

Bill Summary

The Higher Education and Research Bill, 2011

- The Higher Education and Research Bill, 2011 was introduced in the Rajya Sabha on December 28, 2011 by the Minister of Human Resource Development Shri Kapil Sibal. It was referred to the Department related Standing Committee on Human Resource Development (Chairperson: Shri Oscar Fernandes), which is scheduled to submit its report by February 15, 2012.
- The Bill seeks to establish the National Commission for Higher Education and Research (NCHER) to facilitate determination and maintenance of standards of higher education and research in all areas except agricultural education. The University Grants Commission Act, 1956; the All India Council for Technical Education Act, 1987; and the National Council for Teacher Education Act, 1993 shall be repealed within a year of this Act coming into force.
- The NCHER shall consist of a Chairperson, three whole-time members, three part-time members and the Chairperson or member of the National Commission for Human Resources for Health. The qualification of the Chairperson and whole-time members is 25 years of experience in the academic profession with 10 years in a leadership role. The part-time members are required to have 20 years of experience and five years in a leadership role.
- The process of appointing the Chairperson and members of the NCHER has two stages. A Collegium of Scholars shall suggest a panel of three names to a Selection Committee. The President shall appoint the Chairperson and members on the recommendation of the Selection Committee.
- The Bill establishes a General Council to advise the NCHER on issues such as access, adequacy of funding and quality. The Council shall consist of members of the NCHER, representatives of State Higher Education Council, heads of each professional body and research council, one Director each of an IIT, an IIM and National Law Universities etc.
- The Bill also establishes a Collegium, which shall consist of 30 Fellows who are citizens or overseas citizens of India, a National Research professor or recipient of specified awards. The Selection Committee shall consist of five members including the Prime Minister, Speaker of the Lok Sabha and the Leader of the Opposition in the Lok Sabha. It shall recommend a vision on the emerging trends in different fields of knowledge, recommend persons for inclusion in the directory of academics eligible to be appointed as Vice Chancellors, and assess the performance of the NCHER based on the reports filed by it.
- The functions of NCHER include (a) promotion of autonomy in educational institutions; (b) promotion of a curriculum framework with specific reference to emerging or inter-disciplinary fields of knowledge; (c) promotion of coordination between educational institutions and industry for innovation; and (d) taking measures to enhance access and inclusion in higher education.
- The NCHER may, with prior approval of the General Council, make regulations specifying standards of higher education and research. The regulations may specify requirements for award of a degree or diploma, specify norms of academic quality for accreditation, specify norms for establishment and winding up of educational institutions, regulate entry of foreign educational institutions, and specify standards for appointment of Vice Chancellors.
- The NCHER shall maintain a directory of academics eligible for appointment as Vice Chancellors or Head of a central educational institution. The directory shall be prepared by the Collegium. NCHER shall recommend a panel of three names from the directory when asked to do so by the central government or a central educational institution.
- Every educational institution which intends to enroll students for the first time shall inform NCHER along with its accreditation report. NCHER has to notify the institution within 120 days whether it can proceed with the enrolment. The NCHER also has the power to revoke such permission. An order of the NCHER can be appealed in the National Educational Tribunal (to be established under the Educational Tribunals Act, 2011).
- The central government shall establish a Board for Research Promotion and Innovation to recommend measures to the NCHER to facilitate research. The Board shall consist of a Chairperson and 12 members appointed by the NCHER on the recommendation of the Collegium.
- The central government shall establish the Higher Education Financial Services Corporation, which shall disburse grants to educational institutions based on norms to be specified by the NCHER.

- The central government shall establish Qualifications Advisory Councils in vocational education. Each Council shall be headed by a Chairperson and eight members. Each Council shall be appointed for a specific skill area and shall made recommendations on qualification framework, accreditation norms etc.
- Any difference of opinion between the NCHER and the National Commission for Human Resources for Health shall be referred to a Joint Committee.
- Each financial year, the NCHER shall furnish a statement of estimated expenditure for development of higher education and research. The accounts shall be audited by the Comptroller and Auditor General of India.
- The central government has the power to supersede the NCHER, General Council, Board or Corporation for a maximum period of six months if any of them are unable to discharge their functions or persistently defaults in complying with directions of the central government.

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