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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड 4

[PART III—SECTION 4]

[सांविधिक निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें कि आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं]

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

UNIVERSITY GRANTS COMMISSION

New Delhi-110002, the —December 2012

F. No. 14-4/2012(CPP-II)—In exercise of the power conferred under sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission hereby makes the following regulations, namely :—

1. Short title, application and commencement :—

(1) These regulations shall be called the University Grants Commission (Grievance Redressal) Regulations, 2012.

(2) They shall apply to every University, whether established or incorporated by or under a Central Act or a State Act, and every institution recognised by the University Grants Commission under clause (f) of Section 2 of the University Grants Commission Act, 1956 and to all institutions deemed to be a university declared as such under Section 3 of the said Act.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definition :—In these regulations, unless the context otherwise requires

(a) "Act" means the University Grants Commission Act, 1956 (3 of 1956) :

(b) "aggrieved student" means a student who has any complaint in the matters concerned with the grievances defined under these regulations, and includes a persons seeking admission to any institution of higher education;

(c) "college" means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;

(d) "Commission" means the University Grants Commission established under section 4 of the UGC Act, 1956.

(e) "declared admission policy" means such policy for admission to a course or program of study as may be offered by the institution and published in the prospectus referred to in sub-regulation (1) of regulation 3;

(f) "grievances" include the following complaints of the aggrieved students, namely: –

(i) making admission contrary to merit determined in accordance with the declared admission policy of the institute;

(ii) irregularity in the admission process adopted by the institute;

(iii) refusing admission in accordance with the declared admission policy of the institute;

(iv) non publication of prospectus, as specified;

(v) publishing any information in the prospectus, which is false or misleading, and not based on facts;

(vi) withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a person for the purpose of seeking admission in such institution, with a view to induce or compel such person to pay any fee or fees in respect of any course or program of study which such person does not intend to pursue;

(vii) demand of money in excess of that specified in the declared admission policy or approved by the competent authority to be charged by such institution;

(viii) breach of the policy for reservation in admission as may be applicable;

(ix) complaints, of alleged discrimination of students, from the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Women, Minority or Disabled categories;

(x) non payment or delay in payment of scholarships to any student that such institution is committed, under the conditions imposed by University Grants Commission, or by any other authority;

(xi) delay in conduct of examinations or declaration of results beyond that specified in the academic calendar;

(xii) on provision of student amenities as may have been promised or required to be provided by the institution;

(xiii) denial of quality education as promised at the time of admission or required to be provided;

(xiv) non transparent or unfair evaluation practices;

(xv) harassment and victimisation of students, including sexual harassment;

(g) "Grievance Redressal Committee" means a committee constituted under these regulations;

(h) "Higher Educational Institution" means a University within the meaning of clause (f) of Section 2, a college within the meaning of clause (b) of sub-section (1) of Section 12A, and an institution deemed to be a University declared under Section 3, of the University Grants Commission Act, 1956;

(i) "institution" for the purposes of these regulations, means university, college or institution, as the case may be;

(j) "Office of profit" means an office which is capable of yielding a profit or pecuniary gain, and to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached;

(k) "Ombudsman" means the Ombudsman appointed under regulation 4 of these regulations;

(l) "university" means a university established or incorporated by or under a Central Act or a State Act and includes an institution deemed to be university declared as such under Section 3 of the Act.

3. *Mandatory publication of prospectus, its contents and pricing:--*
(1) Every higher education institution, shall publish, before expiry of sixty days prior the date of the commencement of the admission to any of its courses or programmes of study, a prospectus containing the following for the purposes of informing those persons intending to seek admission to such institution and the general public, namely:—

(a) each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or programme of study, and the other terms and conditions of such payment;

(b) the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or programme of study and the time within, and the manner in, which such refund shall be made to that student;

(c) the number of seats approved by the appropriate statutory authority in respect of each course or programme of study for the academic year for which admission is proposed to be made;

(d) the conditions of eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or programme of study, where so specified by the institution;

(e) the educational qualifications specified by the relevant appropriate statutory authority, or by the institution, where no such qualifying standards have been specified by any statutory authority;

(f) the process of admission and selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or programme of study and the amount of fee to be paid for the admission test;

(g) details of the teaching faculty, including therein the educational qualifications and teaching experience of every member of its teaching faculty and also indicating therein whether such members are on regular basis or as visiting member;

(h) information in regard to physical and academic infrastructure and other facilities including hostel accommodation, library and hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the institution;

(i) broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or programme of study, including the teaching hours, practical sessions and other assignments;

(j) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution, and, in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made by the relevant statutory regulatory authority; and

(k) any such other information as may be specified by the Commission:

Provided that an institution shall publish information referred to in items (*a*) to (j) of this sub regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in the different newspapers and through other media:
Provided further that an institution may publish prospectus in accordance with this sub regulation at any time before the period of sixty days.

(2) Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

4. *Appointment, tenure, removal and conditions of services under grievance redressal mechanism –*

(1) Each University shall appoint an Ombudsman for redressal of grievances of students under these regulations.

(2) The Ombudsman shall be a person who has been a judge not below the rank of a District Judge or a retired professor who has at least ten years' experience as a professor.

(3) The Ombudsman shall not, at the time of appointment, during one year before such appointment, or in the course of his tenure as Ombudsman, be in a conflict of interest with the university where his personal relationship, professional affiliation or financial interest may compromise or reasonably appear to compromise, the independence of judgement toward the university.

(4) The Ombudsman, or any member of his immediate family shall not -

(a) hold or have held at any point in the past, any post or, employment in the office of profit in the University;
(b) have any significant relationship, including personal, family, professional or financial, with the university;
(c) hold any position in university by whatever name called, in the administration or governance structure of the university.

(5) The Ombudsman in a State University shall be appointed by the university on part-time basis from a panel of three names recommended by the search committee consisting of the following members, namely:-

(a) nominee of the Governor of the State - Chairman;
(b) two Vice-Chancellors, by rotation from public universities of the State to be nominated by the State Government - Members;
(c) one Vice-Chancellor, by rotation from a private university of the State to be nominated by the State Government - Member;
(d) Secretary (Higher Education) of the State – Member-- Convener.

(6) The Ombudsman in a Central University and institution deemed to be university shall be appointed by the Central University or institution as the case may be on part-time basis

from a panel of three names recommended by the search committee consisting of the following members, namely:-

a) Chairman of the University Grants Commission or his nominee - Chairman;
b) one Vice Chancellor from central university, by rotation, to be nominated by the Central Government - Member;
c) one Vice Chancellor from institution deemed to be university, by rotation, to be nominated by the Central Government – Member;
d) Joint Secretary to the Government of India in the Ministry of Human Resource Development dealing or incharge of the higher education - Member;
e) Joint Secretary in the office of the University Grants Commission - Member - Convener

(7) The Ombudsman shall be a part time officer appointed for a period of three years or until he attains the age of seventy year, whichever is earlier, from the date he resumes the office and may be reappointed for another one term in the same university.

(8) The Ombudsman shall be paid a fees of Rs. 3000 per day for hearing the cases, in addition to reimbursement of the conveyance.

(9) The Ombudsman may be removed on charges of proven misconduct or misbehavior or as defined under sub regulation (3) and (4) of this regulation, by the concerned appointing authority.

(10) No order of removal of Ombudsman shall be made except after an inquiry made in this regard by a person not below the rank of Judge of the High Court in which such Ombudsman has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

5. **Grievance Redressal Committee –**

(1) In case of a college, the Vice Chancellor of the affiliating university shall constitute a Grievance Redressal Committee consisting of five members for an individual college or a group of colleges keeping in view the location of the college(s).

(2) The Grievance Redressal Committee shall be constituted by the Vice-Chancellor of the affiliating university consisting of -
a) a senior Professor of the University - Chairman;
b) three senior teachers drawn from the affiliating colleges, on rotation basis, to be nominated by the Vice-Chancellor – Members;

c) a student representing the college where the grievance has occurred to be nominated, based on academic merit, by the concerned college - special invitee.

(3) The Grievance Redressal Committee shall have a term of two years.

(4) The provisions of sub-regulations (8), (9) and (10) of regulation 4 and regulation 6 in respect of the matters of the reimbursement and procedure and functions shall, *mutatis mutandis*, apply to the Grievance Redressal Committee except that the Grievance Redressal Committee shall communicate its decision within ten days of receipt of the complaint.

(5) Any person aggrieved by the decision of the Grievance Redressal Committee may within a period of six days prefer an appeal to the Ombudsman.

6. *Powers and functions of ombudsman –*

(1) The Ombudsman shall exercise his powers to hear any grievance-

(a) of any student against the university or institution affiliated to it or an institute, as the case may be, after the student has availed of remedies available in such institution for redressal of grievance; and

(b) of any applicant for admission as student to such institution.

(2) No application for revaluation or remarking of answer sheets shall be entertained by the Ombudsman unless specific irregularity materially affecting the outcome or specific instance of discrimination is indicated.

(3) The Ombudsman shall have power to seek the assistance of any person belonging to the Scheduled Castes, the Scheduled Tribes, Socially and Economically Backward Classes, minority or disabled category, as amicus curiae, for hearing complaints of alleged discrimination.

7. *Procedure in redressal of grievances by Ombudsman and Grievance Redressal Committee-*

(1) Each institution shall establish a registry, headed by an employee of the institute of appropriate rank as the Ombudsman may decide, where any aggrieved student or person may make an application seeking redressal of grievance.

(2) The address of the registry so established shall be published widely including on the notice board and prospectus and placed on the website of the institution.

(3) On receipt of an application by the registry, the employee-in-charge shall inform the Ombudsman or the Grievance Redressal Committee, as the case may be, shall immediately provide a copy to the institution for furnishing its reply within seven days.

(4) The Ombudsman or the Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institute and the aggrieved person either in writing or electronically, as may be feasible.

(5) An aggrieved person may appear either in person or represented by such person as may be authorised to present his case.

(6) The Ombudsman or the Grievance Redressal Committee, as the case may be, shall be guided by the principles of natural justice while hearing the grievance.

(7) The Ombudsman or the Grievance Redressal Committee, as the case may be, shall ensure disposal of every application as speedily as possible and not later than a month of receipt of the grievance.

(8) The institution shall co-operate with the Ombudsman or the Grievance Redressal Committee, as the case may be, in redressal of grievances and failure to do so may be reported by the Ombudsman to the Commission.

(9) On the conclusion of proceedings, the Ombudsman or the Grievance Redressal Committee, as the case may be, shall pass such order, with reasons for such order, as may be deemed fit to redress the grievance and provide such relief as may be desirable to the affected party at issue.

(10) Every order under sub-regulation (9), under the signature of the Ombudsman or the Grievance Redressal Committee, as the case may be, shall be provided to the aggrieved person and the institution and shall be placed on the website of the institution.

(11)The institution shall comply with the order of the Ombudsman or the Grievance Redressal Committee, as the case may be,

(12) Any order of the Ombudsman or the Grievance Redressal Committee, as the case may be, not complied with by the institution shall be reported to the Commission.

(13) A complaint shall be filed by the aggrieved student or his parent or with a special permission from the Ombudsman or the Grievance Redressal Committee, as the case may be, by any other person.

(14)In case of any false or frivolous complaint, the ombudsman may order appropriate action against the complainant.

8. *Information regarding Ombudsman Grievance Redressal Committee to be published in prospectus -*

The University, the institution deemed to be university and the college concerned shall provide detailed information regarding provisions of Grievance Redressal Committee, Ombudsman and the duties and rights of students in their prospectus prominently.

9. *Consequences of non-compliance –*

The Commission shall in respect of any institution which willfully contravenes or repeatedly fails to comply with orders of the Ombudsman or the Grievance Redressal Committee, as the case may be, may proceed to take one or more of the following actions, namely:-

(a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;
(b) withholding any grant allocated to the Institution;
(c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;
(d) informing the general public, including potential candidates for admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;
(e) recommend to the affiliating university for withdrawal of affiliation, in case of a college;
(f) recommend to the Central Government for withdrawal of declaration as Institution deemed to be university, in case of an institution deemed to be university;
(g) recommend to the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act;
(h) taking such other action within its powers as the Commission may deem fit and impose such other penalties as may be provided in the Act for such duration of time as the institution complies with the provisions of these Regulations:

Provided that no action shall be taken by the Commission under this regulation unless the institution has been given an opportunity to explain its position and opportunity of being heard has been provided to it.

AKHILESH GUPTA
Secy.