>b) Separate Act for each private university | Granted deemed-to-be-university status by the Ministry of Human Resource Development acting upon the reccomendation of of the UGC | Granted deemed-to-be-university status by the Ministry of Human Resource Development acting upon the reccomendation of of the UGC | Through application to the University for grant of afiliation | Through application to the University for grant of afiliation | Through application to the University for grant of afiliation |
| **Sponsoring body** | Can be society, trust, or a section 25 company | Can be society, trust, or a section 25 company | No mention | Can be a not-for-profit society or trust | Can be a not-for-profit society or trust | Can be a not-for-profit society or trust; application by an individual (founder) allowed | Can be a not-for-profit society or trust | Can be a not-for-profit society or trust |
| **Land norm** | a) 30 acres<br>b) Construction a minimum of 10,000 square meters of covered space | a) a minimum of 20 acres of land outside municipal limits<br>b) a minimum of 10 acres of land within municipal limits<br>c) Minimum 10,000 square metres of covered space | a) Possess title rights for 30 years or more<br>b) Min 50 acres of contiguous land | a) a minimum of 5 acres of land in metropolitian area<br>b) a minimum of 7 acres of land in non metropolitian urban area<br>c) Minimum 1000 square metres for administrative building & 10000 squares metres for academic building | a) a minimum of 5 acres of land in metropolitian area<br>b) a minimum of 7 acres of land in non metropolitian urban area<br>c) Minimum 1000 square metres for administrative building & 10000 squares metres for academic building | No mention (adequate facilities are required) | a) solvency of at least rs. 15 lac in immovable property<br>b) Sufficient number of classrooms and adequate facilities | No mention (adequate facilities are required) |

## GLOSSARY

| | |
|---|---|
| AB | Accreditation Board |
| ABET | Accreditation Board for Engineering and Technology |
| AICTE | All India Council of Technical Education |
| AIIMS | All India Institutes of Medical Sciences |
| AUQA | Australian Universities Quality Agency |
| B. Ed | Bachelor of Education |
| BCI | Bar Council of India |
| BDS | Bachelor of Dental Surgery |
| BITS | Birla Institute of Technology and Science |
| BLS | Bureau of Labor Statistics |
| CAGR | Compounded Annual Growth Rate |
| CARE | |
| CGPA | Cumulative Grade Point Average |
| CPI | Consumer Price Index |
| CRISIL | Credit Rating Information Services of India Limited |
| DEST | Department of Education Science and Training |
| FICCI | Federation of Indian Chambers of Commerce and Industry |
| FYP | Five Year Plan |
| GER | Gross Enrolment Ratio |
| ICAR | Indian Council of Agricultural Research |
| ICRA | |
| IIT | Indian Institute of Technology |
| INR | Indian National Rupee |
| JD | Juris Doctor |
| LL.B. | Bachelor of Laws |
| LL.M. | Masters of Laws |
| MAHE | Manipal Academy for Higher Education |
| MBA | Master of Business Administration |
| MBBS | Bachelor of Medicine; and Bachelor of Surgery |
| MCA | Masters of Computer Application |
| MLA | Member of the Legislative Assembly |
| NAAC | National Assessment and Accreditation Council |
| NBA | National Board of Accreditation |
| NIT | National Institute of Technology |
| ODL | Open and Distance Learning |
| OECD | Organization for Economic Cooperation and Development |
| PGDM | Post Graduate Diploma in Management |
| SAR | Self-Assessment Report |
| SC | Scheduled Caste |

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| TEQSA | Tertiary Education Quality and Standards Agency |
| TERI | The Energy and Resource Institute |
| TISS | Tata Institute of Social Sciences |
| UGC | University Grant Commission |
| UT | Union Territory |

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