



सत्यमेव जयते

Higher Education Commission of India (Repeal of University Grants Commission Act) Act 2018

Preamble

Whereas the Constitution of India mandates Central Government to take steps for co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions,

Whereas for promoting uniform development of quality of education in higher educational institutions, there is a need for creation of a Body that lays down uniform standards, and ensures maintenance of the same through systematic monitoring and promotion,

Whereas the existing regulatory structure as reflected by the mandate given to University Grants Commission required redefinition based on the changing priorities of higher education and allow its growth,

This Act provides for establishing the Higher Education Commission of India repealing the University Grants Commission Act, 1956.

It is hereby enacted by the Parliament in the 68th year of the Republic of India as follows:

1. Short title and commencement—

- (1) This Act may be called the Higher Education Commission of India Act, 2018 (Repeal of University Grants Commission Act, 1956).
- (2) This Act is applicable for all higher educational institutions established, under any Act of the Parliament excluding Institutions of National Importance so notified by the Government, Act of State Legislature and to all Institutions Deemed to be Universities so notified by the Government.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette.

2. Definitions. —

In this Act, unless the context otherwise requires,—

- a) “Commission” means the Higher Education Commission of India established under section 3 of this Act;
- b) “Executive authority”, in relation to a University, means the chief executive authority of the University (by whatever name called) in which the general administration of the University is vested;
- c) “Central Government” means the Competent Authority of Government of India;
- d) “Higher Educational Institution” means a University or an institution or a college, affiliated to a university, including the institutions or colleges which have been granted power to award degrees/diplomas by the Commission;

- e) “Member” means a member of the Commission and includes the Chairperson, Vice-Chairperson and the Secretary of the Commission;
- f) “prescribed” means prescribed by rules made under this Act;
- g) “University” means a University established or incorporated by or under a Central Act, a State Act, and an Institution Deemed to be University.

3. Establishment of the Commission. —

- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, establish a Commission by the name of the Higher Education Commission of India.
- (2) The said Commission shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.
- (3) The Commission shall consist of a Chairperson, Vice Chairperson and twelve other Members to be appointed by the Central Government. The Secretary of the Commission will act as the Member-Secretary.
- (4) The office of the Chairperson and Vice Chairperson shall be whole time salaried individuals and subject thereto, the terms and conditions of service of the Chairperson and Vice-Chairperson shall be such as may be prescribed.
- (5) The Chairperson, Vice-Chairperson and Members shall be scholars being persons of eminence and standing in the field of academics and research possessing leadership abilities, proven capacity for institution building, governance of institutions of higher learning and research and deep understanding on issues of higher education policy and practice.
- (6) The Chairperson shall be selected by a Search-Cum-Selection Committee(ScSc), consisting of Cabinet Secretary (Chairperson), Secretary Higher Education, and three other eminent academicians to be co-opted as members. The Committee shall submit a panel of names for each post, who satisfy the following conditions:
 - a. Should have been a Professor for at least 10 years preferably in the Institutes of National Importance or Universities and a scholar of repute with acknowledged publications in advancement of knowledge;
 - OR
 - An eminent academician and educational administrator with credentials in the relevant field and proven capacity for institution building and governance of institutions of higher learning.
 - b. Shall be a citizen or an Overseas citizen of India.
- (7) The Vice Chairperson and the members shall be selected by the same Search-Cum-Selection Committee, with the addition of Chairperson of Commission as a member.
- (8) Of the twelve members referred to in sub-clause (3) of clause 3 –
 - a) Three members representing Central Government namely: Secretary of Higher Education, Secretary of Ministry of Skill Development and Entrepreneurship and Secretary Department of Science and Technology.

- b) Two Chairpersons of other Regulatory Bodies of Education, namely Chairperson of All India Council for Technical Education and Chairperson of National Council for Teacher Education;
 - c) Two Chairpersons of the Executive Council/Governing Body of accreditation bodies;
 - d) Two serving Vice Chancellors of Universities known for their academic excellence;
 - e) Two serving Professors of Universities, reputed for research and knowledge creation;
 - f) One doyen of Industry
- (2) The Chairperson, the Vice-Chairperson and the Members of the Commission shall be appointed by Government from the Panel submitted by the ScSc.
- (3) The Vice-Chairperson shall exercise such of the powers, and discharge such of the duties, as may be prescribed by the Commission.
- (4) If a casual vacancy occurs in the office of the Chairperson , whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairperson holding office as such for the time being shall, act as the Chairperson and shall, unless any other person is appointed earlier as the Chairperson, hold the office of the Chairperson for the remainder of the term of office of the person in whose place he is to so act: Provided that where no Vice-Chairperson is holding office at the time when the vacancy in the office of the Chairperson occurs, the Central Government shall, appoint any other member to act as the Chairperson and the person so appointed shall not hold the office of the Chairperson for a period exceeding six months.
- (5) If a casual vacancy occurs in the office of the Vice-Chairperson or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Central Government by making a fresh appointment and the member so appointed shall hold office for a term of three years.
- (6) The office of the Chairperson and the Vice-Chairperson shall be whole-time and salaried and subject thereto, the terms and conditions of service of the Chairperson, Vice-Chairperson and other members shall be such as may be prescribed.
- (7) Every appointment under this section shall take effect from the date on which it is notified in the Official Gazette by the Central Government.

4. Resignation and removal of Chairperson, Vice-Chairperson and Members-

- (1) The Chairperson or any Member may, by notice in writing under his hand addressed to the Government resign from office.
- (2) The Government may remove from office the Chairperson, Vice-Chairperson or any Member, who—
- a) has been adjudged an insolvent; or
 - b) has engaged, at anytime during his term of office, in any paid employment outside the duties of his office; or

- c) has become physically or mentally incapable of acting as such Chairperson or other Member; or
- d) is of unsound mind and stands so declared by a competent court; or
- e) has been convicted of an offence which, in the opinion of Government, involves moral turpitude; or
- f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or other Member; or
- g) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- h) has been guilty of proved misbehaviour; or
- i) has such other disqualifications as maybe prescribed:

Provided that the disqualification under above clauses in respect of members shall be on the recommendation by the Chairperson

5. Term of office of Chairperson, Vice Chairperson and Members-

- (1) A person appointed as Chairperson, Vice Chairperson and other Members shall hold office for a term of five years from the date on which he enters upon his office:
 - Provided that Chairperson, Vice Chairperson and Members shall cease to hold office on attaining the age of seventy years.
 - Provided further that any Vice Chancellor/ Professor appointed as a Members shall cease to be the Member on the date they cease to be Vice Chancellor/Professor respectively.
- (2) Chairperson, Vice Chairperson and Members shall be eligible for one more term subject to age limit of seventy years.
- (3) The Central Government shall, to the extent possible, initiate the process of appointment in respect of any vacancy due to a rise on the post of Chairperson, Vice-Chairperson or other Member before a period of six months from the date of arising of such vacancy.
- (4) The Central Government shall ensure that the process of appointment in respect of any vacancy on the post of Chairperson, Vice Chairperson or other Members is completed within a period of six months from the date such vacancy had arisen.

6. Prohibition as to holding of office by Chairperson, Vice-Chairperson or other Members on ceasing to be such Chairperson, Vice-Chairperson or Members -

Once appointed to hold office, the Chairperson/Vice Chairperson or other Members shall be ineligible, for a period of two years from the date on which they cease to hold office, for further employment in, or, in matters related to, any higher educational institution under the Central Government or a State Government or any private higher educational institution.

7. Meetings of the Commission:

The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

8. Chairperson, Vice Chairperson or Member not to participate in meetings in certain cases –

The Chairperson, Vice-Chairperson or any other Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Commission, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Commission, and the member shall not take any part in any deliberation or decision of the Commission with respect to that matter.

9. Declaration by Chairperson, Vice-Chairperson and other Members.–

- (1) The Chairperson, Vice Chairperson or other Members shall, immediately after entering office and every year thereafter, make a declaration on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any institution of research or higher educational institution or in **any other professional or financial activity**.
- (2) The declaration so made under sub-section (1) shall be placed on the website of the Commission.

10. Terms and conditions of service of Chairperson, Vice Chairperson –

- (1) The salaries and allowances payable to, and the status and other terms and conditions of service of, the Chairperson of the Commission shall be the same as that of the Secretary to the Government of India.
- (2) The salaries and allowances payable to, and the status and other terms and conditions of service of, the Vice-Chairperson, shall be the same as that of a Special Secretary to the Government of India.

11. Vacancies, etc., not to invalidate the proceedings of the Commission.-

- (1) No act or proceeding of the Commission shall be invalid merely by reason of—
 - (a) any vacancy in, or any defect in the constitution of, the Commission; or
 - (b) any defect in the appointment of a person acting as a Member of the Commission; or
 - (c) any irregularity in the procedure not affecting the merits of the case.

12. Officers and other staff of the Commission–

- (1) The Commission may, for the efficient performance of its functions under this Act, appoint, Secretary to the Commission, who shall be an officer in the rank of Joint Secretary and above to the Government of India or a reputed academician with

administrative experience of not less than five years and deep understanding of the sector, and such other professional and technical human resources as may be specified by regulations.

- (2) The other staff of the Commission shall be experts in the field of higher education and shall be persons of proven merit and integrity, and chosen by the Commission in the manner prescribed by regulations.
- (3) The Commission may appoint, in such manner for such temporary period and on such terms and conditions as may be specified by regulations, such other management, accounting, technical and scientific experts as it may consider necessary for the efficient performance of its functions.
- (4) Every appointment under sub-section(3), including the qualifications of the person so appointed and the manner, the terms and conditions and the period of such appointment, shall be disclosed on the website of the Commission.

13. Temporary association of persons with the Commission for particular purposes

- (1) The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.
- (2) A person associated with it by the Commission under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a member for any other purpose.

14. Authentication of orders and other instruments of the Commission. —

All orders and decisions of the Commission shall be authenticated by the signature of the Chairman or any other member authorized by the Commission in this behalf, and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorized in like manner in this behalf.

15. Functions of the Commission. —

- (1) The Commission shall take steps for promoting the quality of academic instruction and maintenance of academic standards.
- (2) The Commission shall, subject to the provisions of this Act and regulations made under this Act, take measures to promote the autonomy of higher educational institutions for the free pursuit of knowledge, innovation, incubation and entrepreneurship, and for facilitating access, inclusion and opportunities to all, and providing for comprehensive and holistic growth of higher education and research in a competitive global environment.
- (3) The Commission shall ensure maintenance of academic standards in the Higher Education system in the Country and for pursuance of which, shall:
 - (a) **Specify learning outcomes** for courses of study in higher education;
 - (b) **Lay down standards of teaching / assessment / research** or any aspect that has bearing on outcomes of learning in higher educational institutions including curriculum development, training of teachers and skill development;

- (c) **Evaluate the yearly academic performance** of higher educational institutions, by monitoring the performance on criteria laid down;
- (d) **Promote research** in HEIs and coordinate with Government for provision of adequate funding for research;
- (e) **Put in place a robust accreditation system** for evaluation of academic outcomes by various HEIs;
- (f) **Provide for mentoring of institutions** found to be failing in maintaining the required academic standards;
- (g) **Order closure of institutions** which fail to adhere to minimum standards without affecting the student's interest or fail to get accreditation within the specified period;
- (h) **Advise the Central Government or any State Government** on any question which may be referred to the Commission by the Central Government or the State Government, as the case may be;
- (i) **Prescribe proactive public disclosure** of various parameters of academic performance and academic outcomes by all Higher Educational Institutions relating to the branches of learning undertaken in that Institution;
- (j) Perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions.

(4) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (3), may, inter alia, provide for all or any of the following matters, namely;

- a) Specify norms and standards for grant of authorization, to a university or a higher educational institution empowered, by or under law, to award any degree or diploma, to commence its first academic operations;
- b) Specify norms of academic quality for a university to affiliate Higher educational Institutions;
- c) Lay down standards for grant of autonomy for institutions and provide flexibility and freedom to institutions granted autonomy to develop their own curriculum
- d) Specify norms and standards for Graded Autonomy to Universities and Higher Educational Institutions and accordingly prescribe regulatory mechanisms;
- e) Lay down norms and standards for performance based incentivization to the faculty and the Higher Educational Institutions and the Universities;
- f) Specify norms and processes for establishment and winding up of a Higher Educational Institutions;
- g) Specify norms and mechanisms to measure the effectiveness of programmes and employability of the graduates;
- h) Specify norms for award of degrees by the institutions laying down minimum credits to be earned in the given period;
- i) Specify minimum eligibility conditions for appointment of Vice Chancellor, Pro-Vice Chancellor, Directors / Principals, Deans, Heads of Department, teaching and non-teaching staff of any Higher Educational Institutions;
- j) Recommend appropriate faculty-centric governance structure for the Higher Educational Institutions, which provides for transparency and efficiency in decision-making process;

- k) Formulate a Code of Good Practices covering promoting of research, devolution of powers within the institutions for better decision-making; and encourage institutions to adopt the same.
- l) Specify norms and processes for fixing of fee chargeable by Higher Educational Institutions and advise Central Government or State Governments as the case may be, on steps to be taken for making education affordable for all;
- m) Enable universities to become self-regulatory bodies for the maintenance of academic quality in higher education and research and in colleges affiliated to it;

(5) Advise, when called upon to do so, the Central Government and State Governments, as the case may be, on policies relating to higher education and research in any field of knowledge therein; cause to be undertaken policy research in higher education to identify future directions and processes in higher education;

(6) Monitor, through a national database, all matters concerning the development of emerging fields of knowledge, balanced growth of higher educational institutions in all spheres and academic quality in higher education and research;

(7) Discharge such other functions in relation to the promotion, coordination and maintenance of standards in higher education and research as the Central Government may subject to the provisions of this Act, prescribe.

(8) Submit an annual report to the Parliament on the roles, responsibilities and powers and functions discharged.

16. Authorisation to University or institution empowered to award degree or diploma to commence first academic operations-

(1) No higher educational institution empowered, by or under law, to award any degree or diploma established after the coming into force of this Act shall commence its first academic operations unless it is so authorized, in accordance with such norms as may be specified by the Commission:

Provided further that a higher educational institution or institution Deemed to be University in existence before the commencement of this Act shall deemed to have been authorised under this Act for a period of three years from the date of notification of this Act in the gazette unless revoked in accordance with the provisions of this Act.

Provided further that a Higher Educational Institution or institutions Deemed to be University shall comply to all the provisions of various Regulations notified under this Act within the stipulated period as mentioned above, otherwise authorization will be revoked.

17. Application for grant of authorization.-

(1) Every application for grant of authorization shall be made, by a higher educational institution or a University, to the Commission using an online e-governance module.

- (2) The online application may need uploading documents/photos about the availability of land, required infrastructure, teaching-learning facilities, the faculty details and such other details that the Commission would prescribe from time to time.
- (3) The data uploaded by the HEI shall be displayed on the official website of the HEI for the information of the general public.
- (4) The data provided by the HEI should be verified by the Commission in the manner laid down, so as to establish its authenticity.
- (5) If the data furnished is found to be false or incorrect, the Commission may decide to reject the application; and debar further application for a period extending to two years.

18. Procedure for grant of authorisation.–

- (1) The Commission in manner notified shall examine the application and the assessment report referred to above, to ensure that it complies with the norms of academic quality specified under regulations for grant of authorization.
- (2) The Commission shall, within a period as notified and after such examination referred to in sub-section (1),-
 - (a) decide to declare its intent to grant authorization if the application complies with the norms of academic quality, specified under regulations for grant of authorization; or
 - (b) return, for reasons to be recorded in writing, the application if such application does not comply with the norms of academic quality, specified under regulations for grant of authorization:
Provided that the return of the application along with the reasons so recorded shall be published on the website of the Commission.
- (3) The Commission shall, if it has decided to declare its intent to grant authorization under clause(a)of sub-section(2) of clause 20, issue a public notice, in such form and manner as may be specified by regulations, and place such application together with all documents received with the application, for a period as notified, on the website of the Commission.

19. Grant of Authorisation.–

- (1) The Commission shall, as far as practicable within a period as notified, after considering the comments or objections or clarifications under sub-section(7) of section 20
 - (a)issue, by notification, authorisation to such University or Higher Education Institution, as the case may be, subject to the provisions of this Act and regulations made there under; or
 - (b)reject, by notification, the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act and regulations made there under:

- (2) The Commission shall, while issuing the authorisation, validate, periodically at such times as maybe specified by regulations, the standards of academic quality to be achieved over the next ten years, by the University or Higher Education Institution, as the case may be, so authorised.

20. Revocation of Authorisation.-

- (1) If the Commission, after making such enquiry as may be specified by regulations, is satisfied that public interest so requires, it may revoke, by notification, the authorization granted to as University or Higher Education Institution in any of the following cases, namely:-
 - (a) where the University or Higher Education Institution, in the opinion of the Commission, makes wilful or continuous default in doing anything required of it by or under this Act or rules or regulations made there under;
 - (b) where the University or Higher Education Institution fails, within the period fixed in this behalf by its authorisation, or any longer period which the Commission may have granted therefor, to show, to the satisfaction of the Commission, that such University or Higher Education Institution is in a position fully and efficiently to discharge the duties and obligations imposed on it by its authorisation; or
 - (c) where the University or Higher Education Institution has ceased to exist.
- (2) No authorisation shall be revoked under sub-section (1) unless the Commission has given to the University or Higher Education Institution, as the case may be, in writing, stating the grounds on which it is proposed to revoke the authorisation, and has considered any causes own by the institution or university, as the case maybe, within the period of that notice, against the proposed revocation.
- (3) Where the Commission revokes authorisation under this section, it shall serve an order of revocation upon the institution or university, as the case maybe, and fix a date on which the revocation shall take effect; and such revocation shall be without prejudice to the action that may be taken against it under any other law for the time being in force:

Provided that the Commission may, instead of revoking the authorisation, permit it to remain in force subject to such further terms and conditions as they think fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the HEI or university, as the case may be, and shall be of like force and effect as if they were contained in the authorisation.
- (4) The Commission shall publish on its website any action initiated under this section and the final decision on the revocation of the authorisation or otherwise together with all documents and reasons for such decision.
- (5) The Commission shall, while revoking an authorisation, take, or cause to be taken, such measures which may be necessary to protect the academic interests of students in such Higher Educational Institutions or university.

21. Annual report —

The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

22. Account and Audit. —

- (1) The Commission shall cause to be maintained such books of account and other books in relation to its account in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.
- (2) The Commission shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General, determine.
- (3) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such times and in such manner as he thinks fit.
- (4) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament and shall also forward a copy of the audit report to the Commission for taking suitable action on the matters arising out of the audit report.

23. Penalties for non-compliance:

- (1) If any University grants affiliation in respect of any course of study to any institution in contravention of the provisions of the regulation/rule/recommendation issued by the Commission, or violates any of the norm/standard laid down by the Commission, or fails within a reasonable time to comply with it, the Commission, after taking into consideration the cause, if any, shown by the University/Institution for such failure or contravention may impose a penalty on such University and/ or on such Institution which may include fine, or withdrawal of power to grant degrees/diplomas or direction to cease operations.
- (2) The Chief Executive and other members of Management of such institution who do not comply with the penalty imposed by the Commission shall be liable for prosecution as per procedure laid down under the Criminal Procedure Code and may be punished with imprisonment for a term which may extend up to three years.

24. Advisory Council

- (1) There shall be an Advisory Council chaired by the Union Minister for Human Resources Development, and with the Chairperson/Vice-Chairperson, members of the Commission, and Chairperson/Vice-Chairpersons of all State Councils for Higher Education as members.

- (2) The Advisory Council shall meet at least once in every six months for coordinated functioning of Central Government and the State Governments in the field of higher education.
- (3) The Advisory Council shall identify issues of coordination in implementing the laid down standards in higher education and find ways for their resolution.
- (4) The Commission shall take steps to implement the advice rendered by the Advisory Council.

25. Directions by the Central Government. —

- (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government.
- (2) In case of a disagreement arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government shall be final.

26. Act to have overriding effect:

The provisions of this Act shall have overriding effect notwithstanding anything inconsistent there with contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

27. Power to remove difficulties –

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.
Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.
- (2) Every order made under this section shall, as soon as maybe after it is made, be laid before each House of Parliament.

28. Power to make rules. —

- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - a) All matters pertaining to appointment, terms of service, disqualification of members of the Commission
 - b) the terms and conditions of service of employees appointed by the Commission;

- c) the terms and conditions for the existing Chairperson/Vice Chairperson/ Secretary and employees appointed under UGC Act, 1956 and their migration to the Higher Education Commission of India keeping the cadre and benefits the same.
- d) the returns and information which are to be furnished by Higher Educational Institutions in respect of their financial position or standards of teaching and examination maintained therein;
- e) any other matter which has to be, or may be, prescribed.

(3) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.

29. Power to make regulations.-

The Commission may make regulations in support of its internal functioning and take steps to promote quality and set standards and such Regulations so notified shall be binding on all the Higher Educational Institutions.

Provided that the Regulations relating to promoting quality and setting standards shall have prior approval of Central Government.

30. Laying of rules and regulations before Parliament. —

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

31. Repeal and Savings—

(1) The University Grants Commission Act, 1956 [3 of 1956], is repealed with effect from such date, not later than one year from the date of coming into force of this Act, as the Central Government may, in consultation with the Commission, notify.

(2) Notwithstanding anything contained in the Architects Act, 1972[20 of 1972] and the Advocates Act, 1961[25 of 1961], the provisions of this Act shall apply to any matter concerning the determination, co-ordination, maintenance of standards in, and promotion of, higher education and research:

Provided that nothing contained in this section shall be construed as restricting the power of the Bar Council of India to specify standards of higher education concerning practice in courts:

Provided further that nothing contained in this section shall be construed as restricting the power of the Council of Architecture to specify standards of higher education concerning professional practice:

(3) Notwithstanding anything contained in the Indira Gandhi National Open University Act, 1985, [50 of 1985], the provisions of this Act shall apply to the co- ordination, determination and promotion of standards in distance education systems.

(4)The repeal of the enactments mentioned in sub-section(1), herein after referred to as the said enactments, shall not affect proceedings pending in various courts immediately before the commencement of this Act, under either of the said enactments, which shall be continued and disposed of as if this Act had not been passed.

(5) Any rule or regulation made under the said enactments shall continue to remain in force after coming into force of this Act as if such rule or regulation has been made under this Act which are inconsistent with the provisions of this Act till such time as any rule or regulation under this Act overriding such earlier rule or regulation is notified in the Official Gazette.

(6)Any act done or purported to be done under the said enactments or rules and regulations made there under before the coming into the force of this Act shall continue to have effect irrespective of the fact that such act done or purported to be done is inconsistent with the provisions of this Act

(7) On and from the date of repeal of the said enactments,-

(a) any reference to the said enactments in any law for the time being in force shall be construed to be a reference to this Act;

(b)any reference to the University Grants Commission, in any law or rule or regulation for the time being in force or any contract or other instrument, shall be construed as a reference to the Commission established under this Act.

(c)all property, movable and immovable, of or belonging to the University Grants Commission shall vest in the Commission;

(d)all rights and liabilities of the University Grants Commission shall be transferred to, and be the rights and liabilities of, the Commission;

(e)any reference, by whatever form of words, to the Chairman of the University Grants Commission, in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Chairman of the Commission.

(8) On the dissolution of the University Grants Commission, on repeal of the said enactments, the Central Government, by notification, shall take consequential action in regard to members, officers and staff in the regular service of the University Grants Commission.

(9) Save as otherwise provided elsewhere in this section, the mention of particular matters in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.
